

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL/EXECUTIVE OFFICER INFORMAL MEETING
DATE: August 15, 2000
DAY: Tuesday
TIME: 2:00 PM
PLACE: Council Annex

CALL TO ORDER AND ROLL CALL


- I. UPCOMING METRO LEGISLATION
- II. HALLOCK MARKETING ACTIVITY UPDATE
- III. GOAL V UPDATE
- IV. EXECUTIVE OFFICER COMMUNICATION
- V. COUNCILOR COMMUNICATIONS

Cotugno

ADJOURN



METRO

TO: Mike Burton, Executive Officer
FROM:  Andy Cotugno, Director, Growth Management Department
DATE: August 15, 2000
SUBJECT: Regional Goal 5 Vision Statement

Attached please find the final staff draft of the Vision Statement for the regional Goal 5 project. Staff have analyzed over 50 comments from interested parties and have made many changes to the initial statement circulated for review several months ago. We believe that the resulting document is much improved while still reflecting the need for protecting fish and wildlife within our urban region.

We understand that the joint MPAC/MTAC/Goal 5 committee will meet once more on September 13 to complete their review and refer recommendations to MPAC. We then anticipate that MPAC will make its recommendations to the Metro Council for consideration.

I would be happy to answer questions you or Council members may have about this document at the Metro Council Informal today.

Thank you.

Final DRAFT
August 14, 2000
Streamside CPR*
Program Outline

Purpose, Vision, Goal, Principles and Context

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*CPR = Conserve, Protect and Restore

Purpose, Vision, Goal, Principles and Context

I. INTRODUCTION

A. PURPOSE

The purpose¹ is to develop a streamside conservation, protection and restoration program that balances the goals of:

- building livable, Region 2040 communities and implementing the Regional Urban Growth Goals and Objectives (RUGGO);
- protecting and enhancing fish and wildlife habitat as required by the Metro Urban Growth Management Function Plan;²
- supporting a strong economy;
- meeting State Land Use Planning Goal 5 standards and procedures;
- addressing Federal Endangered Species Act (ESA) requirements;
- adding to the progress already made by the implementation of Title 3, regional water quality and flood protection requirements; and
- providing the organizational, definitional and policy approach that will apply to the creation and implementation of Metro's Goal 5 – Streamside Fish and Wildlife Program decision.

B. VISION STATEMENT

Our 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. As ribbons of green, stream and river corridors maintain connections with adjacent upland habitats, form an interconnected mosaic of urban forest and other fish and wildlife habitat, and contribute significantly to our region's livability.

The RUGGO state that the region should "Manage watersheds to protect and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical, and social values," as well as that "A region-wide system of linked significant wildlife habitats should be developed. This system should be preserved, restored where appropriate, and managed to maintain the region's biodiversity." The streamside program will contribute to these objectives by balancing, economic, social, environmental and energy considerations as will future efforts to address watershed and upland habitats.

C. OVERALL GOAL

The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with others streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape. This system will be achieved through conservation, protection and restoration of streamside corridors through time.

D. PROGRAM PRINCIPLES

The program will be designed to achieve the following future conditions:

Areas of existing forest cover or areas where it is appropriate to restore forest cover. Conserve, protect and restore the biological, physical and social values of streams, wetlands, riparian areas and floodplains, by encouraging the growth and management of mature forest conditions composed of native forest tree species, appropriate for specific site conditions, mixed with native shrubs and herbaceous species, and containing ample standing snags and downed woody debris. Forest conditions will be managed, where appropriate to address public safety concerns.

Areas where forest cover did not exist historically or where non-forest cover is appropriate, based on a natural resources plan. Conserve, protect and restore the biological, physical and social values of streams, wetlands, riparian areas and floodplains through management of native vegetation appropriate to non-forested conditions.

Developed 2040 Centers and areas where floodplain function is artificially controlled. Contribute to the conservation, protection and restoration of the biological, physical and social values of streams, wetlands, riparian areas and floodplains.

The program will be designed to achieve these future conditions using the following principles:

1. **Ecological Function.** The ecological function of the streamside corridor system will be restored and maintained to the maximum extent practicable given the opportunities and constraints of the urban landscape.
2. **Economically Sound.** Economic vitality and a healthy natural environment are necessary components of sustainable development in the metropolitan area. Investments in protection and restoration of our natural areas contribute significantly to the region's economic health.
3. **Protection and Restoration.**³ Given the currently degraded condition of a majority of urban streams, wetlands, riparian areas and floodplains, protection and restoration are of equal importance in order to achieve the region's goals. Both protection and restoration are important in moving toward recovery of threatened and endangered salmonids, and avoiding future endangered or threatened listings of both aquatic and terrestrial species.
4. **Flexible Regulatory Approaches.** Protective regulations shall be based on the best available natural science balanced with economic, environmental, social and energy considerations, and shall provide local governments with flexibility in meeting the overall goals of this program. This program is also intended to help local governments address the Federal ESA by preventing the need for additional ESA listings and avoiding legal restrictions that may result from current and potential future listings. Implementation of the Federal ESA program for endangered salmonids will need a wide range of actions to be taken by local, state and Federal agencies to recover the species. Metro's requirements are not intended to meet all ESA regulations, but are intended to address recovery obstacles within and along stream corridors. The objective is to obtain Federal approval of this program, so that local governments can use it if they choose. The program is not intended to be the exclusive means available to local governments in the region to address ESA requirements. Local governments can independently seek certification as an alternative.

5. ***Incentives Education and Acquisition.*** Regulatory efforts to conserve, protect and restore natural resources are most effective when combined with incentives, education and acquisition programs that encourage full community participation, therefore, such programs will be an element of the overall program.
6. ***Stewardship Responsibilities.*** All landowners and land users throughout each watershed have an important stewardship responsibility to contribute to the protection and restoration of streams, wetlands, riparian areas and floodplains.
7. ***Urban Form.*** Realization of the region's 2040 Growth Concept requires a compact urban form while protecting natural resources and water quality. This is accomplished in three primary ways:
 - a. Protecting natural areas outside the Urban Growth Boundary (UGB). Accommodate compact development within the UGB in order to minimize land extensive expansion that adversely impacts farm and forest lands and natural areas outside the boundary;
 - b. Accommodating urban growth in a compact form while protecting and enhancing key fish and wildlife habitat, natural areas, and water quality and quantity within the current UGB;
 - c. Protecting and restoring urban stream corridors to provide people with an effective means to access nature, providing ecological linkage to other important fish and wildlife habitats, and compact urban form through integration of the built and natural environments.⁴
8. ***Measure and Monitor.*** A measuring and monitoring system should be established and should include:
 - Assessment of existing conditions;
 - Use of "properly functioning conditions"⁵ as the description of desired future conditions; and
 - Assessment and regular monitoring over time of streamside conditions to determine progress in achieving the goals of properly functioning conditions.
9. ***Coordination and Cooperation.*** Effective management of the regional streamside resource cannot be achieved without a collaborative approach throughout the region. The Streamside CPR Program will provide local jurisdictions with the flexibility to pursue alternative collaborative management approaches that meet the standards of this programs, such as watershed planning, and will emphasize efforts that ensure coordination and cooperation between and among the region's partners including local governments, business, nonprofits and citizens.

E. CONTEXT

The preamble of Metro's voter-approved 1992 Charter declares that Metro's most important service is to "preserve and enhance the quality of life and the environment for ourselves and future generations."⁶ Through its Charter-mandated responsibilities, Metro Council has provided leadership in addressing growth management issues by working with citizens, elected officials and diverse interest groups to craft a vision of how the region will grow. Through adoption of policies to achieve that vision, Metro Council has identified the need to balance natural resource protection with urban development while the region grows.

How this balancing will take place, and in what form it will be expressed across the urban landscape, is a key question addressed in various documents. For example, the region's 2040 Growth Concept map includes an environmental greenway along streams in the region to ensure connectivity throughout the urban landscape.⁷ The goal of the Greenspaces Master Plan is to create a cooperative regional system of natural areas, open space, trails and greenways for wildlife and people in the four-county metropolitan area.⁸ Other planning documents which speak to urban natural areas and water resources

include the Future Vision⁹, the RUGGO, the Regional Framework Plan¹⁰, and the Urban Growth Management Functional Plan. A unifying feature of all of these documents is to achieve compact urban form and efficient delivery of urban services while at the same time preserving citizen access to nature and community livability.

A cornerstone of these regional policies is protection of natural systems—regionally significant fish and wildlife habitat, streams, rivers, wetlands and floodplains—because their protection and restoration is essential to maintaining and improving the region’s livability, economic well-being and environmental health.

In addition to the regionwide policies, there are State and Federal policies which are also important considerations. The purpose of the State’s Land Use Planning Goal 5 is “To protect natural resources and conserve scenic and historic areas and open spaces”.¹¹ At the Federal level, for a large part of the Pacific Northwest Coast and associated inland rivers and streams, the National Marine Fisheries Service (NMFS), is acting under the requirements of the Federal ESA. At this time, NMFS has designated four species of Steelhead and eight other species of salmon as either threatened or endangered in the Columbia River Basin. Local governments, through their comprehensive plans, will be implementing requirements to address natural resource protection. In order to address this status, our region will need to take actions that are consistent with the recovery needs of these species. In doing so, the region, its local government partners and the citizens of the metropolitan area can help ensure that one of the defining symbols of our region once again thrives.

To accomplish the planning work described in these policies, Metro is pursuing adoption and implementation of programs to:

- protect the beneficial uses associated with the region’s streams and rivers, including water quality and protect life and property from dangers associated with flooding¹²
- Protect, conserve and enhance fish and wildlife habitat within regionally significant riparian corridors under Statewide Planning Goal 5¹³
- Protect, conserve and enhance regionally significant upland wildlife habitat under Statewide Planning Goal 5;¹⁴ and
- Implement the Greenspaces Master Plan.

All of these programs, taken in concert and with full implementation by local governments, will realize the vision for growth enunciated in Metro’s Charter, Future Vision and subsequent planning documents described above.

To complete this work effort Metro shall:

1. Establish criteria to define and identify regionally significant fish and wildlife habitat areas;
2. Examine existing Goal 5 data;
3. Identify inadequate or inconsistent data;
4. After considering items 1-3, and after holding public hearings, adopt a map of regionally significant fish and wildlife areas.

II. PROGRAM DESCRIPTIONS (TO BE ADDED)

This document provides the organizational, definitional and policy approach that will apply to the creation and implementation of Metro's Goal 5 – Fish and Wildlife Program decision.

Cities and counties, as general-purpose governments, are responsible for comprehensive planning including completion of a generalized coordinated land use map and policy statements that interrelate all functional and natural systems and activities relating to the use of land. Cities and counties also are responsible for implementing ordinances, especially zoning ordinances, to regulate land uses. Metro, a regional government, is responsible for addressing issues of metropolitan concern and the Metro Council may determine such issues and adopt regulations directing local governments to change their comprehensive plans and implementing ordinances to address identified regional issues. The Vision Statement, Regional Goal and Program Principles contained in this document provide overall direction to preparation and implementation of the regional safe harbor, local discretionary and riparian district plan option approaches to Metro Goal 5 compliance that will be available to local governments.

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¹ The Purpose, Vision, Goal and Principles document is intended to guide, inform, and be the philosophical underpinnings of the Goal 5 Streamside CPR program. It is not itself intended to be a regulatory document.

² The focus of the Purpose, Vision, Goal, Principles and Context Statement is on native species of fish and wildlife whose historic ranges include the metropolitan area and whose habitats are or can be provided for in urban streamside corridors. The Purpose Statement does not intend to include native species such as bear, cougar, lynx and deer, which may be conducive in specific areas such as Portland's Forest Park, but may not be conducive in urban stream corridors elsewhere in the metropolitan area.

³ Proposed definition of restoration:

Restoration, in the context of the streamside CPR program, means action taken to return natural riparian functions and values for fish and wildlife. Restoration would be applied where riparian functions are in a degraded condition and are intended to return the riparian functions to good or excellent condition. While there may be instances where restoration to pre-development, natural conditions is possible, in general, restoration should not mean the end-state of re-establishing a totally pristine condition. It should address the improvements or re-introduction of functional values.

Conditions Under Which Restoration Would Occur:

Conditions under which restoration will occur will be established when the program is defined. The current draft of the Goal 5 program does not contemplate that homeowners and other property owners would be required to undertake restoration unless there was a development activity that required a permit for new development, significant modifications to structures, or redevelopment. In the absence of a development permit it is assumed that restoration would be achieved through incentive-based, voluntary, and community-based restoration and enhancement activities. Public education and the promotion of voluntary naturescaping and restoration would be part of the regionwide cooperative effort to improve the existing degraded conditions of our urban waterways.

⁴ "to provide people with an effective means to access nature" means to help people enjoy, approach or be near to nature. It is not intended to imply the right of any person to enter or make use of private property unless the property owner grants that right of public access.

⁵ Defined by Federal natural resource programs.

⁶ The preamble of Metro's Charter states the following: "We, the people of the Portland area metropolitan service district, [establish an elected regional government] that undertakes, as its most important service, planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations." 1992 Metro Charter, page 1.

⁷ The Metro 2040 Growth Concept, acknowledged by the Land Conservation and Development Commission in 1995, states the following: "The basic philosophy of the Growth Concept is: preserve access to nature and build better communities." December 8, 1994, Page 1.

⁸ Other goals of the July 1992 Metropolitan Greenspaces Master Plan include preserving "diversity of plant and animal life in the urban environment, using watersheds as the basis for ecological planning." The Greenspaces Master Plan is guided by the following ecological principles: "Maintain biological diversity by restoring and enhancing a variety of habitats, including wetlands, riparian corridors, forests and agricultural lands." And "Protect, restore and recreate stream corridor vegetation by replacing riparian vegetation where it is lacking or dominated by exotic species and removing barriers, where possible, to maintain connections with adjacent upland habitats."

⁹ The Future Vision states the following: "We value natural systems for their intrinsic value, and recognize our responsibility to be stewards of the region's natural resources." March 1995, page 1. In 2045, the region should be characterized by "Improved water quality, and increased biodiversity," and "restored ecosystems protected from future degradation and decline." Page 12. Specific actions identified: "Manage watersheds to protect, restore, and maintain the integrity of streams, wetlands and floodplains, and their multiple biological, physical, and social values." Page 12.

¹⁰ Chapter 3 of the December 31, 1997 Regional Framework Plan establishes policies for parks, natural areas and open spaces, and identifies the important environmental benefits of maintaining and improving air and water resources, providing flood control, and protecting fish and wildlife habitat. It commits Metro to "develop a strategy and action plan to address inadequacies in the protection of regional Goal 5 resources. This plan will be carried out by Metro." Page 108, see also page 190.

¹¹ Goal 5 further states that "Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability." Procedures and requirements for complying with Goal 5 call for an inventory, a determination of significance, an analysis of the economic, social, environmental and energy consequences of a decision that could allow, limit or prohibit a conflicting use.

¹² From Title 3, Sections 1-4 of the 1996 Urban Growth Management Functional Plan

¹³ From Title 3, Sections 1, 2 and 5 of the 1996 Urban Growth Management Functional Plan.

¹⁴ From Title 3, Sections 1, 2 and 5 of the 1996 Urban Growth Management Functional Plan.

EXHIBIT A
RESOLUTION NO. 00-2984

GUIDELINES FOR FORMATION AND IMPLEMENTATION
OF AN AD HOC
CHARTER REVIEW COMMISSION

DRAFT

Charge

The Commission will study the Metro Charter by all appropriate means, including open hearings/ meetings, and/or individual/group interviews; and will report findings, conclusions, and recommendations, including any proposed amendments, to Council.

Composition

Nine (9) members, appointed as follows: one member by Executive Officer, one member by Auditor, and one member by each individual Metro Councilor holding office as of October 1, 2000, for a total of seven members by Council.

Staffing

Either Metro General Counsel or his agent will facilitate the meetings. Clerical support staff from Council and/or Executive Office will coordinate the committee, take minutes, and schedule meetings.

Timeline & Process

The Commission will meet a maximum of twelve (12) times, over a period not to exceed one year, commencing upon approval of the Commission by Council, and concluding on or before October 31, 2001. The following process and structure will be applied to the meetings:

- All meetings will be at times convenient to volunteer schedules, with public meetings to be held on evenings or weekends, to allow for the greatest possible public input.
- Staff will keep a continual draft report as meetings progress, showing options considered, and decisions reached.
- Metro Counsel (staff) will explain Metro's organization, the Commission's charge, and present a summary of the key parts of the Charter. The Commission will elect a chair from among its members at this meeting.
- Other elected officials, interested department heads and/or the general public may make presentations regarding what they would like to see changed.
- Commission will discuss issues, and prepare any proposed amendments and a report for Council.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CREATING AN AD
HOC CHARTER REVIEW COMMISSION

) RESOLUTION NO. 00-2984

) Introduced by
) Bill Atherton, Councilor

DRAFT

WHEREAS, Metro's 1992 Charter gives Council the ability to refer to the voters single-issue amendments; and

WHEREAS, there may be other issues needing examination, which can only be addressed by a comprehensive review of the entire charter; and

WHEREAS, Metro is a relatively young agency, and, as such, it is appropriate to periodically conduct an evaluation of its structure and operations to ensure that defined goals are being met; and

WHEREAS, conducting a comprehensive review is the most effective vehicle for providing a constructive, in-depth evaluation; and

WHEREAS, the creation of an ad hoc Charter Review Commission will enable Metro to explore more than one issue within a defined structure and involving adequate representation of interests throughout the region; now, therefore,

BE IT RESOLVED that the Metro Council hereby authorizes and approves the formation of an ad hoc Charter Review Commission, as set forth in Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, .

David Bragdon, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel