

A G E N D A

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**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING - updated 1/25/02  
DATE: January 31, 2002  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. UPDATE REGARDING OREGON LEGISLATIVE SPECIAL SESSION Pac/West**

**4. CONSENT AGENDA**

4.1 Consideration of Minutes for the January 24, 2002 Metro Council Regular Meeting.

4.2 **Resolution No. 02-3145**, For the Purpose of Confirming Lydia Neill to the Metro 401(k) Employee Salary Plan Advisory Committee. Bragdon

**5. ORDINANCES - FIRST READING**

5.1 **Ordinance No. 02-934**, For the Purpose of Amending the FY 2001-02 Budget and Appropriations Scheduled Transferring \$31,000 from Contingency to Operating Expenses in the Building Management Fund; and Declaring an Emergency. GA

5.2 **Ordinance No. 02-935**, For the Purpose of Enacting the Community Preservation Act and Establishing a periodic popular vote that sets Metro Fiscal policy relating to paying for the Cost Impacts of Growth.

5.3 **Ordinance No. 02-936**, For the Purpose of amending the Future Vision and the Regional Framework Plan to fulfill the Charter Requirement to describe a process for "carrying capacity" in the Region.

**6. RESOLUTIONS**

**6.1 Resolution No. 02-3149, For the Purpose of Authorizing Contracts for Public Art in The Oregon Convention Center Expansion.** Burkholder

**7. FISH AND WILDLIFE HABITAT PROTECTION PROGRAM (GOAL 5) CONSIDERATION OF BASIN APPROACH** *McLain/ Cotugno* (Council direction to staff)

**8. COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for Week of January 31, 2002**

	Sunday (2/3)	Monday (2/4)	Tuesday (2/5)	Wednesday (2/6)	Thursday (2/7)	Friday (2/1)	Saturday (2/2)
<b>CHANNEL 11</b> (Community Access Network) (most of Portland area)						2:00 PM	
<b>CHANNEL 21</b> (TVCA) (Washington Co., Lake Oswego, Wilsonville)	7:00 P.M.	1:00 AM		7:00 P.M.			
<b>CHANNEL 30</b> (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)	7:00 P.M.	1:00 A.M.		7:00 P.M.			
<b>CHANNEL 30</b> (CityNet 30) (most of City of Portland)	8:30 PM (previous meeting)						
<b>CHANNEL 30</b> (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
<b>CHANNEL 33</b> (ATT Consumer Svcs.) (Milwaukie)		10 AM 2 PM 9 PM					

**PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.**

**Portland Cable Access**      [www.pcatv.org](http://www.pcatv.org)      (503) 288-1515  
**Tualatin Valley Cable Access**      [www.tvca.org](http://www.tvca.org)      (503) 629-8534  
**West Linn Cable Access**      [www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm](http://www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm)      (503) 722-3424  
**Milwaukie Cable Access**      (503) 654-2266

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

**Agenda Item Number 4.1**

**Consideration of the January 24, 2002 Regular Metro Council Meeting minutes.**

**Metro Council Meeting  
Thursday, January 31, 2002  
Metro Council Chamber**

# MINUTES OF THE METRO COUNCIL MEETING

January 24, 2002

Metro Council Chamber

**Councilors Present:** Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, David Bragdon, Rex Burkholder

**Councilors Absent:** Rod Monroe (excused)

**Presiding Officer Hosticka** convened the Regular Council Meeting at 2:06 p.m.

## 1. INTRODUCTIONS

There were none.

## 2. CITIZEN COMMUNICATIONS

There were none.

## 3. MPAC COMMUNICATIONS

**Presiding Officer Hosticka** said MPAC was divided into subcommittees, which were organized to follow the periodic review work plan. They also recommended that the council go forward with the basin approach on Goal 5.

## 4. CONSENT AGENDA

### 4.1 Consideration of minutes of the January 10, 2002 Regular Council Meeting.

**Motion:** **Councilor Bragdon** moved to adopt the meeting minutes of the January 10, 2002, Regular Council meeting. Councilor Bragdon clarified that although no local share was required for Wilsonville, they had contributed some local share. Presiding Officer Hosticka further clarified.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed as amended with Councilor Monroe absent from the vote.

## 5. ORDINANCES – SECOND READING

**5.1 Ordinance No 01-925D, For the Purpose of Amending Metro Code Title 8 (Compliance Procedures) and Title 1 (Requirements for Housing and Employment Accommodation) of the Urban Growth Management Functional Plan and Section 7.5 of the Regional Framework Plan Ordinance 97-715B to Revise the Process for Adjudication and Determination of Consistency of Local Comprehensive Plans with the Urban Growth Management Functional Plan, and to Revise the Processes and Criteria for Exceptions from and Extensions to Comply with the Functional Plan; and Declaring an Emergency.**

**Motion:** **Councilor Park** moved to adopt Ordinance No. 01-925D.

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

**Councilor Park** asked that Dick Benner, Senior Assistant Counsel, clarify the technical amendments before the Council as reviewed by MTAC.

**Dan Cooper**, General Counsel, said the passage of these amendments would not hold up the adoption of this ordinance today. It would not need to be held over until next week for final approval.

Mr. Benner provided clarification on the proposed amendments (a copy of which may be found in this meeting record).

**Motion to**

**Amend:** **Councilor Park** moved to amend Ordinance No. 01-925D (technical amendments were included in the meeting record).

**Seconded the**

**Amendment:** **Councilor McLain** seconded the amendments.

**Vote to**

**Amend:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion to amend passed.

**Presiding Officer Hosticka** opened a public hearing on Ordinance No. 01-925D.

**Ted Kyle**, MCCI Chair, 2465 Randall Street, West Linn, OR 9768 said this ordinance had a significant citizen involvement component. MCCI recommended adoption. The committee felt this was truly an improvement over what previously existed.

**Councilor McLain** thanked MCCI for the specific written comments.

**Al Burns**, Portland Bureau of Planning, 1900 SW 4<sup>th</sup>, Portland OR 97201 also thanked the council for the changes. It was good for local governments, citizens and the credibility of the Metro Council.

**Councilor Atherton** asked Mr. Burns about the MPAC review of this ordinance. He spoke to paragraph 2A. He asked why the word "increase" was used.

**Presiding Officer Hosticka** clarified the change.

**Mr. Benner** further clarified what it referred to.

**Presiding officer Hosticka** said it increased capacity.

**Councilor Atherton** explained his question concerning decrease versus increase.

**Mr. Burns** said it would be an increase for the target.

**Presiding Officer Hosticka** closed the public hearing.

**Councilor Park** spoke to why they were doing this ordinance. Council wanted a more complete process. It was a more user-friendly ordinance and supported clarification for local jurisdictions

and citizens. He thanked Mr. Benner for his work and asked Mr. Benner to further clarify the ordinance.

**Mr. Benner** supplemented Councilor Park's comments on what the ordinance did. It gave local governments and the council a path to follow. He felt it was a very useful ordinance.

**Councilor McLain** said this ordinance refined Title 8 and Title 1 portion of the Metro Code. She felt that the conversation with MPAC was very healthy. It provided consistency and clarity for local jurisdictions, citizens and the council in this time where they were trying to implement the Functional Plan. She thanked all those who were involved.

**Presiding Officer Hosticka** asked about Exhibit A (rrr).

**Mr. Benner** said that was part of the Code.

**Councilor Parked** thanked Mr. Benner and Mr. Cooper for working through this ordinance. He included his thanks to staff, MTAC and MPAC.

**Vote on the Main Motion:** The vote was 6 aye/ 0 nay/ 0 abstain, and the ordinance passed as amended.

## 6. RESOLUTIONS

6.1 **Resolution No 02-3148, For the Purpose of Authorizing the Executive Officer to Enter into an Intergovernmental Agreement with the City of Gresham to Provide Metro Real Estate Services.**

**Motion:** **Councilor Park** moved to adopt Resolution No. 02-3148.

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

**Councilor Park** reviewed Resolution No. 02-3148. He explained that Metro was in a position to offer help to one of its partners. Mr. Desmond and his team would be able to do acquisition work for the City of Gresham. It allowed more efficiency with the public's dollar.

**Jim Desmond**, Open Space Senior Manager, explained that Gresham would retain Metro staff to obtain acquisitions. He explained the benefits and flexibility of the contract. He said there was a \$65,000 maximum to the contract. They hoped they would be able to use this with other jurisdictions as well. It spread the bond dollars further.

**Councilor McLain** added her support because it allowed our acquisitions to come on line more easily and it was a way to spin off more effect of our bond money. It was a budget neutral consequence.

**Councilor Burkholder** asked about the date on the IGA. Why was it coming four months late.

**Mr. Desmond** said they had started to do some work for Gresham previously. Gresham had agreed to reimburse Metro for the previous work. This also allowed implementation of a Zehren recommendation, assisting local governments.

**Presiding Officer Hosticka** said this was a good example of shared resources.

**Councilor Park** said this was a unique opportunity that Metro had. It allowed better judgement of the true value of the properties. It was another unique regional service to the jurisdictions.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

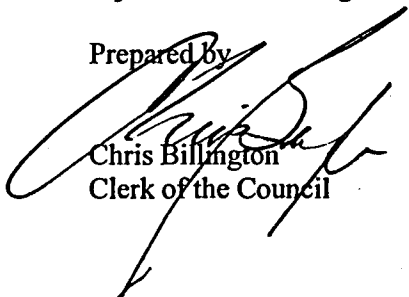
**7. COUNCILOR COMMUNICATION**

There were none.

**8. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 2:42 p.m.

Prepared by



Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 24,  
2002**

<b>TOPIC</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT NUMBER</b>
COMMITTEE REPORT	1/17/02	COMMUNITY PLANNING COMMITTEE REPORT ON ORDINANCE NO. 01-925D FROM MICHAEL MORRISSEY TO METRO COUNCIL	012402C-01
MTAC AMENDMENT RECOMMENDATIONS	1/16/02	MTAC RECOMMENDED TEHCNICAL AMENDMENTS TO ORDINANCE NO. 01-925D	012402C-02
COMMITTEE REPORT	1/24/02	NATURAL RESOURCE COMMITTEE REPORT ON RESOLUTION NO. 02-3148 FROM MICHAEL MORRISSEY TO METRO COUNCIL	012402C-03



**Agenda Item Number 4.2**

**Resolution No. 02-3145, For the Purpose of Confirming Lydia Neill to the Metro 401(k) Employee Salary Plan  
Advisory Committee.**

**Metro Council Meeting  
Thursday, January 31, 2002  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING	)	RESOLUTION NO. 02-3145
LYDIA NEILL TO THE METRO 401(k)	)	Introduced by
EMPLOYEE SALARY SAVINGS PLAN	)	Mike Burton,
ADVISORY COMMITTEE	)	Executive Officer

WHEREAS, Metro established an Employee Salary Savings Plan and Trust originally effective July 1, 1981; and

WHEREAS, the Metro Council adopted Resolution No. 92-1596 on March 26, 1992, authorizing the Executive Officer to appoint a five-person Advisory Committee to give instructions to the trustee with respect to all matters concerning the Plan; and

WHEREAS, the Metro Council adopted Resolution No. 96-2382 on September 12, 1996, making initial appointments to the 401(k) Advisory Committee; and subsequent appointments to the Committee through Resolutions No. 99-2784 adopted by the Council on May 20, 1999, and Resolution No. 00-2964 adopted by the Council on June 29, 2000;

WHEREAS, terms of two Committee members have expired and require new appointments;

WHEREAS, the 401(k) Advisory Committee Nominating Committee on behalf of the Executive Officer has requested that interested applicants submit their names for consideration; the applicant's requests were reviewed and only one individual applicant applied for the Committee leaving a second position vacant, now, therefore,

BE IT RESOLVED,

That the Council confirms the following member of the Metro 401(k) Employee Salary Savings Plan Advisory Committee appointed by the Executive Officer:

Lydia Neill: Term of Office: March 2001 - March 5, 2003

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Carl Hostika, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION 02-3145, FOR THE PURPOSE OF CONFIRMING LYDIA NEILL TO THE METRO 401(K) EMPLOYEE SALARY SAVINGS PLAN ADVISORY COMMITTEE**

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Date: January 10, 2002

Presented by: Mike Burton, Executive Officer

## **PROPOSED ACTION**

Confirm Lydia Neill to the Metro 401(k) Employee Salary Savings Plan Advisory Committee.

## **EXISTING LAW**

Conforms with requirements established in Resolution No. 94-1985 regarding appointments to the Metro Employee Salary Savings Advisory Committee and conforms with requirements of the 401(k) Advisory Committee Mission, Goals, By-laws and Operating Procedures.

## **BACKGROUND AND ANALYSIS**

Metro established an Employee Salary Savings Plan and Trust, which was originally effective on July 1, 1981. The Metro Council adopted Resolution No. 92-1956 on March 26, 1992, authorizing the Executive Officer to appoint a five-member advisory committee to give instructions to the trustee with respect to all matters concerning the Plan.

Resolution No. 96-2382 was presented to and adopted by the Metro Council on September 12, 1996, making initial appointments of Kathie Brodie, Administrative Secretary, Oregon Zoo; Bruce Burnett, Box Office Manager, Civic Stadium & Oregon Convention Center; Andy Cotugno, Director, Transportation Department and Gerry Uba, Emergency Planning Supervisor, Growth Management. Committee appointments expired on March 5, 1998 for Kathie Brodie and Gerry Uba.

Resolution No. 99-2784 was presented and adopted by the Metro Council on May 20, 1999, and Lydia Neill, Growth Management and Barbara Edwardson, Open Spaces, were appointed to the Committee.

Committee appointments expired on March 5, 2000, for Andy Cotugno, Bruce Burnett and Howard Hansen. Resolution No. 00-2964 was presented to and adopted by the Metro Council on June 29, 2000 to appoint Matthew Rotchford, Oregon Convention Center, Events Department; Steve Erickson, Planning Department and Marilyn Matteson, Planning Department to the Committee.

The Committee appointment for Lydia Neill, Planning Department, expired on March 5, 2001. Barbara Edwardson left employment with Metro. Therefore, in accordance with the 401(k) Advisory Committee Mission, Goals, By-laws and Operating Procedures, a nominating committee was formed and applicants were asked to submit a letter of interest to the Committee. After solicitation of two requests for nominations to the committee, Lydia Neill was the only applicant. The Committee recommended that Ms. Neill be appointed to fill one of the vacancies

on the Committee and the recommendation was forwarded to the Executive Officer who has approved the nomination, with a term of office expiring on March 5, 2003.

The Committee further recommends that the remaining position remain vacant at this time.

**FISCAL IMPACT:** None

**EXECUTIVE OFFICER RECOMMENDATION:** The Executive Officer recommends Council confirmation of the employee appointee to the Metro 401(k) Employee Salary Savings Plan Advisory Committee.

Agenda Item Number 5.1

**Ordinance No. 02-934, For the purpose of amending the FY 2001-02 Budget and Appropriations Schedule Transferring \$31,000 from Contingency to Operating Expenses in the Building Management Fund; and Declaring an Emergency.**

*First Reading*

Metro Council Meeting  
Thursday, January 31, 2002  
Metro Council Chamber

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 2001-02	)	ORDINANCE NO. 02-934
BUDGET AND APPROPRIATIONS SCHEDULE BY	)	
TRANSFERRING \$31,000 FROM CONTINGENCY TO	)	Introduced by Mike Burton,
OPERATING EXPENSES IN THE BUILDING	)	Executive Officer
MANAGEMENT FUND, AND DECLARING AN	)	
EMERGENCY	)	

WHEREAS, the Metro Council has reviewed and considered the need to transfer appropriations within the FY 2001-02 Budget; and

WHEREAS, the need for the transfer of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2001-02 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibit A to this Ordinance for the purpose of transferring funds from contingency to operating expenses in the Building Management Fund to support the security needs of the Metro Regional Center and to provide for hearing impaired staff and visitors.
2. That because this Ordinance is necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

**Exhibit A**  
**Ordinance No. 02-934**  
**FY 2001-02 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>Building Management Fund</b>			
Operating Expenses (PS & M&S)	\$805,048	\$31,000	\$836,048
Capital Outlay	65,000	0	65,000
Interfund Transfers	1,703,436	0	1,703,436
Contingency	31,000	(31,000)	0
Unappropriated Balance	1,399,178	0	1,399,178
<b>Total Fund Requirements</b>	<b>\$4,003,662</b>	<b>\$0</b>	<b>\$4,003,662</b>

*All Other Appropriations Remain as Previously Adopted*

## **STAFF REPORT**

**ORDINANCE NO. 02-934, FOR THE PURPOSE OF AMENDING THE FY 2001-02 BUDGET AND APPROPRIATIONS SCHEDULE, TRANSFERRING \$31,000 FROM CONTINGENCY TO OPERATING EXPENSES IN THE BUILDING MANAGEMENT FUND; AND DECLARING AN EMERGENCY**

Date: January 15, 2002

Presenter: Jennifer Sims

### **DESCRIPTION**

The Administrative Services Department (ASD) is requesting a transfer of \$31,000 in appropriation authority in the Building Fund from contingency to operating expenses (personal services and materials and services) for three projects: to implement a pilot project for visitor management; to improve the sound system in the Council Chamber and rooms 370 A&B; and to purchase additional security cameras and recording devices.

### **EXISTING LAW**

ORS 294.450 provides for transfers of appropriations within a fund if such transfers are authorized by official resolution or ordinance of the local jurisdiction's governing body.

### **BACKGROUND AND DISCUSSION**

It is proposed to decrease contingency by \$31,000 and increase temporary employees in personal services by \$12,000, and maintenance repairs and services by \$19,000. The change would provide for the unanticipated costs detailed below.

#### **Visitor Management Pilot Project - \$12,000**

In July 2001, the Executive Office formed a task force examining security in the Metro Regional Center for the following reasons:

- Several incidences in the building caused staff to question the role of security.
- In the wake of the tragic terrorism events on September 11, 2001, it was prudent to examine security efforts.
- Based on a random survey of employees, seventy-six percent (76%) responded that they did not feel trained about what to do in an emergency situation.
- Employees and visitors expect a secure environment.

The task force recommended a Visitor Management Plan. It is recommended that a pilot project be conducted to evaluate a Visitor Management Plan. The pilot project includes hiring a temporary receptionist, provides for a warm welcome for visitors and to allow greater mobility for security officers throughout the building.

Metro receives several significant advantages with the addition of this position. They are as follows:

- 1) Improved security. This position would assume receptionist duties currently handled by security officers. The officers would then have the mobility to respond to emergency situations, make appointed security rounds, attend training, provide training, prepare standard procedures, etc.
- 2) The receptionist would provide a warm welcome to Metro visitors.
- 3) The receptionist would administer the visitor management program
- 4) The receptionist would assume duties being handled in other parts of the agency.



### **Additional Security Cameras and Recording Equipment - \$9,000**

Metro Regional Center does not have any internal cameras. In order to improve security for visitors and staff, internal cameras and recording equipment are necessary. This would allow a picture be obtained of people entering and exiting the building. A recording device is also required. With new digital technology, pictures are able to be enhanced and sent over the e-mail system. The cameras would act to deter crime and identify criminals.

### **Enhancements for the Hearing Impaired in Council Chamber and 370 A & B - \$10,000**

Facility staff have received complaints from the hearing impaired in the Council Chamber and rooms 370 A & B. A hearing loop can be placed in the Council Chamber. This would send electronic sound waves to hearing aids or devices supplied by Metro to the hearing impaired. Rooms 370 A & B require a new microphone and speaker system. Both locations can be improved for approximately \$5,000 each.

### **BUDGET IMPACT**

The adopted budget for the Building Management Fund included contingency appropriations for unknown expenses. This action does not increase the Building Fund's total appropriation authority, but moves appropriation to the personal services and materials and services to allow for these unanticipated expenditures.

The proposed action would leave the contingency balance at zero.

### **OUTSTANDING QUESTIONS**

None.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Ordinance No. 02-934.

Agenda Item Number 5.2

**Ordinance No. 02-935, For the Purpose of Enacting the Community Preservation Act and Establishing a periodic popular vote that sets Metro Fiscal policy relating to paying for the Cost Impacts of Growth.**

***First Reading***

**Metro Council Meeting  
Thursday, January 31, 2002  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENACTING THE ) ORDINANCE NO 02-935  
COMMUNITY PRESERVATION ACT AND )  
ESTABLISHING A PERIODIC POPULAR ) Introduced by Councilor Bill Atherton  
VOTE THAT SETS METRO FISCAL POLICY )  
RELATING TO PAYING FOR THE COST )  
IMPACTS OF GROWTH )

WHEREAS, increased population can add new apartments, row-houses, and condominiums to established residential neighborhoods and

WHEREAS, increased population disrupts existing neighborhoods and destroys open spaces; and

WHEREAS, increased population growth causes tremendous increases in traffic congestion, commute times, and air pollution; and

WHEREAS, increased population limits land available for neighborhood parks and open spaces, and increases the demand on existing parks and open spaces; and

WHEREAS, increased population increases the demand on existing public services, including fire, ambulance, and police services; and

WHEREAS, increased population increases the demand on existing water and sewer systems, many of which may not be designed to handle the demand caused by increased population; and

WHEREAS, increased population increases the demand on our existing schools and school facilities; and

WHEREAS; increased population costs taxpayers money; and

WHEREAS, most Metro area residents have expressed their desire that Metro slow population growth; and

WHEREAS, economic, environmental, and social conditions in the region can change and a periodic popular vote on the question of promoting or not promoting population growth with economic subsidies provides a consistent process for responding to changing needs of the region; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the following Chapter, "Community Preservation Act" is hereby added to the Metro Code:

**Section 010: Purpose and Intent.**

This chapter is intended to enhance citizens' control of the fiscal impacts of growth and to substantially remove uncertainty regarding how public sector economic costs of population growth will be paid. Furthermore, it is the purpose of this chapter to promote effective decision-making through the democratic process by ensuring that the public is informed about cost-of-growth issues that affect them in significant ways.

This chapter establishes an election process for the citizens of the region to periodically choose a fiscal policy to guide Metro's use of regional funds for paying costs of accommodating increased

population in the region. By their vote, citizens will specify the nature and extent of spending and taxing choices Metro may make that relate to the fiscal impacts of growth. A growth-neutral policy, if adopted by voters, would have the effect of moderating growth by reducing the level of specified public subsidies. Conversely, if voters reject a growth-neutral policy and choose to promote growth; then this chapter would allow Metro to maintain or increase subsidies, or reduce standards of service, to promote population growth in the region.

## **Section 020: Definitions**

**Capital Costs:** Capital costs are the costs for the structures, land, equipment, planning, design, engineering, and financing of a regional facility or to increase the capacity of a regional facility.

**Growth-Neutral Policy:** Growth-neutral policy is the policy adopted when a majority of voters vote in favor of the question at an election held pursuant to this chapter.

**Growth-Related Expenditures:** Growth-related expenditures are those expenditures of regional funds used to pay the capital costs of regional facilities designed to accommodate an increase in population in the region and include the following:

- a) Expenditures to pay the capital costs associated with creating or increasing the capacity of a regional facility or regional service if the capital costs are not reimbursed through system development charges, local improvement district assessments or fees, or other user or impact fees that are not regional funds. Where regional facilities and regional services are expanded or improved, only the portion of the expansion or improvement that increases capacity designed to accommodate growth in population shall be used to calculate the amount of a growth-related expenditure. Growth-related expenditures do not include expenditures to maintain, operate, or improve the level of service or quality of a regional public facility or service.
- b) Expenditures to provide grants to local jurisdictions to prepare local plans or conduct local planning activities, or use Metro facilities or staff to do local plans or planning activities without full reimbursement to Metro for the costs of this service.
- c) Expenditures or the allocation, programming, or reservation of federal or state revenues or grants, including transportation tax revenues, to pay the capital costs of facilities designed to accommodate actual or forecast increases in population in the region.
- d) Expenditures for advertising, tax abatements, or grants designed to promote migration to the region or provide subsidies to private or government entities to locate or conduct operations in the region

**Local Planning Activities:** Local planning activities are planning activities designed to prepare or amend a Comprehensive Plan as required by ORS Chapters 195 and 197, to annex land by a local jurisdiction, or to carry out requirements of any Metro Regional Functional Plan.

**Region:** The region is the Metro jurisdictional area.

**Regional Funds:** Regional funds are all broad-based taxes, levies, and fees collected in the region by Metro; sale or rental of any Metro facility at below market value; or any state or federal funds under the control, direction, programming, or allocation authority of Metro. Regional funds do not include system development charges (SDCs); construction excise taxes, assessments and fees related to any Metro

local improvement district (LID); or any Metro development impact fee or any funds resulting from sale of General Obligation Bonds approved by voters in the region.

**Regional Facilities:** Regional facilities are the Oregon Convention Center; the Metropolitan Exposition Center and the Oregon Zoo; those facilities managed or owned by Metro to provide for solid waste management; transportation facilities identified as regional facilities in the Regional Transportation Plan, but not facilities developed in a Transportation Oriented Development (TOD) program; and parks, green spaces, cemeteries, and pathways owned or managed by Metro.

**Regional Planning Activities:** Regional planning activities are those planning activities called for in Section 5 of the Metro Charter and designed to: a) establish a regional facility; b) manage the urban growth boundary; c) evaluate the impacts of local government actions or decisions, especially the cumulative impacts of local government actions or decisions on air quality; water quality; flood protection and prevention, or the ability to mitigate or prevent other hazardous conditions; agricultural and open space lands, natural and wildlife areas or pathways that are regional facilities; or regional transportation facilities as identified in the Regional Transportation Plan; and d) other planning activities to protect individual communities in the region from development actions or land use decisions by neighboring jurisdictions in the region or outside the region. Regional planning activities do not include planning activities that local jurisdictions normally undertake to prepare comprehensive plans used to grant permits for development, construction, annexations, changes in areas or levels of municipal service, or to prepare plans or assessments for any application to move the urban growth boundary.

#### **Section 030: Elections**

The initial election to carry out the purposes of this chapter will be the regular primary election in May 2002. Subsequent elections will take place at the next available regularly scheduled general or primary election after receipt by Metro of notice of periodic review by the Oregon Department of Land Conservation and Development, or at a regularly scheduled general or primary election as called for by the Metro Council.

Elections on the question shall be held no less than once every ten years but no earlier than four years from the date of the previous election.

The question to be placed before the voters shall read: "Shall Metro adopt a growth-neutral policy regarding expenditures of regional funds and resources?" (*law limits to 20 words*)

The Ballot title for the election shall read: "Establishes Fiscal Policy of METRO Regarding Subsidies for Growth." (*law limits to 10 words*)

#### **Section 040: Election by Voters to Adopt Growth-Neutral Policy**

If a majority of voters vote in favor of the question, a Growth-Neutral Policy is in effect and Metro shall not use regional funds to pay for growth-related expenditures as defined and governed by this chapter. Furthermore, during the time when a Growth-Neutral Policy is adopted and in effect, Metro shall not adopt any standards of quality or service level for regional facilities below the standards of quality or service level existing at the time of the election.

The Growth-Neutral Policy shall remain in effect until an election at which a majority of voters do not vote in favor of the question.

**Section 050: Payment for Regional Planning Activities**

The regional planning function required by Section 5 of the Metro Charter is Metro's primary fiscal responsibility and Metro shall ensure that adequate funds are available for this function.

**Section 060: Enforcement**

Plaintiffs who prevail in actions to compel Metro to comply with this chapter are entitled to reasonable attorney fees and Metro may establish and maintain a special fund for this purpose.

**Section 070: Growth Cost Accounting and Reporting**

Metro will identify and report growth-related expenditures in a manner that allows these expenditures to be readily distinguished by a layperson from non-growth-related expenditures in all annual budgets and budget forecasts. The accounting and reporting of growth-related expenditures shall be based on costs necessary to maintain standards of service or quality of regional facilities at or above the standards existing at the time of the election held pursuant to this chapter.

**Section 080: Urban Growth Report**

During the time that a Growth-Neutral Policy is adopted and in effect, any forecast of growth used by Metro to comply with ORS Chapter 197 shall factor into the Urban Growth Report the impact of removing subsidies to growth covered by this chapter as well as any actions by local jurisdictions or the state to remove subsidies to growth.

**Section 090: Severability**

The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person, or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons, or circumstances.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2002

\_\_\_\_\_  
Carl J. Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

h:\ordinance 02-935popular vote on growth .doc

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 02-935, FOR THE PURPOSE OF ENACTING THE COMMUNITY PRESERVATION ACT AND ESTABLISHING A PERIODIC POPULAR VOTE THAT SETS METRO FISCAL POLICY RELATING TO THE COST IMPACTS OF GROWTH.

Date: January 17, 2002

Prepared by: Michael Morrissey

**Proposed Action:** Ordinance No. 02-935 amends Metro code, adding a new chapter entitled "Community Preservation Act." Ordinance 02-935 also creates an election process, beginning in May 2002, and continuing periodically thereafter. The elections will allow citizens to choose between a growth neutral or a pro-growth fiscal policy for Metro, the outcome of which will impact the expenditure of certain identified Metro funds and the established standards for level of service for Metro facilities, such as transportation.

**Factual Background and Analysis:** The 1992 Metro charter defines in its preamble [the establishment of] a 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..." The charter also states in Section 4 that Metro has jurisdiction over matters of metropolitan concern. The amount, location and effects of growth in the metropolitan region are anticipated in the Metro Charter.

State law and Metro code require periodic (approximately every five year) analysis of the Metro urban growth boundary (UGB). The review analyzes the capacity of the UGB to accommodate forecasted housing need for a 20-year period. Metro is currently engaged in a periodic review of the UGB, under procedures jointly approved with the Department of Land Conservation and Development that will culminate in a UGB decision in the fall of 2002.

Metro is also required to periodically issue a forecast of projected growth for the region. For example, for the period 2000-2025, the four county population of Clackamas, Clark, Multnomah and Washington Counties is anticipated to grow by about 800,000 people, based on a recent draft staff report. Based on a capture rate of about 70%, the share of that increase that is expected to be contained in Metro's jurisdictional boundaries will be about 560,000. About one-third of this growth is due to natural increase of people already in the region. i.e. births/deaths. The rest is due to an estimated net in-migration. Regional growth increase is calculated to be about 1.5% per year for the 2000-2025 time period, which is double the national average.

These calculations, however, are predicated on certain assumptions that individuals and organizations make concerning, among other things, how urban services and facilities, such as transportation facilities, schools, public safety or utilities will be paid for. Ordinance 02-935 will reassess the process for calculating regional growth, if voters choose a growth neutral approach.

Ordinance 02-935 intends to provide citizens a greater opportunity to understand the mechanisms and policies underlying the costs of growth. It creates the opportunity for voters to periodically indicate either a growth-neutral or pro-growth Metro fiscal policy, as defined in this ordinance. In general, a growth-neutral vote is meant to indicate public disfavor for government subsidization of growth, and support for financing options like system development charges, local improvement districts and user fees.

The results of the vote will impact the expenditure of Metro's "regional funds" for identified "growth-related expenditures," such as those associated with non-reimbursed capital costs for facilities, assistance for local planning, and activities designed to produce in-migration of jobs and population.

Should voters adopt a growth-neutral policy, regional funds would not be allowed to be used for growth-related expenditures, as defined. However, Metro's charter-mandated regional planning activities shall continue to receive "adequate funds" (section 5).

As a practical matter, the net effect of precluding the expenditure of federal or regional funds for defined capital costs could largely be expected to relate to transportation facilities, to the extent they are expected to accommodate growth. This type of expenditure is most likely to be associated with Metro's Metropolitan Transportation Improvement Plan (MTIP) process and Regional Transportation Plan.

Metro assistance to local jurisdictions for local planning, through grants or direct Metro staff assistance, is also called out. Limiting these expenditures will impact both the growth management and transportation activities of the Planning department. For example, Transportation Growth Management (TGM) grant coordination, functional plan compliance assistance and urban reserve planning could be impacted.

In addition, a growth-neutral policy would disallow the adoption by Metro of any lesser standards of quality, or service level existing at the time of the election. For example, this could be applied to level-of-service standards adopted in the Regional Transportation Plan, or parks standards, which are currently under development.

#### **Budget Impact**

Elections costs associated with a district-wide ballot measure are estimated at approximately \$150,000.

The fiscal and budgetary impact of the limitations directed by a growth-neutral policy are unclear at this time. Further dialogue with the Community Planning department will help clarify this issue. Expenditures from Parks and other departments could also be affected.

#### **Known Opposition**

None known.



Agenda Item Number 5.3

**Ordinance No. 02-936, For the Purpose of amending the Future Vision and the Regional Framework Plan to fulfill the Charter Requirement to describe a process for "carrying capacity" in the Region.**

***First Reading***

**Metro Council Meeting  
Thursday, January 31, 2002  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) ORDINANCE NO 02-936  
FUTURE VISION AND THE REGIONAL )  
FRAMEWORK PLAN TO FULFILL THE ) Introduced by Councilor Bill Atherton  
CHARTER REQUIREMENT TO DESCRIBE )  
A PROCESS FOR "CARRYING CAPACITY" )  
IN THE REGION. )

WHEREAS, the 1992 Metro Charter requires Metro to adopt a Future Vision as "a conceptual statement that indicates population levels and settlement patterns that the region can accommodate within the carrying capacity of the land, water, and air resources of the region, and it's educational and economic resources, and that achieves a desired quality of life", and

WHEREAS, a Future Vision adopted by the Metro Council on June 15, 1995 did not adequately describe a process for living within the region's carrying capacity, and

WHEREAS, although the Future Vision is not a regulatory document, the Charter clearly intends the Regional Framework Plan, which is a regulatory document, to have a relationship to the Future Vision; and

WHEREAS, describing a process for how the citizen's values, the economy, and the environment of the region will balance with the numbers of people in the region is a critical component of the Future Vision and the Regional Framework Plan; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That The Future Vision as adopted by Ordinance 95-604A is amended as follows:
  - GROWTH MANAGEMENT - In 2045, population growth in the region has occurred, but it has been managed balanced with our environment so our citizens have maintained or improved their quality of life. Our objective has been and still is to live in great communities, not merely big bigger ones. Our desire for separate communities is reflected in the Future Vision Map which depicts settlement patterns. Carrying capacity and sustainability concepts help measure and track progress toward maintaining a desired quality of life but they can are not be used to set population limits numbers. This is because the concept of "carrying capacity" cannot be expressed as numbers of people. Setting numbers of people as targets or allocations or limits is not enforceable and not moral. However, establishing a process that we trust will result in the balance of numbers of people with the quality of environment we want and can afford is very enforceable and moral. Our successes in establishing a carrying capacity process for balancing our region's growth population with its livability our environment will come from a commitment to ongoing reviews of our past achievements combined with appropriate actions to maintain and enhance our quality of life respect for the choices of individual citizens as they express their wisdom and act in their individual communities and interact in the economic, social, and physical environment of the region. The Values and Vision Statements herein should be used to guide the establishment of new communities as well as for the protection of existing ones.

2. The Regional Framework Plan, Chapter 1, Section 1.6 is amended as follows:

**1.6 Growth Management**

The management of the urban land supply growth boundary shall occur in a manner that:

- encourages the evolution of an efficient urban growth form
- provides a clear distinction between urban and rural lands
- supports interconnected but distinct communities in the urban region
- recognizes the interrelationship between the development of vacant land and the redevelopment objectives in all parts of the urban region
- is consistent with the 2040 Growth Concept and helps to attain the region's objectives.
- meets the requirements of ORS 197.299 to provide a 20-year land supply; however, Metro shall communicate with the Legislature and the Governor that maintaining a continuous 20-year land supply is inconsistent with the Carrying Capacity Process and fails to respect the natural wisdom of our citizens in their communities
- If lands are available and a community of the region wishes to accommodate and serve an increased population, Metro shall establish and protect an area for that community to expand; however, individual communities may only choose to annex enough lands in the aggregate to meet no more than a 20-year supply of the region's projected need

3. The Regional Framework Plan is amended to add the following section:

**1.15 Carrying Capacity Process**

The Carrying Capacity Process for the region shall include the following :

- The monetary costs of growth provides useful information to establish limits to growth and citizens should be able to choose in a popular election whether or not the regional costs of growth should be subsidized by existing residents and become a burden to themselves and their children for many years into the future
- Air, water, open space and other environmental standards that protect the livability of the region shall be enforced and used to help establish limits to growth, either directly through regulation of development activity, or indirectly as the cost of meeting regulations is reflected in the cost of development
- The citizens living in each community know best when the carrying capacity of their community has been reached. The carrying capacity of the region is best achieved as the sum of the decisions of the communities in the region. Citizens should have the opportunity to participate and control growth decisions in their community, especially to review and approve annexations
  - Metro will seek to provide for the preferences of those communities who wish to accommodate increased population growth, but not in ways that would degrade the livability of another community

4. Section 1.5 (Economic Vitality) of the Regional Framework Plan is amended as follows:

**1.5 Economic Vitality**

The region's economy is a dynamic system including the urbanized part of the Portland area and lands beyond the Urban Growth Boundary. The economic welfare of residents throughout the region can affect the ability of other citizens in the region to create economic vitality for themselves and their communities.

The region's economic development must include all parts of the region, including areas and neighborhoods which have been experiencing increasing poverty and social needs, even during periods of a booming regional economy. To allow the kinds of social and economic decay in older suburbs and the central city that has occurred in other larger and older metro regions is a threat to our quality of life and the health of the regional economy. All neighborhoods and all people should have access to opportunity and share the benefits of economic and population growth in the region.

To support economic vitality throughout the entire region, Metro shall undertake the following steps, beginning in 1998:

- Monitor regional and sub-regional indicators of economic vitality, such as the balance of jobs, job compensation and housing availability.
- ~~If Metro's monitoring finds that existing efforts to promote and support economic vitality in all parts of the region are inadequate, Metro shall facilitate collaborative regional approaches which better to support economic vitality for all parts of the region.~~
- Metro will make every effort to prevent one community from taking actions which would degrade the quality of life or economic vitality of another community.
- Metro shall make no land use decision that would result in violation of laws designated to prevent air pollution, water pollution, flooding, or degradation of transportation facilities in the region.  
~~In Metro shall cooperation~~ cooperate with local governments and community residents to promote revitalization of existing city and neighborhood centers that have experienced disinvestment and/or are currently underutilized.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
 Carl J. Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
 Recording Secretary

\_\_\_\_\_  
 Daniel B. Cooper, General Counsel

## STAFF REPORT

### CONSIDERATION OF ORDINANCE 02-936, FOR THE PURPOSE OF AMENDING THE FUTURE VISION AND THE REGIONAL FRAMEWORK PLAN TO FULFILL THE CHARTER REQUIREMENT TO DESCRIBE A PROCESS FOR "CARRYING CAPACITY" IN THE REGION

Date: January 17, 2002

Prepared by: Michael Morrissey

**Proposed Action:** Ordinance 02-936 amends the 1995 Council adopted Future Vision, and the 1997 Council adopted Regional Framework Plan. These documents are amended to emphasize a definition of carrying capacity as a process, not a number. The process reflects citizens' valuation of quality of life, and choices they express, as a balance between population, the environment, community, economy and culture. Citizen awareness of the costs of growth, and the manner in which those costs are met, is assumed to be an important factor in the above mentioned values and choices.

The Regional Framework Plan is specifically amended to:

1. Direct Metro to communicate with the Governor and Legislature the inconsistency between the carrying capacity process, and requirement of meeting a 20-year land supply.
2. Add a Carrying Capacity Process that:
  - Directs no more than a (regional) 20-year land supply (only) to those communities that desire to expand.
  - Establishes limits to growth based on air, water, open space and other environmental standards.
  - Permits citizens in their communities to participate and control growth in their communities.

**Factual Background and Analysis:** The 1992 Metro Charter required the adoption of a Future Vision no later than 1995. While not intended to be a regulatory document, the Future Vision was intended to operate as "a conceptual statement that indicates population levels and settlement patterns that the region can accommodate within the carrying capacity of the land, water and air resources of the region, and its educational and economic resources, and that achieves a desired quality of life." One of the factors the Future Vision was to address was "how and where to accommodate the population growth for the region while maintaining a desired quality of life for its residents..."

The Future Vision was adopted via Ordinance 95-604A. The Ordinance also accepted a Future Vision Report (March 4, 1995) that itself included a supportive document entitled "Carrying Capacity and Its Application to the Portland Metropolitan Area" (Wim Aspeslagh, April 1994). The latter report creates a carrying capacity model that uses social and ecological thresholds and constraints (air, water, land, energy and transportation) to analyze the issue. It goes on to clarify that the utility of these thresholds and constraints is within a public discussion, not as static, finite, or even linear numeric conclusions: "The carrying capacity evaluation model defines carrying capacity as a discourse on *how to approach the various types of socially constructed capacity level constraints within the context of sustainability*. This implies that sustainability, too, is not a goal, but a discourse on what kind of limits we are willing to accept."

The charter also directs the creation of a Regional Framework Plan. Ordinance 95-604A restated the charter requirement that the Regional Framework Plan shall describe its relationship to the Future Vision, and stated further that “The Regional Framework Plan is not required by the Charter or by this ordinance to comply with or conform to the Future Vision.”

The 1997 Framework Plan describes the Future Vision as “the broadest set of declarations about our region,” and cites the many values the Future Vision contains with regard to land use. Chapter 1 of the Regional Framework Plan, Land Use, contains references to the Future Vision, in the discussion section. No description or elaboration of carrying capacity is contained in the Framework Plan, however.

The Office of Legal Counsel takes the position that the use of the term “carrying capacity” in the Charter, in reference to the Future Vision,....“is clearly intended as a non-regulatory policy descriptor.” Its meaning is dependent on the use given to it by a specific iteration of the Metro Council. Carrying capacity’s utility in State Goal 6, however, is clearly linked to state and federal air and water quality regulations, as they pertain to pollution discharges.

**Existing Law:** The Future Vision is a component of the 1992 Charter and is amendable by the Council, in a manner consistent with the Charter and with review by Metropolitan Policy Advisory Committee (MPAC).

The Council is also authorized to amend the Regional Framework Plan, with review by MPAC. However, the land use portion of the Framework Plan has been acknowledged by the Land Conservation and Development Commission (LCDC). Council amendments would eventually need LCDC concurrence.

**Budget Impact:** Ordinance 02-936 does not appear to have any direct budget impact. Certain information, such as measurements of the costs of growth and their communication to the public, could have associated costs to research and produce.

**Known Opposition:** No known groups have emerged.

**Agenda Item Number 6.1**

**Resolution No. 02-3149, For the purpose of Authorizing Contracts for Public Art in the Oregon Convention Center  
Expansion.**

**Metro Council Meeting  
Thursday, January 31, 2002  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 02-3149  
CONTRACTS FOR PUBLIC ART IN THE )  
OREGON CONVENTION CENTER ) Introduced by Mike Burton  
EXPANSION ) Executive Officer

WHEREAS, The Metro Council has adopted a One Percent for Art Program for construction projects; and

WHEREAS, the Oregon Convention Center Expansion project qualifies for the One Percent for Art Program; and

WHEREAS, an Art Selection Committee, acting with the Regional Arts and Culture Council, has issued an RFP for public art in the Oregon Convention Center Expansion project; and

WHEREAS, the Art Selection Committee has evaluated all proposals and prepared a recommendation to the Metro Council; and

WHEREAS, the Art Selection Committee is in the process of selecting additional public art for the project; and

WHEREAS, this resolution is submitted by the Executive Officer for consideration by the Metro Council for approval; now, therefore,

BE IT RESOLVED:

That the Metro Council,

- 1. Authorizes the Executive Officer to negotiate the contract terms and conditions with artists selected by the Oregon Convention Center Expansion Art Selection Committee; and
- 2. Authorizes the Executive Officer to negotiate the contract terms and conditions with the future artists selected by the Oregon Convention Center Expansion Art Selection Committee; and
- 3. Authorizes the Executive Officer to execute contracts with current and future artists selected by the Oregon Convention Center Expansion Art Selection Committee.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel



**STAFF REPORT**

**CONSIDERATION OF RESOLUTION NO. 02-3149 FOR THE PURPOSE OF AUTHORIZING CONTRACTS FOR PUBLIC ART IN THE OREGON CONVENTION CENTER EXPANSION**

Date: January 27, 2002

Presented by: Scott Moss  
Karl Schulz  
Eloise Damrosch

**PROPOSED ACTION**

Adopt Resolution No. 02-3149 authorizing the Executive Officer to enter into contracts for public art for the Oregon Convention Center (OCC) Expansion project.

**EXISTING LAW**

Metro Code section 2.07 provides for the One Percent for Art Program.

**FACTUAL BACKGROUND AND ANALYSIS**

In accordance with Metro Code, one percent of the capital costs, of a construction project is devoted to the acquisition and display of public art. With the expansion of the Oregon Convention Center, one percent of the construction cost, or just over \$900,000, is dedicated to new public art. A total of \$1,090,000 is budgeted for art related work on the Expansion project. An Oregon Convention Center Art Committee was established and is active in working with the Regional Arts and Culture Council (RACC), who issued a Request for Proposal (RFP) for artists. The Committee, chaired by Councilor David Bragdon, has reviewed proposals and is prepared to recommend artists to the Metro Council.

The OCC Expansion Art Committee consists of the following individuals:

George Bell	Metropolation Exposition Recreation Commission (MERC)
David Bragdon, Chair	Metro
Carol Edelman	Interiors architect
Bob Frasca	ZGF Architects
Terry Hopkins	Curator, Marylhurst Art Gym
Larry Kirkland	Artist
Harold Lasley	Multnomah Co., OCC Expansion Advisory Committee
Elizabeth Mead	Artist, Associate. Professor Portland State University
Barbara Steinfeld (POVA)	Cultural Tourism Director, Portland Oregon Visitor Association
Mark L. Williams	OCC Management Team

Staff:

Eloise Damrosch	RACC Public Art Director
Karl Schulz	OCC Project Manager
John Thompson	ZGF Architects

The selection of the artwork with the artist commission, as presented to the OCC Expansion Advisory Committee on November 29, 2001, is as follows:

**VIP Lounge:**

Rick Bartow (South Beach, OR)  
Three paintings depicting animal heads- hallway wall \$10,000

Rae Mahaffey (Portland)  
Three abstract paintings – conference wall \$10,000

**Ballroom Level Plaques:**

Lillian Pitt, Elizabeth Woody, Ken Macintosh (Portland)  
26 cast bronze plaques – Native American images and text \$50,000

**Ballroom Level Sconces**

Brent Markee (Seattle)  
33 glass and bronze sconces \$49,500

**Restrooms**

Ronna Neuenschwander (Portland)  
Ceramic mosaics - nostalgic, 50's style \$22,500

Dana Louis (Portland)  
Painted tile murals, cast glass bottles, cast glass tiles \$22,500

Connie Kiener & Sherrie Wolf (Portland)  
Framed ceramic paintings, hung as in a gallery \$45,000

**Estimated Total \$209,500**

**Future Art to be Selected**

The final art to be selected by the Art Committee is for the “main street”. This piece will be a landmark piece visible from the street and all Convention Center visitors. The Art Committee is expected to make a decision by Spring 2002.

**BUDGET IMPACT**

The project budget has sufficient funds budgeted for the public art.

**EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 02-3149.

Thank you for letting me appear here today. My name is Paul Grosjean and I am a Board member of the Pleasant Valley Neighborhood Association.

I come before you to express the sincere thanks of the Pleasant Valley Neighborhood Association, and the entire population of Pleasant Valley, and indeed Portland and surrounding areas, for your participation in the purchase of the park property known as Gentleman's in outer SE.

I first became aware of this property when I attended a pre development review and learned of the plan to put more than 100 homes in a sensitive area close to my house. That same afternoon I drove to the area and was astounded at its beauty and virtually untouched condition. Deep gullies, tall trees, and meandering streams abounded.

I could not see how development could take place without severely, and permanently damaging an unusually pristine area.

This 60 plus area needed to be saved for generations to come.

After many many months of negotiation and lobbying, and participation with Portland and Metro, that salvation has occurred.

On behalf of Linda Bauer, President of our Neighborhood Association, and everyone that can and will enjoy this area, I want to thank the Council and in particular JIM DESMOND for the commitment, energy and effort to see this area preserved.

I hope that soon we will be able to host some kind of an event at the site so you can all see what your efforts have accomplished.

The task is not yet finished. There are other areas that need similar salvation, and indeed the creek that meanders through the Gentleman's property has one of the worst culverts imaginable. So don't think you have seen the last of us.

I would also encourage the Metro Council to visit these sites when they are being evaluated for rescue. These decisions cannot be made solely based on staff or flat map decisions. I'm sure Counselor Atherton has a better appreciation of this property after a visit to the site. We appreciate that visit.

But that in no way diminishes our thanks. It is sincere and very broad. Thank you for this opportunity to tell you how much we appreciate.

# **Budget Adjustment Plan**

## **2001-03 Budget**

**1/30/2002**

# Adjustment Summary

(including Emergency Board Issues)

Program Area	E. Board Rebalance	Prog/Admin Reductions	Total Reductions	% of Budget
Education		\$ 205.9	\$ 205.9	3.1%
Human Services	\$ 87.1	15.0	102.1	3.9%
Public Safety	38.0	38.1	76.1	5.6%
Natural Resources		9.7	9.7	3.5%
Administration		7.7	7.7	4.9%
Economic Development		13.8	13.8	10.5%
Transportation		1.5	1.5	3.7%
Consumer Services		0.7	0.7	5.6%
Judicial/Legislative		29.0	29.0	6.1%
Miscellaneous		34.5	34.5	
Total Reductions	\$ 125.1	\$ 355.9	\$ 481.0	4.0%

# Adjustment Summary

(not including Emergency Board Issues)

Program Area	Initial Plan	Revised Plan	Difference
Education	\$ 239.4	\$ 205.9	\$ 33.5
Human Services	65.3	15.0	50.3
Public Safety	47.9	38.1	9.8
Natural Resources	9.9	9.7	0.2
Administration	7.5	7.7	(0.2)
Economic Development	15.1	13.8	1.3
Transportation	2.0	1.5	0.5
Consumer Services	0.7	0.7	-
Judicial/Legislative	34.2	29.0	5.2
Miscellaneous	41.9	34.5	7.4
Total Reductions	\$ 463.9	\$ 355.9	\$ 108.0



## Education Adjustment Plan

- Restore all State School Fund \$101.4 m
- Restore estimated 2001-03 local option grants \$0.45 m
- Change Community College Support Fund cut to 3% \$3.6 m
- Change OUS Undergraduate Cell cut to 3% \$7.4 m
- Change Statewide Public Service cuts to 5% \$3.6 m
- Change OHSU cut to 9% \$23.8 m
- Eliminate General Fund cut to Opportunity Grants \$1.5 m
- Partially restore ORTDS cut \$1.0 m
- Change OR Prekindergarten and Frontier Learning Network  
cut (Pre-K now at 2.4% cut) \$2.7 m
- Reduce School Improvement Fund (new program) (\$112 m)

# Human Services Adjustment Plan

• Oregon Health Plan restorations	\$13.1 m
– Type B hospital cost-based reimbursement - \$6.4 m	
– Eligibility delay - \$3.8 m	
– Pharmacy reimbursement to AWP minus 14.8% - \$2.0 m	
– Institutional pharmacies' cost reimbursement - \$0.9 m	
• Maintain assisted living, nursing facility rates	\$ 6.4 m
• Restore JOBS services to LAB level	\$ 3.6 m
• Keep Employment Related Day Care co-pays, eligibility	\$ 3.5 m
• Continue local early childhood prevention programs	\$ 2.5 m
• Maintain "System of Care" child welfare services	\$ 2.4 m
• Restore school-based health clinics	\$ 1.5 m
• Partially restore OPI (net \$1 m reduction)	\$ 1.4 m
• Partially restore safety net clinics (net \$1 m reduction)	\$ 1.2 m
• Restore Independent Living Centers	\$ 0.8 m
• Offset GF with available federal TANF funds	(\$ 5.0 m)
• Reduce outpatient substance abuse treatment	(\$ 2.7 m)
• Reduce post-secondary student day care	(\$ 1.0 m)

# Public Safety Adjustment Plan

## Corrections

- Restore Community Corrections Inflation \$3,586,750
- No Earned Time Credit for Certain BM 11 \$1,667,347

## Youth Authority

- Restore Multnomah County Gang Funds \$1,837,500
- No Transfer of Youth to DOC \$1,321,621

## State Police

- Keep Rural Forensic Labs \$ 676,630
- Restore Information/LEDS Support \$ 523,097
- Restore Five Criminal Detectives \$ 427,966
- Restore Autopsy Reimbursements \$ 71,000

## Department of Justice

- Restore Domestic Violence Grants \$ 50,000

# **Economic Development Adjustment Plan**

- Partially Restore Regional/Rural Investment Funds \$1,400,000

(Note: Total OECD Reduction is 6.7% )

# Administration Adjustment Plan

- Centralized Voter Registration System  
(retain as \$2 m reduction; establish reservation  
in existing Emergency Fund)

## **Judicial Branch Adjustment Plan**

- Partially Restore Trial Court Cuts \$3,051,920
- Restore Judicial Salary \$1,200,000
- Restore 3 New Judgeships \$ 793,692
- Restore New Judgeship Support Staff \$ 184,921

## **Miscellaneous Area Adjustment Plan**

- Oregon Rural Health Association  
(Trust Fund)  
\$7.4 m

# REVENUE

- OVERALL TARGET: \$704 MILLION
- CUTS: \$356 M
- REVENUE TARGET: \$348 M
- REVENUE SOLUTION: \$348 M



# REVENUE SOLUTION

- 9-1-1 BALANCE \$14 M
- AMNESTY/COLLECTIONS PROCESS \$10 M
- DOR COLLECTIONS PERSONNEL \$2.4 M
- SENIOR DEFERRAL BALANCE \$13 M
- DEBT SERVICE \$4 M
- 50% OF BOARDMAN SALE \$3.7 M
- CORRECTIONS FEDERAL FUNDS \$2.5 M
- MUPL \$119 M
- MEASURE 66 BALANCE \$5 M
- OLCC SUNDAY SALES \$3 M
- LEMLA \$1 M
- TOBACCO SETTLEMENT \$50 M
- COMMON SCHOOL FUND
  - DISTRIBUTE ALL EARNINGS \$20 M
  - BORROW FROM STATUTORY PRINCIPAL \$100 M
- **TOTAL \$348 M**

# CUSHION

- MUPL \$12 M
- TOBACCO SETTLEMENT \$32 M
- EMERGENCY FUND \$40 M
- GF ENDING BALANCE \$96 M
- TOTAL \$180 M

# GENERAL FUND/LOTTERY TENTATIVE 2003-05 BUDGET

(MILLIONS)

	CURRENT LAW	SPECIAL SESSION RESULT
BEG. BALANCE	\$ 100	\$ 100
REVENUE	12,523	12,531
EXPENDITURES	13,504	13,008
ENDING BALANCE	133	133
2003-05 ROLL UP	-1,014	-510



# STABILIZATION FUND START-UP CONCEPT



- USE DECEMBER REVENUE FORECAST AS BASE
- AT CLOSE OF BIENNIUM-CALCULATE REVENUE ABOVE DECEMBER BASE
- IF REVENUE IS ABOVE BASE DIVERT PORTION TO FUND
- IF REVENUE IS BELOW DECEMBER BASE--NO DIVERSION TO FUND



# Reduction Options: Education

Legend

CCWD		Department of Community Colleges and Workforce Development					
ODE		Oregon Department of Education					
OHSU		Oregon Health and Science University					
OSAC		Oregon Student Assistance Commission					
OUS		Oregon University System					
		2001-03					
No.	Agency	Short Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Full-Time Equivalent
1	CCWD	Eliminate Curry County facility funding restored by Legislature.	1,000,000				
2	CCWD	Eliminate Sabin Center funds restored by Legislature.	500,000				
3	CCWD	Reduce Community College support fund by 1.7%.	7,979,693				
4	CCWD	Reclass savings, services and supplies cuts, and fund shift information systems position.	80,505			(36,526)	
5	CCWD	Oregon Youth Conservation Corps: cut travel, publishing, and 2001-02 forum.	9,090				
6	ODE	Reduce Data Integrity Assurance incentives and support to school districts to improve their data systems - a 38% reduction of project.	3,900,000				
7	ODE	Reduce General Fund for Early Intervention/Early Childhood Special Education and use additional expected Federal Funds.	3,900,000				
8	ODE	Reduce administration.	640,770				
9	ODE	Reduce services and supplies for agency operations.	350,000				
10	ODE	Eliminate Oregon Pre-Kindergarten study data collection project.	300,000				
11	OHSU	Reduce administration (4% cut).	13,300				
12	OHSU	Reduce Oregon Health Sciences University (OHSU) grant by 3.2%.	105,600				
13	OSAC	Reduce administration (6% cut).	28,700				
14	OSAC	Reduce Opportunity Grant as result of reduction in Lottery revenue for a total of 1,294 fewer grants.		1,371,778			
15	OUS	2% cuts at OUS: statewide 4.8%; Chancellor's Office 5%; research/campus public services 2%; undergrad 0%, grad 0.7%; additional cuts.	13,477,466				50.00
16	OUS	Increase OUS collaborative program cut from 34% to 35%.	7,068				
17	OUS	Eliminate veterinary school construction (E-Board appropriation).	4,000,000				
18	CCWD	Oregon Youth Conservation Corps: cut professional services, 2002-03 forum, and copier.	8,492				
19	CCWD	Oregon Youth Conservation Corps: cut leader training, travel, and annual forum.	8,630				
20	ODE	Eliminate Data Base Initiative data collection consolidation project.	280,000				
21	ODE	Phase out Frontier Learning Network.	350,000				
22	ODE	Oregon Pre-Kindergarten efficiencies.	1,500,000				
23	ODE	Reduce Talented and Gifted grants by 9%	20,000				
24	ODE	Reduce Student Leadership Centers grants by 10%.	85,000				
25	ODE	Reduce Workforce Development grants by 10%.	18,000				
26	ODE	Reduce Junior Achievement grants by 11%.	10,000				
27	ODE	Reduce data base initiative enhancements.	335,000				

No	Agency	Short Description	2001-03				Full-time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
28	ODE	Reduce Technology Enhanced Assessment program	600,000				
29	OUS	4% cuts at OUS: research 10%, campus public services 5.8%, Top Tier Engineering 65%, Chancellor's Office 8.5%, Bend campus 5%, Statewide Public Services 6.6%.	10,704,188				100.00
30	OUS	Reduce Chancellor's Office by an additional 1.5%, to a 10% cut.	404,818				
31	OUS	Reduce systemwide expenses/programs by an additional 1%, to an 11% cut.	159,394				
32	OSAC	Eliminate Former Foster Youth Scholarship program.	60,000				
33	OUS	Reduce Research support by an additional 5%, to a 15% cut.	801,529				
34	OUS	Reduce Campus public services by an additional 5.2%, to a 10% cut.	329,889				
35	OUS	Reduce Oregon College of Engineering and Computer Sciences by an additional 1.5%, to a 10% cut.	71,738				
36	OUS	Reduce: small school support by 2-4%.	621,057				
37	OUS	Reduce top tier engineering funding by an additional 35%, eliminating program funding.	1,750,000				
38	OUS	Reduce engineering graduates supplemental funding by 5%.	176,650				
39	CCWD	Reduce Community College support fund by an additional 1.3%, to a 3% cut.	5,919,853				
40	CCWD	Oregon Youth Conservation Corps: cut funding for 14 youth.	9,350				
41	CCWD	Oregon Youth Conservation Corps: cut funding for 14 youth.	9,350				
42	ODE	Reduce Oregon Public Education Network (OPEN) funding by 9%.	200,000				
43	ODE	Use Federal Funds for grants to low performing schools.	1,042,000				
44	ODE	School Funding: reduce School Improvement Fund for 2002-03.	107,076,000				
45	ODE	School Funding: reduce ESD funding proportionate to reduction in School Improvement Fund	4,924,000				
46	ODE	Reduce Special Schools funding by 2%: proportionate to reduction in School Funding.	334,000				
47	OUS	Reduce graduate cell value funding by an additional 2.9%, to a 3.6% cut.	4,421,137				
48	OUS	Reduce law, veterinary, pharmacy cell value funding by an additional 2.9%, to a 3.6% cut.	385,331				
49	OUS	Additional loss of Other Funds and FTE at a 6% cut.			5,300,000		85.00
50	OUS	Reduce Western Undergraduate exchange funding by an additional 5%, to a 35% cut.	80,951				
51	OUS	Shift \$1.8 million for Bend campus to Board reserve; eliminating 5% reduction in targeted funding.	(233,519)				
52	OUS	Increase Resource Allocation Model reserves by 3%, to a 50% cut.	(73,865)				
53	OUS	Reduce Oregon Joint Graduate Schools of Engineering by an additional 1.5%, to a 10% cut.	26,760				
54	OUS	Reduce Statewide Public Services building maintenance by an additional 5%, to a 15% cut.	247,102				
55	OUS	Reduce Resource Allocation Model Reserve by an additional 50%, eliminating the reserves.	1,231,091				

2001-03							
No.	Agency	Short Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Full Time Equivalent
56	OUS	Reduce small schools support by an additional 1-3%, to a 5% cut.	681,585				
57	OUS	Reduce campus public service by an additional 10%, to a 20% cut.	785,451				
58	ODE	Cut data base initiative enterprise integration.	585,000				
59	OUS	Reduce graduate cell value funding by an additional 1.4%, to a 5% cut.	2,215,690				
60	OUS	Reduce law, veterinary, pharmacy cell value funding by an additional 1.4%, to a 5% cut.	193,110				
61	OUS	Reduce funding for non-resident masters support by an additional 50%, eliminating the distribution.	887,906				
62	OUS	Reduce the Chancellor's Office by an additional 1%, to an 11% cut.	269,879				
63	OUS	Reduce systemwide expenses/programs by an additional 2%, to a 13% cut.	318,789				
64	OUS	Reduce Oregon College of Engineering and Computer Sciences by an additional 1%, to a 11% cut.	47,825				
65	OUS	Reduce Oregon Joint Graduate Schools of Engineering by an additional 1%, to an 11% cut.	17,840				
66	OUS	Reduce fee remission funding distribution by an additional 25%, to a 50% cut.	415,000				
67	OHSU	Further reduce state support for OHSU	5,000,000				
68		Subtotal	191,604,193	1,371,778	5,300,000	(36,526)	235.00
69		Governor Plan	191,604,193	1,371,778	5,300,000	(36,526)	235.00
70		General and Lottery Funds	192,975,971				

# Reduction Options: Human Services

## Legend

DHS		Department of Human Services					
OCB		Oregon Commission for the Blind					
IPGP		Insurance Pool Governing Board					
CCF		Commission on Children and Families					
No.	Agency	Short Description	2001-03				Full Time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
1	DHS	Higher match rate than assumed in the budget for the Medicaid Management Information System (MMIS) and the Mental Health information system projects.	1,500,000			-1,500,000	
2	DHS	Offset GF with Title XX or Social Services Block Grant (SSBG) carry forward funding from 1999-01 as Tobacco revenue.	3,882,531		-3,882,531		
3	DHS	Offset GF with Tobacco Tax carry-forward funds from closeout.	1,075,448		-1,075,448		
4	DHS	Offset GF with Temporary Assistance for Needy Families (TANF) carry-forward funds from 1999-	501,701			-501,701	
5	DHS	Substitute TANF carry forward funds from 1999-01 for GF special appropriation to the E-Board which was reserved for caseload changes during 2001-03.	4,300,000				
6	DHS	Offset GF with unused JOBS Plus Individual Education Account funds, which have been unused by individual clients for the statutory five	2,500,000		-2,500,000		
7	DHS	Increase staffing for third party collections for the Oregon Health Plan (OHP) and other medical programs.	1,200,000			-1,200,000	
8	DHS	Do not allocate the special appropriation reserved for OHP caseload increases.	3,000,000				
9	DHS	Do not allocate the special appropriation reserved to cover any shortfall which may occur if drug related management actions do not produce the full projected savings.	3,694,234				
10	DHS	Do not allocate special appropriation reserved to allow Office of Medical Assistance Programs (OMAP) to maintain a higher cost reimbursement for institutional pharmacies.	900,000				
11	DHS	Reduce out-of-state travel.	500,000				
12	OCB	Reduce services, supplies, and other office expenses.	7,689			28,410	
13	OCB	Develop cooperative agreements to bring in Other Funds match.	1,063			3,928	
14	OCB	Eliminate vacant rehabilitation instructor position.	13,047			70,319	1.00
15	OCB	Eliminate Business Enterprises counselor	17,752			65,595	0.75
16	OCB	Decrease employee training.	4,047			14,953	
17	OCB	Decrease employee training, Attorney General costs, and dues.	3,351			12,381	
18	OCB	Reduce professional services/telecommunications.	4,250			15,703	
19	OCB	Reduce facility maintenance, services and supplies, and telecommunications.	4,250			15,703	
20	OCB	Further reduce telecommunications, dues, and Attorney General costs.	4,250			15,703	
21	OCB	Reduce hours worked by staff.	4,250			15,703	
22	OCB	Further reduce hours worked by staff.	4,250			15,703	
23	IPGB	Reduce publicity and publications costs.	10,511				
24	IPGB	Further reduce publicity and publications costs.	10,511				
25	IPGB	Further reduce publicity, publications, and travel costs.	10,511				
26	IPGB	Reduce professional services.	10,510				
27	IPGB	Further reduce professional services.	10,510				



No.	Agency	Short Description	2001-03				Full-Time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
28	IPGB	Delay filling Administrative Specialist 1 position until April 2002.	5,387				
29	IPGB	Delay filling Administrative Specialist 1 position until July 2002.	5,387				
30	IPGB	Delay filling Administrative Specialist 1 position until September 2002.	5,387				
31	IPGB	Delay filling Administrative Specialist 1 position until December 2002.	5,387				
32	IPGB	Delay filling Administrative Specialist 1 position until February 2003.	5,387				
33	CCF	Administrative reductions.	175,562				
34	DHS	Reduce Instate travel, office expenses, professional services, and use of temporary employees.	1,600,000				
35	DHS	Discontinue Klamath Adolescent Program which provides residential care and services to females age 13 to 17 yrs requiring specialized care.	167,396				
36	CCF	Eliminate second year funding of the Together for Children program.	300,000				
37	DHS	Discontinue Southern Oregon Day and Residential Treatment Services (DARTS), which would have served adolescents age 12-15 yrs.	100,000				
38	DHS	Discontinue funding for counseling, life skills, and parent training to the Father Taaffe Foundation serving an average of 14 pregnant and parenting teenage women in three locations.	34,769				
39	DHS	Eliminate GF for Retired Senior Volunteer Program.	135,960				
40	DHS	Discontinue GF support for Independent Living Centers which provide services to consumers with severe disabilities.	812,500				
41	DHS	Discontinue GF support for regulating Outdoor Youth Program.	47,428				0.50
42	DHS	Discontinue Juvenile Diabetes Database.	100,000				
43	DHS	Discontinue funding to strengthen Children's Emergency Medical Services protocol, standards, and training of Emergency Management Technician staff.	200,000				
44	DHS	Reduce residential problem gambling treatment by 32%.		142,910			
45	CCF	One-time reduction to systemwide evaluation.	250,000				
46	CCF	Eliminate second year funding for training for physicians.	150,000				
47	DHS	Eliminate funding for an adult crisis home for persons with developmental disabilities.	317,124			447,030	
48	DHS	Eliminate JOBS Plus program.	2,625,000				
49	DHS	Reduce Assisted Living Facility rates to \$1,325 by January 2003.	3,897,217			5,773,707	
50	DHS	Reduce OHP pharmacy reimbursement to Average Wholesale Price (AWP) minus 15% and dispensing fee.	2,309,406			3,415,448	
51	DHS	Restructure Oregon Project Independence (OPI) to focus on case management. Eliminates direct client services.	2,384,486			-2,516,588	(7.76)
52	DHS	Do not allocate the Special Appropriation for funding for the Home Care Commission.	300,000				
53	CCF	Eliminate second year funding for Family Resource Centers.	400,000				
54	DHS	Eliminate sheltered services employment program for 93 severely disabled adults.	628,198				
55	DHS	Eliminate second year of Nursing Home rebasing.	2,514,210			3,718,338	
56	DHS	Eliminate the additional discount fund for Senior Prescription Assistance Program.	5,016,628				

No.	Agency	Short Description	2001-03				Full Time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
57	DHS	Discontinue Food Stamp Outreach project funded by a special appropriation from the 2001 Legislature.	1,470,906			2,101,420	
58	DHS	Eliminate one state operated group home for children and delay opening second home until July 2002.	1,018,643			1,435,917	
59	DHS	Eliminate the wrap-around copay for pharmacies which would cover the pharmacies' costs when clients do not pay their copay.	2,000,000				
60	CCF	Delay Oregon Children's Plan Healthy Start begin date for 7 counties - a one-time reduction.	131,446			46,006	
61	DHS	Eliminate non-domestic violence emergency assistance program.				2,057,037	5.16
62	DHS	Eliminate student day care program for families enrolled in post-secondary education.			2,018,518		
63	DHS	Further reduce the use of temporary employees and delay the hiring of permanent positions.	1,700,000				
64	DHS	Eliminate <i>Staley</i> funding for quality assurance staff for Medicaid walvers.	1,103,760			1,003,197	
65	CCF	Eliminate second year funding of First Steps Program.	250,000				
66	DHS	Delay Oregon Health Plan eligibility until first of the month following eligibility determination.	3,750,000			5,545,847	
67	DHS	Reduce residential problem gambling treatment and workforce development.		285,820			
68	DHS	Reduce non-capital outlay (e.g. computers) and further delay hiring of permanent positions.	1,500,000				
69	DHS	Reduce training for Developmental Disability providers by 25%.	499,348			605,056	
70	DHS	Eliminate cost-based reimbursement for Type B hospitals.	6,384,012			9,441,502	
71	DHS	Eliminate wrap-around co-pay to ambulatory service providers, which would have covered the provider's costs when clients do not pay their co-payment.	1,418,998			2,098,596	
72	DHS	Reduce child welfare related contracted family treatment and support funds by 5%.	388,879				
73		Subtotal	69,283,477	428,730	-5,439,461	32,244,913	-0.35
74		Governor Plan	69,283,477	428,730	-5,439,461	32,244,913	-0.35
75		General Fund and Lottery Funds	69,712,207				

# Reduction Options: Public Safety

## Legend

BPPPS	Board of Parole and Post-Prison Supervision
CJC	Criminal Justice Commission
DAs	District Attorneys and Their Deputies
DOC	Department of Corrections
DOJ	Department of Justice
ODRC	Oregon Dispute Resolution Commission
OMD	Oregon Military Department
OSP	Oregon State Police
OYA	Oregon Youth Authority

No.	Agency	Short Description	2001-03				Full Time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
1	OSP	Close 4 rural forensics labs: Bend, Ontario, Pendleton, Coos Bay.	676,630				
2	DOC	Reduce workforce development contracts.	153,000				
3	DOC	Reduce Programs Administration services and supplies.	60,000				
4	DOC	Institutions vacancy savings, services, and supplies reductions.	2,272,468				
5	OSP	Hold non-sworn positions vacant.	110,733				
6	OSP	Reduce capital outlay.	143,183				
7	OSP	Reduce facilities maintenance, and utilities.	156,684				
8	OSP	Reduce services and supplies.	336,368				
9	BPPPS	Hold systems analyst position vacant until January 2002.	14,757				
10	BPPPS	Reduce expendable capital outlay by 37%.	20,329				
11	BPPPS	Reduce office expenses by 17%.	14,131				
12	BPPPS	Further reduce office expenses, assuming Other Funds revenue.	3,637				
13	OYA	Defer information systems capital outlay expenditures.	77,791				
14	OYA	Delay parole/probation phased-in positions.	168,000				
15	OYA	Hold non-posted positions vacant.	170,000				
16	OYA	Unanticipated Juvenile Justice Information Systems Certificates of Participation interest.	814,886				
17	DOC	Federal residential substance abuse grant.	411,654			(411,654)	
18	DOC	Vacancy savings from Business/Finance Division - reduce one position.	211,904				0.75
19	DOC	Delay 1 medium-custody unit at Coffee Creek.	2,340,492				20.54
20	DOC	Construction savings at Coffee Creek, Two Rivers.	17,113,534				
21	OSP	Human Resources: AT&T payment.	187,650				
22	BPPPS	Hold records clerk vacant last 6 months of biennium.	17,799				
23	CJC	Undetermined services and supplies reductions.	13,049				
24	OYA	Delay Juvenile Justice Information Systems positions.	53,000				
25	DOJ	Domestic Violence - eliminate crisis intervention grants, 1 position.	2,500,000				0.75
26	DOC	Use Coffee Creek construction savings, interest for one-time debt service backfill.	14,840,698				
27	DOC	Savings from food purchases/management.	4,511,661				
28	OYA	Increased Federal Trust Receipts.	430,744		(430,744)		
29	DOC	Centralize telecommunications management.	400,000				
30	DOC	Reduce Director's Office services and supplies.	53,115				
31	DOC	Human Resources Div: vacancy savings, abolish 2 positions.	235,049				1.00
32	DOC	Reduce workforce development contracts.	1,054,066				
33	DOC	Change health services delivery.	2,063,156				
34	DOC	Eliminate Coffee Creek release counselor, services and supplies.	119,126				0.83
35	DOC	Programs: reduce administration services and supplies.	100,000				

No	Agency	Short Description	2001-03				Full Time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
36	DOC	Institutions: vacancy savings, services, and supplies reductions.	3,768,769				
37	DOC	Shift construction administrator to Certificates of Participation.	212,205				
38	OSP	Patrol: end disabled parking program.	26,917				
39	OYA	Federal Fund match rate change.	153,647			(153,647)	
40	OMD	Reduce tuition assistance by 70%.	847,860				
41	OSP	Human Resources: eliminate webmaster, 4 field positions, out-of-state travel, and capital outlay.	341,342				2.83
42	OSP	Information and Communications Mgt Div: contracts, equipment, 4 positions.	963,755				3.42
43	OSP	Dispatch: eliminate 1 manager, and 3 call takers.	239,051				3.12
44	OSP	Training: eliminate 1 position, training, services, and supplies.	146,359				1.00
45	DOC	Implement Attorney General "Gatekeeper" policy.	368,000				
46	DOC	Eliminate Oregon Health and Science Univ medical residency support.	116,000				
47	DOC	Eliminate work based education slots at Eastern Oregon, Oregon State Penitentiary.	198,824				
48	DOC	Abolish Corrections Programs web maintenance position.	111,133				0.75
49	DOC	Eliminate info systems/services positions.	336,822				2.01
50	DOC	Eliminate Business & Finance Division positions.	217,069				2.63
51	DOC	Institutions: take administrative reductions.	1,043,701				10.65
52	DOC	Institutions: take various services and supplies changes.	902,325				9.20
53	DOC	Redesign Inspections process.	716,000				3.88
54	DOC	Delay hirings in Health Services.	1,100,000				
55	OSP	Hold 5 Fish & Wildlife and 3 Patrol positions vacant for 3-5 months.	54,587				
56	OSP	Reduce temporary services, overtime.	20,673				
57	CJC	Hold 2 positions vacant until 1/2002.	52,196				
58	OYA	Delay River Bend 2nd unit to July 2002.	289,672				
59	DOC	Delay 48 Intensive Mgt Unit beds at Snake River for 15 months.	1,979,566				20.68
60	DOC	Delay hirings - Health Services (\$2.2 million cum.)	1,100,000				
61	OYA	Delay filling facility nurse positions.	46,000				
62	DOC	Convert 10 registered nurses to certified medical aides.	245,160				
63	OMD	Eliminate Youth Challenge Program.	382,532		1,045,406	1,673,826	3.00
64	OMD	Eliminate 4 armory technicians.	159,822				
65	OSP	Cancel 1/2003 recruit school.	1,851,282				10.25
66	DOC	Community Administration: management actions.	166,634				1.29
67	DOC	Corrections Programs: management actions.	252,469				0.75
68	BPPPS	Reclassify systems analyst from IS7 to IS5.	19,646				
69	DOC	Change Coffee Creek service delivery in response to delayed Special Mgt Unit beds.	786,991				5.53
70	DOC	Delay opening Coffee Creek Special Mgt Unit until 2003-05.	367,000				3.75
71	CJC	Reduce tribal Juvenile Crime Prevention grants by 50%, Juvenile Crime Prevention grants to non-minimum counties by 1%, and reduce Police Stop Committee support by \$50k.	395,824				
72	DOC	Parole high-cost medical inmates.	100,000				
73	DOC	Deschutes County rental of bed space (HB 5014)	267,000				
74	ODRC	Implement permanent structure for for delivering dispute resolution services (HB 5014)	119,284				
75	OYA	J-BarJ Boys Ranch (HB 5014)	100,000				

2001-03							
No.	Agency	Short Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Full Time Equivalent
76	OYA	Deschutes County delinquent youth demonstration project (HB 5014)	103,840				
77	DOC	April 2002 population forecast re HB 2646 (SPA)	341,603				
78	DOC	April 2002 population forecast re HB 2918 (SPA)	33,545				
79	OSP	DNA sample analysis (SPA)	200,000				
82	Governor Plan		73,094,399	-	614,662	1,108,525	108.61
83	General Fund and Lottery Funds		73,094,399				

# Reduction Options: Natural Resources

## Legend

Agriculture	Department of Agriculture
CRGC	Columbia River Gorge Commission
DEQ	Department of Environmental Quality
DLCD	Department of Land Conservation and Development
DOF	Department of Forestry
DOGAMI	Department of Geology and Mineral Industries
LUBA	Land Use Board of Appeals
ODFW	Oregon Department of Fish and Wildlife
OWEB	Oregon Watershed Enhancement Board
State Lands	Division of State Lands
WRD	Water Resources Department

No.	Agency	Short Description	2001-03				Full Time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
1	Agriculture	Debt service and vacancy savings.	294,355				
2	CRGC	Vacancy savings and expenditure reductions.	13,614				
3	DEQ	Hold positions vacant, delay bond sale, reduce expenditures for cleanup contracts.	920,909				0.80
4	DLCD	Reduce employee training, delay Measure 56 special payments and Senate Bill 12 grants.	195,924				
5	DOGAMI	Reduce travel, printing, and implement short-term sabbaticals.	51,320				
6	ODFW	Hold administrative positions vacant.	256,537				
7	DOF	Hold positions vacant, delay capital improvement and motor pool charges.	700,490				
8	LUBA	If vacancy occurs, hold open to capture savings.	20,370				
9	OWEB	Hold positions vacant, delay database improvements.		107,012			
10	State Lands	Reduce non-fixed services and supplies.	3,375				
11	WRD	Hold positions vacant.	283,790				
12	Agriculture	Reduces support for Marketing, Food Safety, Animal Health, and Shellfish programs. Combination of program reductions and increased Other Funds program support.	694,674				1.82
13	DEQ	Reduces support for Hazardous Waste, Northwest Pollution Prevention Roundtable, Air Quality and Cleanup programs.	170,921				0.55
14	DLCD	Reduces Measure 56 Special Payments.	203,060				
15	DOGAMI	Places Executive Service Person on sabbatical, reduces services and supplies.	97,500				
16	ODFW	Reduces support for Wildlife, Game, Fish Production, Interjurisdictional Fisheries, and Marine Habitat programs.	761,689				5.50
17	DOF	Reduces support for Fire Practices, Fire Protection, and Administration. Includes increased Other Fund program support.	591,709		775,793		11.79
18	OWEB	Reduces Willamette Restoration Initiative and on the ground project grants.	40,035				
19	WRD	Reduces Klamath Well Construction Grants, Emergency Drought Services, Administration and Hearings. Decreased spending on services and supplies.	283,123				

2001-03							
No	Agency	Short Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Full Time Equivalent
	Agriculture	Shifts funding for the Food Safety Program from General Fund.	503,968				
*	DEQ	Reduces support for Hazardous Waste, Air Quality, and Water Quality programs.	896,057				4.00
	DOGAMI	Shifts program support to alternative revenue source.	12,000				
X	ODFW	Reduces support for Fish, Interjurisdictional Fisheries, Propagation and Natural Production programs.	356,010		4,091	12,581	4.00
*	DOF	Reduces support for Fire Protection, Forestry Assistance, and Forest Practices programs.	282,928		589,806		1.66
	OWEB	Further reduces Willamette Restoration Initiative on the ground project grants.	40,035				
*	WRD	Reduces support for Water Rights and Field Services programs.	605,043				0.89
	Agriculture	Eliminate one field technician position.	55,000				0.50
*	ODFW	Closes Trask Hatchery.	238,014				2.00
	OWEB	Further reduces Willamette Restoration Initiative and on the ground project grants.	40,035				
	ODF	Fire Severity Response - SPA (remaining)	390,000				
31		Subtotal	9,002,485	107,012	1,369,690	12,581	33.51
32		Governor Plan	9,002,485	107,012	1,369,690	12,581	33.51
33		General and Lottery Funds	9,109,497				

# Reduction Options: Administration

## Legend

Asian Affairs	Commission on Asian Affairs
Black Affairs	Commission on Black Affairs
DAS	Department of Administrative Services
ERB	Employment Relations Board
GSPC	Government Standards and Practices
Hispanic Affairs	Commission on Hispanic Affairs
Library	State Library
OLCC	Oregon Liquor Control Commission
Revenue	Department of Revenue
Women	Commission for Women

No.	Agency	Short Description	2001-03				Full Time Equivalent
			General Fund	Lottery Funds	Other Funds	Federal Funds	
1	OLCC	Reduce out-of-state travel to conferences with other control states.	10,080		18,000		
2	OLCC	Reduce janitorial services.	31,920		57,000		
3	OLCC	Reduce training.	5,600		10,000		
4	OLCC	Reduce supplies.	67,200		120,000		
5	OLCC	Defer purchase of cars and vehicle maintenance.	56,000		100,000		
6	OLCC	Reduce replacement and upgrades of expendable property.	33,600		60,000		
7	OLCC	Reduce Attorney General usage.	11,200		20,000		
8	OLCC	Reduce publicity and publications.	11,200		20,000		
9	OLCC	Reduce professional services.	44,800		80,000		
10	OLCC	Reduce recruitment.	3,875		6,920		
11	Governor's Office	Reduce GF by 3.2%.	289,222				
12	Governor's Office	Reduce Support for Post Secondary Education Committee	218,000				
13	DAS	Temporarily reduce services and supplies and hold vacant positions unfilled.	288,774		866,410		
14	DAS	Eliminate Children's Trust Fund grant.	1,012,500				
15	DAS	Reduce Community Development Program.	117,917				
16	DAS	Eliminate Dentist Insurance Program.	9,900				
17	DAS	Reduce Progress Board by 3.2% GF.	22,543				
18	DAS	Reduce Arrest and Return by 3.2% GF.	41,295				
19	Sec. of State	Centralized voter system	2,000,000				
20	Sec. of State	3.2% Reduction	352,929				
21		Subtotal	4,628,555	-	1,358,330	-	-
22		Governor Plan	4,628,555	-	1,358,330	-	-
23		General and Lottery Funds	4,628,555				



# Reduction Options: Economic Development

## Legend

ECD	Economic and Community Development Department
Employment	Employment Department
Housing	Oregon Housing and Community Services Department
ODVA	Oregon Department of Veterans' Affairs
State Fair	State Fair and Exposition Center

No.	Agency	Short Description	2001-03				
			General Fund	Lottery Funds	Other Funds	Federal Funds	Full Time Equivalent
1	ECD	Current vacancy savings.		232,474			
2	ECD	Cut mailroom & receptionist positions.		110,998			1.50
3	ECD	Services and supplies savings from mail room closure.		16,406			
4	ECD	Arts and Tourism rent savings through consolidation and reduction of office space.	10,000	33,000			
5	ECD	Fund shift economic development positions currently funded by Lottery Funds onto Other Funds (business finance, infrastructure, and telecommunications).		43,995			0.35
6	ECD	Use current vacancy savings to fund shift central services staff to Infrastructure programs.		57,901			0.58
7	ECD	Net rent savings from leasing space formally occupied by Arts and Tourism.		50,000			
8	ECD	Use current vacancy savings to fund shift economic development staff to infrastructure programs.		119,147			
9	ECD	Reduce funds available for Community Development Fund / Regional and Rural Investments; mitigated in first year by backfilling with available interest earnings.		1,850,000	(1,850,000)		
10	ECD	Reduce funds available for Community Development Fund / Regional and Rural Investments; would reduce funds available for local priority projects.		1,863,000			
11	ECD	Reduce direct appropriation (totaling \$200,000) to Oregon Garden for Frank Lloyd Wright House renovation.	200,000				
12	ECD	Reduction to Arts Commission: reduce services in arts education and community development, media fellowship, and designated fellowship grants.	90,000				
13	ECD	Reduction to Arts Commission: further reduces individual artist fellowship grants.	54,232				
14	ECD	Strategic Reserve Funds		(3,000,000)			
15	Employment	Delay hiring of certifiers for federally funded positions; fund shift costs from General Fund. Could negatively impact Maintenance of Effort (MOE).	17,701				
16	Employment	Further delay hiring of certifiers for federally funded positions; fund shift costs from General Fund. Could negatively impact MOE.	17,701				
17	Employment	Further delay hiring of certifiers for federally funded positions; fund shift costs from General Fund. Could negatively impact MOE.	17,700				
18	Employment	Further delay hiring of certifiers for federally funded positions; fund shift costs from General Fund. Could negatively impact MOE.	17,700				

2001-03							
No.	Agency	Short Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Full Time Equivalent
19	Employment	Further delay hiring of certifiers for federally funded positions; fund shift costs from GF. Could negatively impact MOE.	17,700				
20	Employment	Savings and cost control within department.	413,376				
21	Housing	Vacancy savings related to delay in hiring homeless coordinator and community service block grant coordinator.	5,314				
22	Housing	Reduce travel & training; reduce temporary service.	5,315				
23	Housing	Further reduce temporary services.	5,314				
24	Housing	Transfer of unrestricted cash reserves for homeless assistance and emergency food programs.	3,000,000				
25	State Fair	Increased recycling/reduced overhead resulted in savings that could be shifted to reduce GF	24,088				
26	State Fair	Less live entertainment resulted in savings that could be shifted to reduce GF subsidy.	24,088				
27	State Fair	Reduced arts and crafts related costs resulted in savings that could be shifted to reduce GF	24,088				
28	State Fair	Reduced livestock and equine related costs resulted in savings that could be shifted to reduce GF subsidy.	24,088				
29	State Fair	Agricultural and horticultural related savings could be shifted to reduce GF subsidy.	24,087				
30	ODVA	Vacancy savings; services and supplies reduction.	9,069				
31	ODVA	Further vacancy savings; services and supplies reduction.	9,069				
32	ODVA	Further vacancy savings; services and supplies reduction.	9,069				
33	ODVA	Further vacancy savings; services and supplies reduction.	9,069				
34	ODVA	Further vacancy savings; services and supplies reduction.	9,069				
35	ODVA	Reduction of enhancement package for Aid to County Veterans' Service Offices. Will prevent counties from expanding current programs.	47,477				
36	ODVA	Reduction of Aid to National Service Organizations (NSO); reduced office hours and staffing may occur in Portland service offices.	25,475.00				
37	ODVA	Reduction of Aid to County Veterans' Service Offices (CVSO); reduced office hours and staffing may occur in smaller counties.	27,048.00				
38	ODVA	Further reduction of Aid to National Service Organizations (NSO); reduced office hours and staffing likely to occur in Portland service offices.	25,476.00				
39	ODVA	Further reduction of Aid to County Veterans' Service Offices (CVSO); reduced office hours and staffing likely to occur in smaller counties.	27,048.00				
40		Subtotal	4,190,361	1,376,921	(1,850,000)	-	2.43
41		Governor Plan	4,190,361	1,376,921	(1,850,000)	-	2.43
42		General Fund and Lottery Funds	5,567,282				

# Reduction Options: Transportation

## Legend

ODOT		Oregon Department of Transportation					
No.	Agency	Short Description	General Fund	Lottery Funds	2001-03 Other Funds	Federal Funds	Full Time Equivalent
1	ODOT	Public Transit - Lane Transit District facility.	500,000				
2	ODOT	Public Transit - State Agency Transportation Coordination Project.	96,000				
3	ODOT	Public Transit - Senior and disabled transportation studies.	200,000				
4	ODOT	Public Transit - Coordination of pupil and public transportation.	124,000				
5		<b>Governor Plan</b>	<b>920,000</b>				
6		<b>General and Lottery Funds</b>	<b>920,000</b>				

# Reduction Options: Consumer Services

Legend

BOLI		Bureau of Labor and Industries					
		2001-03					
No.	Agency	Short Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Full Time Equivalent
1	BOLI	Vacancy savings; elimination of 2 lead work differentials, reduce unemployment insurance.	62,980				
2	BOLI	Extend vacancy and underfilling of 2 management positions.	58,904				
3	BOLI	Fund shift investigations of alleged discrimination of injured workers (Injured Worker Program) back to the Workers' Benefit Fund from the General Fund. Requires legislative approval.	531,419		(531,419)		
4		Subtotal	653,303	-	(531,419)	-	-
5		Governor Plan	653,303	-	(531,419)	-	-
6		General and Lottery Funds	653,303				

**Item No. 7**  
**Fish and Wildlife Habitat Protection Program (Goal 5)**  
**Consideration of Basin Approach**

**MOTION FOR COUNCILOR MCLAIN**

I move that the Council express its approval of the Executive Officer bringing forward an Intergovernmental Agreement and any other necessary actions for Council approval in order to authorize and allow the use of a Basin Approach as a component of Metro's Fish and Wildlife Habitat program adoption.



METRO

013102c-05

**TO:** Susan McLain, Chair Natural Resource Committee  
**FROM:** Mark Turpel, Manager, Long Range Planning *Mark*  
**DATE:** January 30, 2002  
**SUBJECT:** Basin Approach

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Attached please find a copy of the Tualatin Basin Approach dated January 30, 2002. This draft assumes that all of the changes shown in the January 24 version have been accepted and illustrates proposed changes based on the Natural Resource Committee member discussion today as well as issues raised by the public.

These proposed changes are as follows:

**1. Clarify responsibility and charge.** (See page 1, the first section, entitled "What") This first sentence could be revised to read: "The basin approach is a proposal that local governments take primary responsibility as described in Steps 1 and 2, below, within the greater part of the Tualatin River basin for the next phases (ESEE and program development) of the region's fish and wildlife habitat program, subject to coordination with, and final product approval by, the Metro Council."

**2. Make clear that the basin approach is more than Goal 5.** (See page 1, the "Why" section) This sentence could be revised to read: "The basin approach can also provide local governments with an opportunity to shape a basin-wide ~~Goal-5~~ program that is tailored to local conditions within the Tualatin River basin while addressing regional Goal 5 objectives." Along with the previous sentence, this change should help make clear that the compliance and coordination with the Clean Water Act and the Endangered Species Act are part of this work effort.

**3. Further define aspects of the ESEE decision.** (see page 3, Step 1, ESEE Decision) The last sentence of the second paragraph could be revised to read: "The Tualatin Basin ESEE decision about which areas to prohibit, limit or allow conflicting uses within the Tualatin Basin would be made by the local participating governments, through the Tualatin Basin Natural Resource Coordinating Committee, after consideration of public comments, including Metro Council input and recommendations."

I would be happy to answer questions that you may have about these changes.

c: Mike Burton, Executive Officer  
Andy Cotugno, Director, Metro Planning Department  
Brent Curtis, Planning Director, Washington County

## Tualatin Basin Approach

1/2430/02 Draft

**What** The basin approach is a proposal that local governments take primary responsibility as described in Steps 1 and 2, below, within the greater part of the Tualatin River basin for the next phases (ESEE and program development) of the region's fish and wildlife habitat program, subject to coordination with, and final product approval by, the Metro Council. Riparian corridors and wildlife habitat determined to be regionally significant consistent with State Goal 5, and Clean Water Act requirements and Endangered Species Act listings would all have to be addressed in a basin approach.

**Where** The basin proposal could apply to any large whole watershed within the region, if approved by Metro. For the Tualatin Basin, the general geographic extent is that area draining the Tualatin River. The basin consists of areas inside of the current Metro urban growth boundary and Metro jurisdictional boundary, Metro UGB alternatives analysis areas and rural, farm and forest lands beyond. Regional resources determined by Metro, potential regional resources identified in areas studied by Metro in its UGB Alternatives Analysis and the rural, farm and forest lands beyond identified by Washington County as significant resources shall be addressed in the Tualatin Basin Approach.

**Who** Currently, a consortium of local governments including the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard and Tualatin, as well as Washington County, Clean Water Services and Tualatin Hills Parks and Recreation District have expressed a willingness to address the Tualatin Basin. Inclusion of, or coordination with, other jurisdictions with responsibilities within the Tualatin Basin such as Clackamas County and the cities of Lake Oswego and Portland are underway. Individual property owners, interest groups, local government advisory committees and other interested parties would also be provided opportunities to participate during this work effort. In addition, Metro would participate in the Basin Approach through Council representation on the Tualatin Basin Coordinating Committee, through project updates to, and feedback from the Natural Resource Committee, MPAC, MTAC, Goal 5 TAC, WRPAC, and through the Metro staff. The Metro Council would make recommendations about the ESEE decision to delineate areas to "prohibit" or "limit" conflicting uses and make the final decision about whether a basin approach met regional standards after consultation with its advisory committees.

**Why** The Basin Approach proposal has been made in part because of a concurrent, joint efforts by the Tualatin Basin governments, the Washington County Clean Water Services and others to address Federal Clean Water Act requirements and Endangered Species Act listings that likely will affect the same areas as Metro's fish and wildlife habitat protection plan. In addition to reducing the number of times that the same areas are analyzed and public outreach provided and applying more detailed information than is readily available region-wide, this Basin Approach allows for coordination among similar, but distinct Federal, State and regional requirements. The basin approach can also provide local governments with an opportunity to shape a basin-wide Goal 5 program that is tailored to local conditions within the Tualatin River basin while

addressing regional Goal 5 objectives. Because the Basin Approach is proposed as being completed concurrently with Metro's regional tasks, the Tualatin Basin is most likely to be implemented sooner than other portions of the region if the non-basin jurisdictions wait for the Metro regional safe harbor to be completed and acknowledged by the state before they begin local implementation tasks.

**When** The basin proposal would complete this work parallel to the rest of Metro's fish and wildlife habitat program region-wide. Both the region's work effort as well as the Basin Approach work products would be timed to allow for Metro Council consideration of the data and likely capacity consequences of a regional fish and wildlife protection plan in order to make decisions about the region's urban growth boundary by December 31, 2002. To accomplish this, materials defining the impact on the UGB buildable land inventory would need to be readied by Metro staff by August 1, 2002. The Tualatin Basin Approach has proposed to meet Metro's decision timeline. The Tualatin Basin Coordinating Committee would formally provide a Basin Approach timeline and work completion schedule.

**How** The basin approach will be accomplished by setting goals and standards<sup>1</sup>, providing legal structure for coordination, establishing a process and monitoring and evaluation.

**Goals.** The adopted Regional Framework Plan states that the region shall manage watersheds to protect, restore and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical and social values. Metro's fish and wildlife vision articulates the overriding goal of the Basin Approach:

"The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other 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 appropriate restoration of streamside corridors through time."

Improvement of habitat health within each of the Region's 27 hydrologic units including the eleven hydrologic units inside the Tualatin Basin shall be a primary objective of the Basin Approach. The following objectives within Metro's Fish and Wildlife Habitat Vision Statement shall be pursued by the Basin Approach: to sustain and enhance native fish and wildlife species and their habitats; to mitigate high storm flows and maintain adequate summer flows; to provide clean water; and to create communities that fully integrate the built and natural environment. The region wide system of linked significant fish and wildlife habitats will be achieved through preservation of existing resources and restoration to recreate critical linkages, as appropriate and consistent with ESEE conclusions about whether to prohibit, limit or allow conflicting uses within a regionally significant resource site. Avoiding any future ESA listings is another primary Basin

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Approach objective. The sentences quoted above from the Vision Statement as the overall goal shall be the goal against which the Tualatin Basin Approach will be reviewed. Objectives cited above provide additional guidance as to how the Tualatin Basin Approach should be completed and an intergovernmental agreement between the consortium and Metro will provide additional working details.

Legal Structure. Intergovernmental agreements will be used to ensure Basin Approach coordination among the affected local governments, and Metro. In addition, staff level memoranda of understanding will be used to assure coordination between consortium members, Metro and those relevant jurisdictions not directly participating in the Tualatin Basin Approach.

Process. The Metro-Tualatin Basin Approach coordination process would have two-steps. The first step would be a check-in by the Tualatin Basin Approach with Metro before making ESEE decisions for the Basin for Metro input and advice. The second step would be Metro Council review of Basin Approach program recommendations and determination of program conformance with the Basin Approach review criteria described above. In addition, ongoing coordination between the Tualatin Basin Approach staff and Metro staff would occur as work on the Basin Approach proceeds. A public involvement plan meeting the region's goals for providing substantial opportunities for participation by the public would be completed for the region (including how the Tualatin Basin would be addressed) after coordination with the Metro Committee on Citizen Involvement.

**Step 1. The ESEE Decision.** Metro, local governments and other interested parties will work to establish a regional ESEE method. One possible method would be to design regional ESEE parameters for application within 27 hydrologic units throughout the Region. The Tualatin Basin would develop basin-wide and local ESEE parameters for the Tualatin Basin. Both sets of ESEE parameters shall guide the identification of areas for prohibiting, limiting or allowing conflicting uses within the Tualatin Basin. The results of applying these parameters within the Basin would be mapped.

This map could be constructed for the entire region, using the selected regional ESEE parameters and the mapped results of the Tualatin Basin Approach ESEE analysis, further informed by any other local considerations. This information would be used for two purposes. First, it would provide the foundation of the ESEE decision. Second, the map could also be used to estimate the influence of the region's fish and wildlife habitat program on the housing and job capacity calculations for the region's periodic review of its urban growth boundary. The Tualatin Basin ESEE decision about which areas to prohibit, limit or allow conflicting uses within the Tualatin Basin would be made by the local participating governments, through the Tualatin Basin Natural Resource Coordinating Committee, after consideration of public comments, including Metro Council input and recommendations.

**Step 2 Program Design and Adoption.** Region-wide, Metro will prepare a regional Goal 5 program (regional safe harbor, riparian district plan and local discretionary review options) for the entire region which, for the Tualatin Basin, would reflect the program developed through the Basin Approach. Regional and Basin program elements, including incentives, acquisition, education and regulatory tools would then be prepared. The region would prepare its regional safe harbor, riparian district plan specifications and the local discretionary review options. The Tualatin Basin would design its program. For example, the Tualatin Basin Approach could include, but would not be limited to the following kinds of program elements:

- Revised and new land use “goal 5 overlay” mapped areas and new regulatory language for all land use authorities within the Basin;
- Clean Water Services (CWS) Design & Construction standards (possible revisions);
- Review and possible revisions to CWS maintenance programs (possibly maintenance programs for all jurisdictions including park district);
- Identification and prioritization of restoration sites and financial plan (“Environmental CIP”);
- Coordination with Metro Greenspaces program for targeted acquisitions; and
- Possible incorporation of “green street” optional standards into all local codes (project currently underway being funded by Tualatin Valley Water Quality Endowment Fund)

After taking public testimony, the Tualatin Basin would forward a recommended program to Metro. After its own review process using agreed upon review standards, the Metro Council would determine whether the Basin Approach substantially complies and whether to approve the Tualatin Basin Approach.

Monitoring and Evaluation. Metro Code requires that performance measures be used to evaluate the success and effectiveness of its functional plan to realize regional policies. In addition, the National Marine Fisheries Service 4(d) rule calls for monitoring and evaluation. After local programs have been enacted and some time period passes to allow for programs to take hold, Metro should evaluate its policies and their implementation to compare goals with actual outcomes. If a basin approach significantly lagged region-wide efforts, as a last resort, regional safe harbor provisions could be applied to the basin area until a basin approach is completed and approved by the Metro Council.

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## **NATURAL RESOURCES COMMITTEE REPORT**

### **CONSIDERATION OF MOTION TO MOVE FORWARD WITH THE BASIN APPROACH, WITH REGARD TO ESEE AND PROGRAM PHASES OF METRO'S FISH AND WILDLIFE HABITAT PROGRAM**

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Date: January 31, 2002

Presented by: Councilor McLain

**Committee Action:** At its January 30, 2002 meeting, the Natural Resources Committee voted 5-0 to move consideration of the Basin Approach to Council, with no recommendation. Voting in favor: Councilors Atherton, Bragdon, Hosticka, Park and McLain

**Background:** The Basin Approach represents a response to Metro's Fish and Wildlife Habitat Protection program, with respect to implementation of the ESEE and program phases. A Tualatin Basin Natural Resources Coordinating Committee has been formed by jurisdictions in Washington County to explore the development of a basin approach. Staff for the jurisdictions have worked with Metro to develop this approach which is now represented in a 1/30/02 document.

Agreement to move forward with the Basin Approach will lead to consideration of an intergovernmental agreement with the Tualatin Basin Natural Resources Steering Committee. In addition though, this approach could be implemented with other basins, time and resources allowing.

- Existing Law: Metro has adopted Resolution 01-3141C, fulfilling the state requirements of the inventory phase of the Goal 5 aspects of this program. The Council indicated in that Resolution its intent to indicate by January 31, 2002, whether it would approve moving forward with the Basin Approach, or not.
- Budget Impact: The Basin Approach is expected to assist Metro's data gathering and analysis with regard to ESEE and program stages. As such, it extends Metro's capacity within a constrained budget.

**Committee Issues/Discussion:** Councilor McLain led discussion of this topic. Discussion focused on a 1/24/02 description of the Basin Approach, drafted by Mark Turpel, Metro Long Range Planning Manager, and Brent Curtis, Washington County Planning Manager. The document has gone through several iterations, with comments and/or recommendations by several Metro committees. These comments were summarized in a matrix distributed by Mr. Turpel. Mr. Curtis indicated that The Tualatin Basin Natural Resources Steering Committee Steering Committee unanimously approved the 1/24/02 version of the document.

Committee discussion focused on clarifying the relationship between ESEE work carried out by Metro, and work carried out by the basin. Councilor McLain indicated that Metro will be conducting a regional ESEE, with assistance from the basin. The Basin will also

be conducting an ESEE on a more detailed scale which will also result in maps and recommendations to prohibit, limit or allow conflicting uses. The Metro Council will have final approval authority at the program phase, and will be making formal recommendations during the ESEE phase. She likened it to being "joined at the hip."

The Committee directed staff to: clarify language with regard to ESEE responsibilities; to indicate that ESEE and program objectives include Goal 5, and go beyond them, as indicated in the Vision Document; and to clarify the jurisdictional and organizational aspects of the forthcoming intergovernmental agreements.

Councilor Park moved to forward the Tualitin Basin Approach to Council with no recommendation, in order to give committee and Council members opportunity to see the actual changes to the document reflecting committee discussion.

Question	Addressed in Tualatin Basin Approach Document?	Public Comments	Resolution or Remaining Issue?
ii. What is the time line for completion?	Yes - see "When" section	While an August 1, 2002 deadline for a staff draft for review has been described, no deadline for a Tualatin Basin ESEE decision is specified.	Partially resolved. The deadline for Tualatin Basin ESEE decision should be set (perhaps no later than October 1) in order to facilitate a Metro Council UGB decision. Resolved.
iii. What non-performance guarantees are there?	Yes - see last sentence of document	One suggestion has been to expand representation on Tualatin Basin Steering Committee and making all committee and subcommittee meetings more open	Partially Resolved. Additional resolution could occur when the IGA is completed.
iv. What public involvement approach is used?	Yes - see "Who" and "How" sections especially the Process segment	One suggestion has been to expand representation on Tualatin Basin Steering Committee and making all committee and subcommittee meetings more open	Partially Resolved. Additional resolution could occur when the IGA is completed.
d. What is the programmatic scope of a basin approach?	Yes - see "How" section, especially Step 2, Program Design and Adoption	MTAC - There is a need for region-wide consistency in the ESEE. The cumulative impacts must be addressed as should integration.	Partially Resolved. Additional resolution could occur when the IGA is completed. Partially Resolved. Additional resolution is needed.
3. How is the Economic, Social, Environment and Energy (ESEE) Analysis Completed for a basin?	Yes - see "How" section especially Step 1, ESEE Decision and "Who" section	MTAC - There is a need for region-wide consistency in the ESEE. The cumulative impacts must be addressed as should integration.	Partially Resolved. Additional resolution is needed.
a. What is the template for analysis?	Partial - see Step 1, ESEE	MTAC has suggested that more details of the ESEE, especially the regional ESEE be determined.	Partially Resolved. Additional resolution is needed.
b. How will Metro regional resources be addressed?	No	There should be two ESEE maps - one region-wide application of ESEE, the other for the Tualatin Basin	To be resolved. Additional staff work needed before Metro Council could conclude how best to proceed.
c. What regional parameters will be determined?	No		To be resolved.
i. for industrial lands?	No		" " "
ii. for commercial - office lands?	No		" " "
iii. for commercial - retail lands?	No		" " "
iv. for residential lands by differing densities?	No		" " "
v. for mixed use centers?	No		" " "

Question	Addressed in Tualatin Basin Approach Document?	Public Comments	Resolution or Remaining Issue?
c. How will consultation, coordination and monitoring occur?	Yes - see "Who" and "Where" sections. Also see Tualatin Basin Coordination document		Partially Resolved. Additional resolution could occur when the IGA is completed.
i. How will advisory committees interact?	Yes - see "Who" section		Resolved.
ii. How will pre-decision coordination with Metro Council be addressed?	Yes - see "Who" and "How" sections		Resolved.
d. How will the decision be made concerning prohibiting , limiting or allowing conflicting uses?	Partial - See Step 1 ESEE Decision		To be resolved. Additional staff work needed before Metro Council could conclude how best to proceed.
i. How will a map be created, reviewed and adopted?	Partial - See Step 1 ESEE Decision	Primary, Secondary and no participation tiers.	Partially Resolved. Additional staff work needed.
ii. What consultative process will be used?	Yes	MPAC -Mid point check-in needed.	Resolved.
4. How will a Program be created?	Partial - See "How", Step 2 Program Design and Adoption	NR committee - best management practices and watershed management plans should be used.	To be resolved. Additional staff work needed before Metro Council could conclude how best to proceed.
a. How will performance standards be created?	No	G5TAC - use new TMDL's	" " " " " " " "
i. What existing information or standards from federal or state requirements other approaches can be used?	No		" " " " " " " "
ii. What will be the geographic extent of performance standards?	No		" " " " " " " "
iii. What jurisdictional issues should be addressed with performance standards?	No		" " " " " " " "
b. How will the regional safe harbor be established?	Partial - See "How", Step 2		" " " " " " " "
i. How specific will/should the regional safe harbor be?	No		" " " " " " " "
ii. Are there or should there be differing types of regional safe harbor?	No		" " " " " " " "
c. How should "substantial compliance" be determined?	No		" " " " " " " "
d. What Metro review process should be provided once local tasks are completed?	Yes - see "How" section especially the Monitoring and Evaluation	G5 TAC - work sessions to address monitoring and evaluation should be held.	Partially Resolved. Monitoring segment is beginning



January 29, 2002

## Basin Approach

### Questions, Responses and Disposition - Summary Matrix

#### Question

1. What is the overall vision and approach?

#### Addressed in Tualatin Basin Approach Document?

Yes - see "What" section

#### Public Comments

NRCC, G5TAC, MTAC, MPAC, WRPAC all expressed interest and concern with having more explicit review standards. One suggestion is to use entire Vision Statement as review standard.

#### Resolution or Remaining Issue?

Review standards need more work - could be addressed in IGA between Metro and consortium.

Metro staff will be bringing additional information about Wildlife/upland to the NR committee for consideration.

2. Who and what comprises a basin?

Yes - see "Who" and "Where" sections. Also see Tualatin Basin Coordination document and map

Resolved

a. What is the desired geographic coverage?

Yes - see "Where" sections

Resolved

b. What kind of agreements do local governments make among themselves?

Yes - see "How" section, especially Legal Structure segment

In addition to the language about staff level memoranda of understanding, there would need to be an IGA among local government participants within the basin

Partially resolved. Exact form and content of IGA between consortium members to be determined.

c. What kind of agreement is made between local governments and Metro?

Yes - see "How" section

Partially resolved. Exact form and content of IGA between Metro and consortium to be determined.

i. What is the legal form used?

Yes - see "How" section

Partially resolved. More discussions of exact form of IGA's needed.



0131020-04

# AUDUBON SOCIETY OF PORTLAND

1902-2002

*Celebrating 100 years of inspiring people to love and protect nature*

January 30, 2002

To: Metro Natural Resources Committee & Metro Council

From: Mike Houck

Re: Audubon Society of Portland's comments on "basin approach"

The following are comments we have already submitted to MPAC and WRPAC committees. We request that the Natural Resources Committee and full Metro Council take these comments into consideration in your deliberations and recommendations concerning the "basin approach" for the January 30<sup>th</sup> meeting of the Natural Resources Committee and January 31<sup>st</sup> meeting of the full Metro Council.

What follows is a ten point list of recommendations regarding specific conditions that need to be included in the "basin approach." I have also provided you with a detailed discussion of each point in the running narrative, following my summary of recommendations.

We request that you incorporate all ten issues in the revised "basin approach" document and/or any IGA that is developed between Metro and the Tualatin Basin Coordinating Committee and jurisdictions.

Respectfully,

Mike Houck

Summary recommendations to Natural Resources Committee and Metro Council:

1. Metro should proceed with a regional ESEE analysis for the entire region, including the Tualatin Basin. Metro should conduct an overall, "high altitude" ESEE for the entire region. The Tualatin Basin should conduct a more "refined", site-specific ESEE analysis. The two analyses would then be compared or allow conflicting uses) should ultimately be approved by Metro, based on a pre-adopted set of standards. Some will undoubtedly argue that Metro should focus on sites outside the Tualatin



Basin to avoid duplication of effort. We feel it is critical that Metro conduct a consistent, uniform ESEE analysis across the entire region to retain the integrity of the program, to provide the region with a uniform ESEE analysis, to provide Metro with a basis for validating whatever ESEE approach the Tualatin Basin "basin approach" takes, and to ensure that Metro collects information that allows it to take a regional approach should the Tualatin Basin's efforts lag behind the regional work. The fact that the Tualatin Basin will, presumably, collect more refined data at a more refined scale, will help inform Metro on its final determine of sufficiency of the Tualatin Basin's ESEE work and should not be seen as duplicative, but as complementary.

2. Metro Council should require a regularly scheduled, ongoing check-in process, at Metro, at each significant step of the ESEE analysis, decision step, and program development. A final check-in for the ESEE process is not sufficient. There should be ongoing "check-ins", both with the public and with all Metro committees (MTAC, WRPAC, Goal 5 TAC, Council Natural Resource Committee), at each significant step of developing an ESEE methodology (local and regional) and decision step ("prohibit, limit, or allow conflicting uses").
3. Washington County and the Tualatin Basin should focus on those resources over which it has authority for the purposes of this Goal 5/Natural Resource effort and then, at a later date, work to integrate the "basin approach" with SB 1010 and Forest Practice programs. We support the Tualatin Riverkeepers' position that it is entirely appropriate for the Tualatin Basin, actually Washington County, to include county roads and rural residential development in its basin-wide effort. We do not feel, however, that it is practical or feasible to fold in state Forest Practice or agricultural programs in the ESEE analysis or program development.
4. Metro's appropriate role is in approving or denying the basin's ESEE methodology, program decision and program, not in making "recommendations." Metro must retain its final authority over the process.
5. Metro Council should adopt measurable, objective standards, along with the entire Goal 5 Vision, to both guide the local and regional ESEE analyses, evaluate the decision step (prohibit, limit, allow) and development of the program. Using the entire Goal 5 Vision, as adopted by MPAC and Metro Council, is important, but not sufficient to evaluate the ESEE analysis, decision, and program.
6. Metro should require, at a minimum, integration of the Federal Clean Water Act, Endangered Species Act, and issues offered by the Tualatin Basin as "possible" program elements. If the "basin approach" is going to

go forward with Metro approval then there should be certainty regarding what it will include. They must also address impervious surfaces and their attendant water quantity/flow issues that have a serious hydrologic impact on the basin's streams.

7. Metro Council should address, up front, the question of how the ESEE analysis and decision is to be used in connection to a UGB decision. There needs to be certainty about the potential impact of both the "prohibit" and "limit" decisions on buildable lands and the UGB decision.

8. Above all else, the integrity of the Goal 5 program is ensured. A smaller UGB expansion based on those lands that will, in fact, be fully protected ("prohibit conflicting uses") would be defensible to DLCD. The inclusion of lands that have a "limit conflicting uses" designation for a UGB decision is extremely problematic.

9. Metro Council should adopt a timeline for adoption of Performance Measures that will allow Metro to conduct such analyses.

10. Metro should do everything possible to integrate upland, non-riparian, habitat its own analyses and the "basin approach" should incorporate upland wildlife habitat into its work as well.

#### Detailed Comments

Discussion Draft ("basin approach" is in italics, my comments are not. Our recommendations are bolded):

**What** *The basin approach is a proposal that local governments take primary (1) responsibility within the greater part of the Tualatin River basin for the next phases (ESEE and program development) of the region's fish and wildlife habitat program, subject to coordination with, and final product approval by, the Metro Council. Riparian corridors and wildlife habitat identified consistent with State Goal 5, and Clean Water Act requirements and Endangered Species Act listings would all have to be addressed in a basin approach.*

(Houck Comments: We have significant concerns about what "primary" means. A simple "hand off" of the ESEE analysis and program development to the Tualatin Basin is unacceptable. It is through the ESEE process that a decision will be made to protect sites: fully, partially or not at all. Giving the Tualatin Basin carte blanche to conduct the ESEE analysis is not acceptable. Metro must not only be "consulted" but be an active partner with the basin in development of the ESEE methodology that is consistent with Metro's methodology for their regional ESEE analysis.

**Our Recommendation to MPAC: Metro should proceed with a regional ESEE analysis for the entire region, including the Tualatin Basin. As the basin approach was initially discussed, Metro would conduct a "high altitude" ESEE for the entire region and the Tualatin Basin would conduct a more "refined", site-specific ESEE analysis. The two would then be compared and where differences regarding the "program decision" (limit fully, partially limit and fully allow conflicting uses) would be decided by Metro, based on a pre-adopted set of standards.)**

***Where The basin proposal could apply to any large whole watershed within the region, if approved by Metro. For the Tualatin Basin, the general geographic extent is that area draining the Tualatin River. The basin consists of areas inside of the current Metro urban growth boundary and Metro jurisdictional boundary, Metro UGB alternatives analysis areas and rural, farm and forest lands beyond. Regional resources determined by Metro, potential regional resources identified in areas studied by Metro in its UGB Alternatives Analysis and the rural, farm (2) and forest lands beyond identified by Washington County as significant resources shall be addressed in the Tualatin Basin Approach.***

**(Houck Comments: Washington County has no authority over agricultural practices or forest practices. We believe the "basin approach" will get bogged down in procedure and political issues if SB 1010 (agricultural) and state Forest Practices are brought into the process. Washington County and the Tualatin Basin should focus on those resources over which it has authority for the purposes of this Goal 5/Natural Resource effort and then, at a later date, work to integrate the "basin approach" with SB 1010 and Forest Practice programs.)**

***Who Currently, a consortium of local governments including the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard and Tualatin, as well as Washington County, Clean Water Services and Tualatin Hills Parks and Recreation District have expressed a willingness to address the Tualatin Basin. Inclusion of, or coordination with, other jurisdictions with responsibilities within the Tualatin Basin such as Clackamas County and the cities of Lake Oswego and Portland are underway. Individual property owners, interest groups, local government advisory committees and other interested parties would also be provided opportunities to participate during this work effort. In addition, Metro, through Council representation on the Tualatin Basin Coordinating Committee and through Metro advisory committees including the Natural Resource Committee, MPAC, MTAC, Goal 5 TAC, WRPAC and Metro staff would also participate (3). The Metro Council would make recommendations (4) about the ESEE decision to delineate areas to "prohibit" or "limit" conflicting uses and make the final decision about***

*whether a basin approach met regional standards (5) after consultation with its advisory committees.*

(Houck Comments: At various times the Tualatin Basin representatives have indicated that the "venue" for the Goal 5 work would be the Tualatin Basin. We have asked what their plans are for ensuring ongoing input and recommendations by the various Metro Committees. They have responded that their intent is to bring their program before each of the Metro committees to seek input. We recommend that MPAC and Metro Council explicitly support that approach.

What does "recommend" mean? Metro must have the final authority over the ESEE decision, based on pre-adopted standards. Metro should not be in the position of "recommending" but of approving or denying the basin's decision phase of the ESEE analysis. We recommend MPAC advise Metro Council that their appropriate role is in approving or denying the basin's ESEE methodology, program decision and program, not in making "recommendations." Metro must retain its authority over the entire process.

Regional standards: It has been unclear what the standards will be. I have heard from some that the standards will be simply the Goal 5 Vision document or some subset of the Goal 5 Vision. First, we support use of the entire Goal 5 Vision document, not a subset of the Vision. Second, an objective set of standards must be developed that goes beyond the very general language in the Goal 5 Vision document. The Goal 5 Vision is an important document that should guide both the ESEE analyses (basin wide and regional) but it is not sufficient as a standard. MPAC should recommend that Metro Council require the adoption of measurable, objective standards, along with the Goal 5 Vision, to both guide the local and regional ESEE analyses, evaluated the decision step (prohibit, limit, allow) and later development of the program.)

*Why The basin proposal has been made in part because of other, related efforts by these agencies to address Federal Clean Water Act requirements and Endangered Species Act listings that likely will affect the same areas as Metro's fish and wildlife habitat protection plan. In addition to reducing the number of times that the same areas are analyzed and public outreach provided and applying more detailed information than is readily available region-wide, this approach allows for coordination among similar, but distinct Federal, State and regional requirements. The basin approach can also provide local governments with an opportunity to shape a program that is tailored to local conditions within the Tualatin River basin. Because the Basin Approach is proposed as being completed concurrently with Metro's regional tasks, the Tualatin Basin is most likely to be implemented*

*sooner than other portions of the region if the non-basin jurisdictions wait for the Metro regional safe harbor to be completed and acknowledged by the state before they begin local implementation tasks.*

**(Houck Comments: We are fully supportive of the "basin approach" as it relates to integration of the programs listed above. And, later in this document is it stated that the "basin approach" could include the following elements: Revised and new land use "goal 5 overlay" mapped areas and new regulatory language for all land use authorities within the Basin; Clean Water Services (CWS) Design & Construction standards (possible revisions); Review and possible revisions to CWS maintenance programs (possibly maintenance programs for all jurisdictions including park district); Identification and prioritization of restoration sites and financial plan ("Environmental CIP"); and Coordination with Metro Greenspaces program for targeted acquisitions;**

**Use of the word "could" concerns us. The "basin approach" has been represented as being both more integrative and timely in nature than the status quo Metro process. We support a more integrated and timely implementation of a Tualatin Basin Goal 5, ESA, CWA program. Our concern, however, is with the ambiguity of what will or will not be included and with an actual commitment to implement the program in a timely manner. We have explicitly asked representatives of the Tualatin Basin whether each of these programs will, in fact, be included in the "basin approach" and we have been told there is a desire to do so, but that they can make no promises.**

**We recommend that MPAC advise Metro Council to require, at a minimum, that if a "basin approach" is utilized that the following be included: Federal Clean Water Act, Endangered Species Act, Revised and "new land use goal 5 overlay" mapped areas and new regulatory language for all land use authorities within the Basin; revisions to Clean Water Services (CWS) Design & Construction standards; Revisions to CWS maintenance programs; Identification and prioritization of restoration sites and financial plan for implementing restoration efforts; and Coordination with Metro Greenspaces program for targeted acquisitions; and Possible incorporation of "green street" optional standards into all local codes (project currently underway being funded by Tualatin Valley Water Quality Endowment Fund." We recommend that they also include, explicitly, their impervious surface mapping and how it will be used to reduce stormwater runoff to streams. If the "basin approach" is going to go forward with Metro approval then there should be certainty regarding what it will include.**

**When *The basin proposal would complete this work parallel to the rest of Metro's fish and wildlife habitat program region-wide. Both the region's***

*work effort as well as the Basin Approach are proposed to be timed to allow for Metro Council consideration of the data and likely capacity consequences of a regional fish and wildlife protection plan in order to make decisions about the region's urban growth boundary by December 31, 2002. To accomplish this, materials defining the impact on the UGB buildable land inventory would need to be readied by Metro staff by August 1, 2002. The Tualatin Basin Approach has proposed to meet Metro's decision timeline. The Tualatin Basin Coordinating Committee should formally provide a timeline and work completion schedule.*

**(Houck Comments: The Tualatin Basin has already stated that it does not believe it can meet an August 1<sup>st</sup> deadline for an ESEE decision that would allow, potentially, a decision on UGB-related issues. We are concerned that the "basin approach" will actually result in delaying adoption of a local and regional ESEE analysis and decision. We urge MPAC to recommend to Council that both the local and regional ESEE analyses and decision timeline be adhered to.**

**How will the ESEE analysis and decision be interpreted to make a buildable lands and UGB decision? What does "prohibit" or "limit" mean? Our understanding is that Metro contemplates making a UGB decision based on the regional and basin ESEE decision to prohibit, limit or allow conflicting uses. We can see how a fully prohibit decision might be useful in estimating impact on buildable lands but "limit", without a program in place to determine how much land will actually be protected, is highly problematic.**

**This creates a significant policy and practical issue, in that the level of protection is also a "program" decision, which will not occur for several months after the UGB decision. MPAC should advise Metro Council to address this issue up front so there is certainty about the potential impact of a both the "prohibit" and "limit" decisions will have on buildable lands and the UGB decision.**

**We feel strongly that the UGB decision should not unduly drive the Goal 5 process, to the extent that it might be compromised in quality or meeting our objectives. While we understand the need to come to some conclusion regarding possible impacts on buildable lands inventory and UGB decision, the integrity of the Goal 5 program should be paramount. Therefore, we urge MPAC to advise Metro Council that, above all else, including a UGB decision, the integrity of the Goal 5 program be ensured. As has been stated throughout the Title 3 and Goal 5 process, the worst of all possible outcomes would be a large UGB expansion, based on presumed protection of natural resource lands, followed by a failure to actually protect those lands through local programs. A smaller UGB expansion based on those**

lands that will, in fact, be fully protected ("prohibit conflicting uses" would be defensible to DLCD.)

*How* The basin approach will be accomplished by setting goals and standards, providing legal structure for coordination, establishing a process and monitoring and evaluation.

*Goals.* The adopted Regional Framework Plan states that the region shall manage watersheds to protect, restore and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical and social values. Metro's fish and wildlife vision states: "The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other 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 appropriate restoration of streamside corridors through time."* Improvement of habitat health within each of the 27 regional hydrologic units shall be a basic goal. Of the 27 hydrologic units within the region, there are eleven in the Tualatin Basin. Metro's Fish and Wildlife Habitat Vision Statement will represent the regional objectives. The Vision includes the following key features of protecting the region's streams, wetlands and floodplains: to sustain and enhance native fish and wildlife species and their habitats; to mitigate high storm flows and maintain adequate summer flows; to provide clean water; and to create communities that fully integrate the built and natural environment. The region-wide system of linked significant fish and wildlife habitats will be achieved through preservation of existing significant resources and restoration to recreate critical linkages. Avoiding any future ESA listings is another goal of this work.

(Houck Comments: We agree that the above should be used as criteria to evaluate the ESEE analysis, decision and program development. However, as noted above objective, measurable standards must also be developed to evaluate whether the "basin approach" achieves the Vision. As we recommend above, MPAC should advise Metro Council that such a set of standards be developed by which Metro will determine whether the Tualatin Basin ESEE analysis, decision and program can be approved or not.)

*Legal Structure.* Intergovernmental agreements or resolutions of intent should be used to ensure coordination among local governments and between the local governments and Metro.

**Process. The overall process would be to have a two-step process. The first step would be a check-in by the Tualatin Basin Approach when they are ready to make an ESEE decision for the Basin. The second step would be to have a review and decision by the Metro Council after the Tualatin Basin has program recommendations. During this entire process, continuous coordination between members of the Basin and Metro would occur. A public involvement plan meeting the region's goals for providing substantial opportunities for participation by the public would be completed for the region (including how the Tualatin Basin would be addressed) after coordination with the Metro Committee on Citizen Involvement.**

**Step 1. The ESEE Decision. Metro, local governments and other interested parties will work to establish a regional ESEE method. The expected outcome would be completion of a regional program (regional safe harbor, riparian district plan and local discretionary review options) for the whole region, except for the Tualatin Basin, which would have a Basin Approach. One possible method would be to design economic, social and energy parameters for a region-wide and 27 regional hydrologic units analysis. The Tualatin Basin could develop basin-wide and local parameters. In turn, these parameters and a framework for identifying areas for prohibiting, limiting or allowing conflicting uses would be mapped. This map could be constructed for the entire region, using the selected parameters, and for that portion of the region within the Tualatin Basin, further informed by the basin and local considerations.**

**This information would be used for two purposes. First, it would provide the foundation of the ESEE decision. Second, the map could also be used to estimate the influence of the region's fish and wildlife habitat program on the housing and job capacity calculations for the region's periodic review of its urban growth boundary. The decision about which areas to prohibit, limit or allow conflicting uses within the Tualatin Basin would be made by the local participating governments after consideration of public comments, including Metro Council recommendations.**

**(Houck comments: As stated above, our understanding is that Metro would conduct an ESEE analysis for the entire region, including the Tualatin Basin, and that the Tualatin Basin would conduct a more detailed ESEE analysis that would be integrated with Metro's "high altitude" ESEE process. Then, Metro and the Tualatin Basin would compare the results of their decision to fully allow, limit or allow conflicting uses. Again, we recommend that MPAC advise Metro to conduct a region wide ESEE analysis and decision, including the Tualatin Basin (all 27 regional hydrologic units). The Tualatin Basin should also conduct the local/basin wide ESEE analysis and decision, against which Metro shall use the previously adopted standards and its**



own ESEE analysis and decision to judge whether the basin's process conforms to the regional analyses and decisions.)

**Step 2 Program Design and Adoption.** *Regional and Basin program elements, including incentives, acquisition, education and regulatory tools would then be prepared. The region would prepare its regional safe harbor, riparian district plan specifications and the local discretionary review options. The Tualatin Basin would design its program. More specifically, the Tualatin Basin Approach could include the following:*

- *Revised and new land use "goal 5 overlay" mapped areas and new regulatory language for all land use authorities within the Basin;*
- *Clean Water Services (CWS) Design & Construction standards (possible revisions);*
- *Review and possible revisions to CWS maintenance programs (possibly maintenance programs for all jurisdictions including park district);*
- *Identification and prioritization of restoration sites and financial plan ("Environmental CIP");*
- *Coordination with Metro Greenspaces program for targeted acquisitions; and*
- *Possible incorporation of "green street" optional standards into all local codes (project currently underway being funded by Tualatin Valley Water Quality Endowment Fund)*

*After taking public testimony, the Tualatin Basin would forward a recommended program to Metro. After its own review process using agreed upon review standards, the Metro Council would determine whether the Basin Approach substantially complies and whether to approve the Tualatin Basin Approach.*

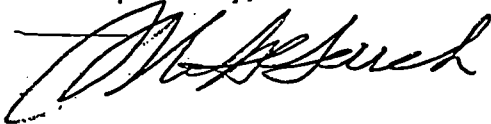
(Houck Comments: We view the program development as being similar to how the Title 3 process proceeded. In other words, Metro would develop the regional "program", which will include previously adopted standards and a "safe harbor" approach by which the "basin" program would be evaluated. To repeat our earlier comments, given the Tualatin Basin has represented the "basin approach" on the integration of ESA, CWA, and Goal 5 fish and wildlife habitat, that there should be a requirement that they follow through on their commitment to actually integrate these programs, as well as the programs listed above.)

**Monitoring and Evaluation.** *Metro Code requires that performance measures be used to evaluate the success and effectiveness of its functional plan to realize regional policies. In addition, the National Marine Fisheries Service 4(d) rule calls for monitoring and evaluation. After local programs*

*have been enacted and some time period passes to allow for programs to take hold, Metro should evaluate its policies and their implementation to compare goals with actual outcomes. If a basin approach significantly lagged region-wide efforts, as a last resort, regional safe harbor provisions could be applied to the basin area until a basin approach is completed and approved by the Metro Council.*

**(Houck Comments: We agree with this language but urge MPAC to go further by advising Metro Council to adopt a timeline for adoption of Performance Measures that will allow Metro to conduct such analyses.)**

Respectfully,

A handwritten signature in black ink, appearing to read "M. Houck", written in a cursive style.

**Mike Houck,  
On behalf of the Audubon Society of Portland and Natural Resources  
Working Group, Coalition For A Livable Future**



# CITY OF PORTLAND, OREGON BUREAU OF PLANNING

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January 31, 2002

The Honorable Carl Hosticka  
Metro Council Presiding Officer  
600 Northeast Grand Avenue  
Portland, Oregon 97232-2736

Dear Councilor Hosticka and Members of the Council

**RE: Regional Coordination and the "Basin Approach"**

For many years Metro has expounded a vision of a regional system of natural areas that are just as much a part of our urban fabric as centers, mainstreets, and neighborhoods. I share this vision, and while nothing in the basin approach contradicts this vision, I believe it makes the vision harder to achieve.

My reservations are not based on the quality of a locally-led natural area program for the Tualatin Watershed. I agree that a comprehensive program that combines riparian habitat, clean water, and endangered species objectives is better than a riparian-only program. My concern is that all 27 local governments in the region need to work together on equal terms to achieve any environmental objective, whether defined broadly or narrowly. This cannot happen if Metro withdraws from its unique role as the single coordinator for the region by exempting most Tualatin basin resources from functional plan protection.

Metro's coordination authority is defined by ORS 195.025 (1) which provides:

**Regional coordination of planning activities; alternatives. (1)** In addition to the responsibilities stated in ORS 197.175, each county, through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county, including planning activities of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county. In addition to being subject to the provisions of ORS chapters 195, 196 and 197 with respect to city or special district boundary changes, as defined by ORS 197.175 (1), the governing body of the Metropolitan Service District shall be considered the county review, advisory and coordinative body for Multnomah, Clackamas and Washington Counties for the areas within that district (emphasis added).

Oregon Administrative Rule 660-023-0080 (2) and (3) provide Metro some choices on how to exercise its coordination authority over natural resource programs.

**Metro Regional Resources (2)** Local governments shall complete the Goal 5 process in this division for all regional resources prior to or during the first periodic review following Metro's adoption of a regional resources map, unless Metro adopts a regional functional plan by ordinance to establish a uniform time for all local governments to complete the Goal 5 process for particular regional resource sites (emphasis added).

(3) Metro may adopt one or more regional functional plans to address all applicable requirements of Goal 5 and this division for one or more resource categories and to provide time limits for local governments to implement the plan. Such functional plans shall be submitted for acknowledgment under the provisions of 197.251 and 197.274. Upon acknowledgment of Metro's regional resource functional plan, local governments within Metro's jurisdiction shall apply the requirements of the functional plan for regional resources rather than the requirements of this division.

When I read the statute and rule together, the choices seem narrowed to two - local completion or functional planning. Metro may rely on local completion by all 27 jurisdictions or upon a single functional plan applicable to all jurisdictions. Partial withdrawal of Tualatin basin resources from functional plan protections puts urban areas to be preserved on a lesser footing than urban areas to be developed. This is something we promised our citizens that we would not do.

Relying on local completion of regional resource protection programs by a self-selecting subset of the 27 local governments was never contemplated, and would set a poor precedent for any matter of metropolitan concern.

The Portland Bureau of Planning sees no advantage in exchanging its role as an equal partner at Metro's advisory committees to become an appendage at a new Tualatin-only forum. Portland contains regionally significant Tualatin basin resources and began working on its own resource protection program with a considerable investment in coordinating with Metro. Our premise was that bilateral coordination with Metro meant coordination with a single regional program, and this amounted to coordination with the other 26 local governments in the region. The basin approach undermines this premise. The Portland Bureau of Planning possesses insufficient resources for meaningful participation in new and yet-to-be defined rounds of multi-lateral coordination.

Any consideration of the basin approach must be informed by Metro's role as a the single regional coordinator, but more importantly, by the will to become the unique directly-elected regional government it was chartered to be.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gil Kelley', with a long horizontal line extending to the right.

Gil Kelley, Planning Director

013102c-08

Item No. 7

**Fish and Wildlife Habitat Protection Program (Goal 5)  
Consideration of Basin Approach**

**MOTION FOR COUNCILOR MCLAIN**

I move that the Council express its approval of the Executive Officer bringing forward a proposed Intergovernmental Agreement and any other necessary actions for Council approval in order to authorize and allow the use of a Basin Approach as a component of Metro's Fish and Wildlife Habitat Program. Adoption of this motion is based on the Metro staff memo dated January 30, 2002, and the attachments referenced therein.