BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING METRO'S DRAFT GOAL 5 PHASE 1 ECONOMIC, SOCIAL, ENVIRONMENTAL AND ENERGY ANALYSIS AND DIRECTING STAFF TO CONDUCT MORE SPECIFIC ESEE ANALYSIS OF MULTIPLE FISH AND WILDLIFE HABITAT PROTECTION AND RESTORATION PROGRAM OPTIONS	))))))	RESOLUTION NO. 03-3376B Introduced by Michael Jordan, Chief Operating Officer, with the concurrence of the Council President

WHEREAS, the Regional Framework Plan and Urban Growth Management Functional Plan ("UGMFP") state that Metro will undertake a program for protection of fish and wildlife habitat; and

WHEREAS, Title 3 of the UGMFP sets forth actions that the Metro Council anticipated that Metro would take in identifying, considering, and protecting regionally significant fish and wildlife habitat conservation areas (see Metro Code section 3.07.350(C)); and

WHEREAS, an effective regional fish and wildlife habitat protection program will assist local governments to address the requirements of the federal Endangered Species Act and the federal Clean Water Act; and

WHEREAS, Metro is applying the state Goal 5 administrative rule, OAR 660-023-0000 through OAR 660-023-0250, as the framework for identifying, considering, and protecting regionally significant fish and wildlife habitat areas; and

WHEREAS, the Goal 5 vision statement ("Streamside CPR Program Outline; Purpose, Vision, Goal, Principles and Context," October 4, 2000), developed by the Metro Policy Advisory Committee (MPAC) and endorsed by the Metro Council in 2000, serves as the overall goal for the Regional Fish and Wildlife Protection Program; and

WHEREAS, the Metro Council adopted a draft inventory and map of regionally significant riparian corridors and wildlife habitat in Resolution No. 02-3218A on August 8, 2002; and

WHEREAS, in Resolution No. 02-3218A, approved on August 8, 2002, the Metro Council adopted a Local Plan Analysis, as required by Title 3, Section 5 of the Urban Growth Management Functional Plan, and concluded, based on the evidence in the Local Plan Analysis, that Goal 5 data and protection among local governments within Metro's jurisdiction is inconsistent and that Metro should analyze the regional economic, social, environment, and energy ("ESEE") consequences that could result from a decision to allow, limit, or prohibit conflicting uses (an "ESEE analysis") for all Goal 5 resource sites containing regionally significant riparian corridors and wildlife habitat; and

WHEREAS, the Goal 5 administrative rule describes four steps to be followed in conducting an ESEE analysis, including (1) identifying conflicting uses, (2) determining the "impact area," (3) analyzing the ESEE consequences, and (4) developing a program to achieve Goal 5; and

WHEREAS, the Goal 5 administrative rule allows local governments to conduct a single ESEE analysis for more than one significant Goal 5 resource and does not require local governments to address the four steps of the ESEE analysis sequentially, but anticipates that some steps will result in a return to a previous step; and

WHEREAS, Metro is conducting its ESEE analysis for all Goal 5 resource sites containing regionally significant riparian corridors and wildlife habitat in two phases: Phase 1 will be a draft general analysis of regional ESEE consequences, including the determination of impact areas and the identification of conflicting uses; Phase 2 will be a more specific draft regional ESEE consequences analysis of the tradeoffs identified in Phase 1 as applied to several program options for protection of regionally significant resource sites, and will result in a draft determination of where to allow, limit or prohibit development on regionally significant fish and wildlife habitat lands and will be the basis for development of Metro's Program to Achieve Goal 5; and

WHEREAS, Metro has (1) contracted with an independent, well-respected economic consultant, ECONorthwest, to provide its expertise on Metro's analysis of the economic consequences that could result from a decision to allow, limit, or prohibit conflicting uses for all regionally significant resource sites, (2) provided draft copies of the economic analysis to an Independent Economic Advisory Board ("IEAB"), which included recognized economics experts from across the Pacific-Northwest region, to provide peer-review analysis of the methods and assumptions used the economic consequences analysis, and (3) convened an Economics Technical Advisory Committee ("ETAC") consisting of a broad cross-section of economics experts, local government representatives, and other interested parties from the Metro region to review the economic analysis to ensure that it addressed the most critical economic issues facing the Metro region; and

WHEREAS, Metro convened a Social Issues Committee ("Social Committee"), consisting of citizens from the region representing a broad cross-section of ideological viewpoints regarding the social impacts that Metro's Fish and Wildlife Habitat Protection Program may have, to review Metro's social issues analysis; and

WHEREAS, Metro received input from the Goal 5 Technical Advisory Committee ("Goal 5 TAC"), consisting of staff representatives from federal, state, and local governments, soil and water conservation districts, and other individuals with scientific expertise, and from the Water Resources Policy Advisory Committee ("WRPAC"), consisting of representatives from local governments, water districts, and other water service providers in the Metro region, regarding Metro's environmental impacts analysis; and

WHEREAS, a draft Economic, Social, Environmental and Energy Analysis (ESEE) and Executive Summary, September 2003 (collectively the "Draft Phase 1 ESEE Analysis"), is attached as Exhibit A; and

WHEREAS, as required by the Goal 5 administrative rule, the Draft Phase 1 ESEE Analysis determines, for each regionally significant resource site, an impact area in which allowed uses could adversely affect the resource; and

WHEREAS, as required by the Goal 5 administrative rule, the Draft Phase 1 ESEE Analysis examines land uses allowed outright or conditionally within the zones applied to the regionally significant resource sites and their impact areas and, on that basis, identifies conflicting uses that exist, or could occur with respect to the regionally significant resource sites; and

WHEREAS, as required by the Goal 5 administrative rule, the Draft Phase 1 ESEE Analysis analyzes the ESEE consequences that could result from decisions to allow, limit, or prohibit conflicting uses in regionally significant resource sites; and

WHEREAS, the ETAC, Social Committee, Goal 5 TAC, and WRPAC reviewed the Draft Phase 1 ESEE Analysis and provided input and advice on that document; and

WHEREAS, Metro engaged in extensive public outreach to inform the citizens of the region about this stage of Metro's work to develop a fish and wildlife habitat protection and restoration program consistent with the Goal 5 administrative rule, including holding public open houses, distributing material at public events, and presenting Goal 5 material to other interested organizations, groups, businesses, non-profit agencies, and property owners; and

WHEREAS, based on the preliminary conclusions and tradeoffs discussed in the Draft Phase 1 ESEE Analysis a broad range of program options have been developed for further ESEE analysis as part of Phase 2 of Metro's Goal 5 ESEE analysis, which options are described in detail in a report entitled, "Fish and Wildlife Habitat Protection and Restoration Program Options," (the "Program Options Report") attached hereto as Exhibit B; and

WHEREAS, the Program Options Report describes evaluation criteria and modeling assumptions to guide the Phase 2 ESEE analysis of the program options; and

WHEREAS, the Draft Phase 1 ESEE Analysis, the Program Options Report, and this resolution have been reviewed by the Metro Technical Advisory Committee and the Metro Policy Advisory Committee, which have recommended that this resolution be approved; and

WHEREAS, the Metro Council has held two public hearings to hear comments directly from the citizens of the region regarding the Draft Phase 1 ESEE Analysis, the Program Options Report, this resolution, and Metro's fish and wildlife habitat protection program planning process; now therefore

BE IT RESOLVED:

1. Endorse Draft Phase 1 ESEE Analysis, Exhibit A

   The Metro Council endorses the Draft Phase 1 ESEE Analysis in Exhibit A, including the preliminary identification of conflicting uses and impact areas, and reserves the opportunity to minimally or substantially alter the ESEE analysis prior to adoption of a final ESEE analysis and Program to Achieve Goal 5, after additional public comment and review. The Metro Council further directs staff to address and consider the comments regarding Exhibit A that were received from several Metro advisory committees, as identified on the "Revised Addendum to Exhibit A," and to revise the Draft Phase 1 ESEE accordingly. As used in this resolution, the term "Draft Phase 1 ESEE Analysis" specifically includes both the ESEE report executive summary and the ESEE report text, and Exhibit A includes both the Draft Phase 1 ESEE Analysis and the Revised Addendum to Exhibit A.

2. Direct Staff to Analyze Program Options, Exhibit B

   The Metro Council directs Metro staff to analyze the program options described in the Program Options Report, attached as Exhibit B, using the evaluation criteria and modeling assumptions described therein, in order to provide Metro with sufficient technical data and analysis to permit the Metro Council to take final action to adopt a Program to Achieve Goal 5.

3. No Further Analysis of Option to Prohibit All Conflicting Uses in All Resource Sites

The Metro Council concludes, based on the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 prohibiting all conflicting uses in all resource sites would have exceptionally detrimental social and economic effects, as balanced against the positive environmental, social, economic, and energy effects of such an approach, and that such an approach shall not be further analyzed as part of Metro's fish and wildlife habitat planning process.

4. Program Shall Not Result in Takings

The Metro Council concludes, based on the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would demonstrably convert a buildable lot or parcel into an unbuildable lot or parcel without compensation to a willing seller would have exceptionally detrimental social effects, and could also have detrimental environmental, economic, and energy effects. The Metro Council therefore concludes that, balancing such effects against any resulting positive environmental, social, economic, and energy effects, the Program to Achieve Goal 5 that Metro develops shall include a provision to reduce or remove the fish and wildlife habitat protection that would otherwise apply to such a lot or parcel so as not to render it unbuildable.

5. Program Shall Not Affect Existing Uses of Property

The Metro Council concludes, following the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would require property owners to discontinue a use on, or remove structures from, their properties for which they have received land use authorization would have exceptionally detrimental social and economic effects, and could also have detrimental environmental and energy effects. The Metro Council therefore concludes that, balancing such effects against any resulting positive environmental social economic and energy effects, the Program to Achieve Goal 5 that Metro develops shall not require property owners to discontinue uses or remove structures on their properties, but may affect the expansion of existing structures into regionally significant resource sites.

6. This Resolution is Not a Final Action

The Metro Council's action in this resolution is not a final action designating regionally significant fish and wildlife habitat areas, final action on an ESEE analysis, or a final action to protect those areas through a Program to Achieve Goal 5. Pursuant to OAR 660-023-0080, when Metro takes final action to approve a Program to Achieve Goal 5 it will do so by adopting an ordinance that will include an amendment to the Urban Growth Management Functional Plan, approval of the final designation of significant fish and wildlife habitat areas, and approval of a final ESEE analysis, and Metro then will submit such functional plan amendments to the Oregon Land Conservation and Development Commission for acknowledgement under the provisions of ORS 197.251 and ORS 197.274.

ADOPTED by the Metro Council this 30th day of October 2003.

David Bragdon, Council President

Approved as to Form:

Dan Cooper, Metro Attorney

APPROVATO APPROVED METRO COUNCIL CONSIGLIO METROPOLITANO

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Resolution No. 03-3376B
Exhibit A

DOCUMENT TOO LARGE TO CO
PLEASE CONTACT PLANNING
DEPT FOR COPY

Discussion Draft

METRO FISH AND WILDLIFE HABITAT

PROTECTION PROGRAM

Economic, Social, Environmental and Energy Analysis (ESEE)

September 2003

METRO

PEOPLE PLACES
OPEN SPACES

Discussion Draft

METRO FISH AND WILDLIFE HABITAT PROTECTION PROGRAM

Economic, Social, Environmental and Energy Analysis (ESEE)

Executive Summary

September 2003

METRO

PEOPLE PLACES
OPEN SPACES

REGIONAL FISH AND WILDLIFE HABITAT PROTECTION PROGRAM

DRAFT ESEE ANALYSIS

EXECUTIVE SUMMARY

SEPTEMBER 2003

Introduction

In October 2000, the Metropolitan Policy Advisory Committee (MPAC) developed a vision for fish and wildlife habitat protection for the region, which was adopted by the Metro Council.

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

In achieving the overall goal, the vision statement emphasizes the importance of balancing several goals, including livable communities and a strong economy with protection and enhancement of fish and wildlife habitat.

Metro is working to protect fish and wildlife habitat in the region to ensure that there is a consistent standard that applies regardless of the city or county a habitat may be found in. Streams and rivers, forests and meadows, and the fish and wildlife that inhabit them do not understand artificial legal boundaries. The economy of the region also functions at a larger scale than just one city or county. Just as it makes sense to plan for transportation needs across the Metro region, the protection of fish and wildlife habitat at a regional scale allows for greater understanding of the connections between habitats and the functions of the ecosystem as a whole. Metro is also capitalizing on the economies of scale available at the regional level to help our local partners meet requirements for habitat protection. One of Metro's primary planning tasks is to balance growth to meet the needs of the region. Higher densities help to make growth more livable, and are an essential part of the 2040 Growth Concept. Metro's habitat protection efforts are conducted within the framework of the 2040 Growth Concept.

Metro's authority to plan for fish and wildlife habitat protection in the region derives from State Land Use Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. Implementation of Goal 5 must comply with the Goal 5 rule adopted by the state Land Conservation and Development Commission. The Goal 5 rule recognizes Metro's unique planning role and gives Metro the option to develop a functional plan to protect regionally significant fish and wildlife habitat. The Goal 5 process follows three steps. The first step is to identify regionally significant fish and wildlife habitat, which Metro completed in 2002. The economic, social, environment and energy (ESEE) analysis is the second step. Metro is now completing the first phase of a regional ESEE analysis. Metro will next apply the tradeoffs identified in the first phase of the analysis to several options for protection to evaluate where and how to protect the regionally significant habitat areas. This will provide the Metro Council the information they need to make a decision about where development should be allowed, limited, or prohibited. The third step is to develop a program to protect significant fish and wildlife habitat. After Metro adoption, local cities and counties will have 2-4 years to comply with the regional fish and wildlife habitat protection program.

Following the planning guidelines for state land use Goal 5, Metro's approach to the regional ESEE analysis is:

- define impact areas (areas adjacent to habitat where activities could impact habitat) and conflicting uses (land uses and activities that degrade the fish and wildlife habitat);

- identify and research relevance of economic, social, environmental, and energy issues of protecting or not protecting fish and wildlife habitat;
- define the consequences of allowing, limiting, and prohibiting conflicting uses in habitat areas; and
- assess the tradeoffs between factors and summarize the findings.

Identifying regionally significant fish and wildlife habitat

Metro completed its inventory of riparian corridors (streamside areas) and wildlife habitat in August 2002. Metro took an ecological functions approach to define the riparian corridors and identify wildlife habitat, based on an extensive scientific literature review. This approach combines geographic information system (GIS) mapping technology, scientific recommendations, and fieldwork for an inventory of the Metro region. Below is a short overview of the inventory methodology.

Riparian corridors

The riparian area refers to the land and vegetation adjacent to waterbodies such as streams, rivers, wetlands, and lakes that are influenced by perennial or intermittent water. According to the scientific literature reviewed, riparian corridors provide important ecological benefits for fish and wildlife including:

1. Microclimate and shade
2. Streamflow moderation and water storage
3. Bank stabilization, sediment and pollution control
4. Large wood and channel dynamics
5. Organic matter input

The ecological functions listed above provide the basis for Metro's delineation of riparian corridors. In the spring of 2001, Metro launched an effort to map the ecological functions of riparian corridors and the specific landscape features that are associated with these functions. Features include stands of trees, woody vegetation, meadows, wetlands, steep slopes, and flood areas that are located along the region's stream and rivers. Based on the scientific literature, Metro identified areas where landscape features make a "primary" (score of six points) or "secondary" (score of one point) contribution to providing an ecological function to the stream. The scores are additive for any given landscape feature and reflect relative ecological function at any given point on the map. The Metro Council determined that all areas receiving a score for providing riparian ecological function (primary and secondary) are regionally significant.

Wildlife habitat

The Goal 5 rule defines wildlife habitat as areas that wildlife depend on to meet their needs for food, water, shelter, and breeding. Metro's approach to identifying the region's important wildlife habitats was based on a combination of: best available scientific literature; GIS modeling; field studies to determine the location, quantity and quality of potential resource sites; and local expertise to identify locations of sensitive species and habitats (Habitats of Concern). The model assigns values to landscape features that allow comparison of their cumulative importance to the regional wildlife habitat network. In early 2001, Metro mapped wildlife habitat based on specific landscape features associated with these characteristics. Features include stands of trees, woody vegetation, meadows, and wetlands. The wildlife model is based on four criteria:

1. habitat patch size (minimum patch size of 2 acres unless a Habitat of Concern),
2. proximity to water sources,
3. proximity to other natural areas, and
4. forest interior habitat.

In brief, larger habitat patches are more valuable to native wildlife than smaller patches because more species are retained over time, and species sensitive to human disturbance still have a place to live. Rounder patches are better than long, narrow patches to reduce negative edge effects. Access to water within or near habitat patches is important to most wildlife species. Connectivity to other natural area patches is key to maintaining biodiversity. Sometimes local populations become extinct and connectivity provides the means for reintroducing that species, as well as maintaining the genetic diversity important to the long-term health of a population.

Each habitat patch was ranked and assigned a score for each model criteria, relative to other habitat patches. Sites are separated into three classes, of up to three possible points, for each criterion. The scores are additive for any given habitat patch and reflect relative wildlife habitat value for each of the habitat patches identified on the map. In addition to the wildlife habitat model, Metro worked with local experts and agency staff to identify "Habitats of Concern." Habitats of Concern are those sites known to be critical for sensitive species or to be scarce and declining in the Metro region. The Metro Council determined that all areas receiving a score of two or greater are regionally significant, plus sites identified as a Habitat of Concern.

Resource classification

Metro's inventories of riparian corridors and wildlife habitat provide a wealth of information on the relative ecological value of specific sites across the region. The inventory methodology distinguished between resource function with as much precision as possible to make an informed decision on regional significance. The upland wildlife habitat was evaluated separately from the riparian wildlife habitat areas. However, a method of classifying the resources together becomes useful in the ESEE to facilitate distinguishing the tradeoffs of protecting or not protecting the habitat areas and, later, in the protection program. For the ESEE analysis, Metro classified habitat based on the ecological function scores into six classes, under two main categories: Riparian/wildlife and Upland wildlife. Each class covers a geographically discrete portion of the inventory, and may include riparian and/or wildlife functions and also may be a Habitat of Concern. Class I Riparian/wildlife and Class A Upland wildlife are the highest value.

Table 1. Fish and wildlife habitat classification system.

Riparian/wildlife corridors	Upland wildlife habitat
Class I riparian/wildlife corridors provide three to five primary functions. Wildlife habitat and habitats of concern are also included in these areas where they overlay with the high value riparian resource. Class I includes rivers, streams, stream-associated wetlands, undeveloped floodplains, forest canopy within 100 feet of a stream, and forest canopy within 200 feet of streams with adjacent steep slopes.	**Class A upland wildlife habitat** is high value wildlife habitat areas scoring seven to nine points in the wildlife model. Examples include large forest patches, wetland areas such as Smith and Bybee Lakes, and large contiguous patches such as Forest Park. This category may also contain areas providing secondary functions for riparian corridors and Habitats of Concern located outside of riparian corridors.
Class II riparian/wildlife corridors provide one to two primary functional values and one or more secondary functions. Wildlife habitat is included. Includes rivers, streams, 50-foot area along developed streams, forest canopy or low structure vegetation within 200 feet of streams, and portions of undeveloped floodplains extending beyond 300 feet of streams. Class II is elevated to Class I with a Habitat of Concern.	**Class B upland wildlife habitat** are medium value upland wildlife habitat areas scoring four to six points in the wildlife model. These areas include forest patches with low structure connector patches along streams and rivers. This resource category may also contain areas providing secondary functions for riparian corridors.

Class III riparian corridors are areas that have only riparian value (located outside of wildlife habitat areas) such as developed floodplains and small forest canopies that are disassociated from streams.	**Class C upland wildlife habitat** includes areas scoring two to three points in the wildlife habitat model, including forest patches and smaller connector patches along streams and rivers.

Impact area and conflicting uses

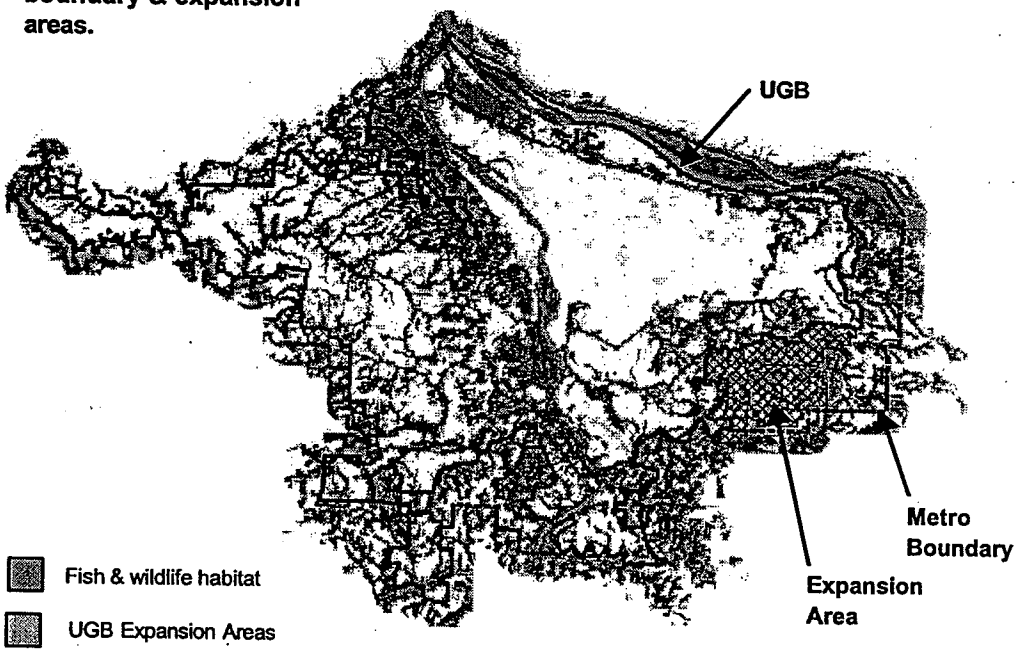
The first steps of the ESEE analysis are to identify the impact area and the conflicting uses that negatively impact fish and wildlife habitat.

Impact area

An impact area is the area where land uses and activities such as development, landscaping, and road construction may impact fish and wildlife habitat. In these areas Metro is concerned with how the activities impact the resource and possible restoration, since they are not currently providing habitat function. The ESEE analysis is conducted for both the regionally significant fish and wildlife habitat areas and the impact area. Under the Goal 5 rule, Metro may develop a program that applies to both the regionally significant resource and the impact area. Simply put, the impact area defines an area where allowed land uses or activities could harm the resource.

Riparian impact areas beyond the existing inventory are limited to areas adjacent to the most vulnerable resources, such as streams, wetlands and lakes, which have little or no vegetation. All land uses in a watershed impact the streams within it, but Metro's scientific literature review indicates that the area providing the most important ecological functions to the stream generally falls within 150 feet. The ***riparian impact area*** for Metro's ESEE analysis has been defined as the area within 150 feet of a stream, wetland or lake that otherwise receives no ecological score. The ***vegetation impact area*** is defined as 25 feet around all resources to protect the tree root zone area and low-structure vegetation.

Figure 1: Metro's fish and wildlife habitat inventory, UGB, jurisdictional boundary & expansion areas.



Conflicting uses

A key step in the economic, social, environmental, and energy (ESEE) analysis is to identify conflicting uses that "exist, or could occur" within regionally significant fish and wildlife habitat sites and identified impact areas. According to the Goal 5 rule, a conflicting use is a "land use, or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource." Identifying conflicting uses is important to focus the ESEE analysis on various land uses and related disturbance activities that may negatively impact riparian corridors and upland wildlife habitat. Figure 1 depicts Metro's inventory, urban growth boundary (UGB), jurisdictional boundary, and 2002 UGB expansion areas. Metro identified conflicting uses from a regional perspective by examining generalized regional zones and by considering Metro's 2040 Growth Concept. Metro analyzed the distribution of its fish and wildlife habitat inventory among generalized regional zones, 2040 design type priorities, and impact areas. Disturbance activities that are likely to occur within the generalized regional zones are described in Table 2 below.

Table 2: Common disturbance activities.

• Clearing vegetation	• Constructing roads, stream crossings (e.g., bridges), installing culverts
• Grading, excavation, filling, hauling, and soil compaction	• Landscaping with non-native vegetation (e.g., establishment of lawns, addition of non-native landscape features – trees, shrubs, groundcover, etc.)
• Adding impervious surfaces by constructing buildings, sidewalks, driveways, parking areas and roads	• Introduction of non-native fish and wildlife species
• Modifying streams such as channelizing, piping, widening, deepening, straightening and armoring streambanks to confine flows, increase capacity for flood control, and stabilize streambanks	• Using fertilizers, pesticides and herbicides
• Installing utility connections such as sewers and stormwater pipes; septic tanks (in rural areas); building sewer pump stations and water towers	• Building fences and other wildlife barriers
• Building stormwater control structures	• Using toxins in households and businesses
	• Generating runoff from household and business activities
	• Other (pets, lights, noise, litter, garbage, etc.)

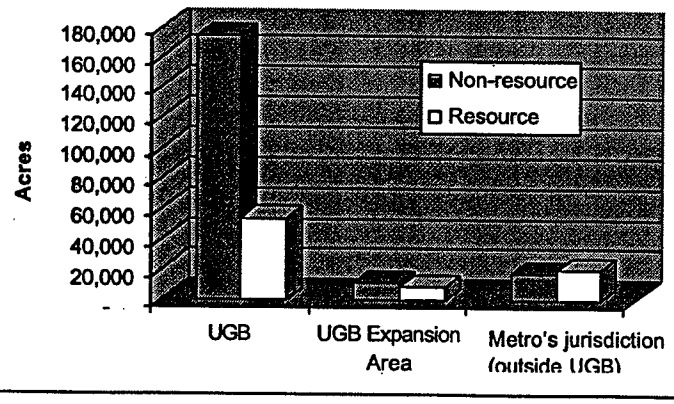
Key points from the conflicting use analysis are highlighted below, first from the perspective of Metro's entire jurisdiction, and secondly focusing on the conflicting uses within the UGB.

All fish and wildlife habitat within Metro's jurisdiction

Metro's jurisdiction covers about 280,660 acres, or about 438 square miles (not including water). Figure 2 shows a comparison of non-resource land with resource land in three geographical areas: the UGB (pre-December 2002), UGB expansion areas (December 2002), and the remaining areas in Metro's jurisdiction outside the UGB (see Figure 1 map).

- About 29 percent of the total acreage represented in Figure 2 is regionally significant fish and wildlife habitat (81,700 acres). Approximately two-thirds of fish and wildlife habitat is within the UGB. Most (89 percent) of the land outside of the UGB but within Metro's jurisdiction is in rural use.

Figure 2: Total acreage in Metro's jurisdiction.



- Twenty-three percent of the total land area (both non-resource and resource) is vacant buildable land (64,178 acres); over half is non-resource land (see Figure 3).
- Twenty-eight percent of vacant resource land is constrained by existing environmental regulations.
- Taken together, the highest quality riparian/wildlife corridors (Class I) and upland wildlife (Class A) comprise one-fifth of the region's supply of buildable land.

Figure 3: Percentage of total acreage in Metro's jurisdiction by development status.

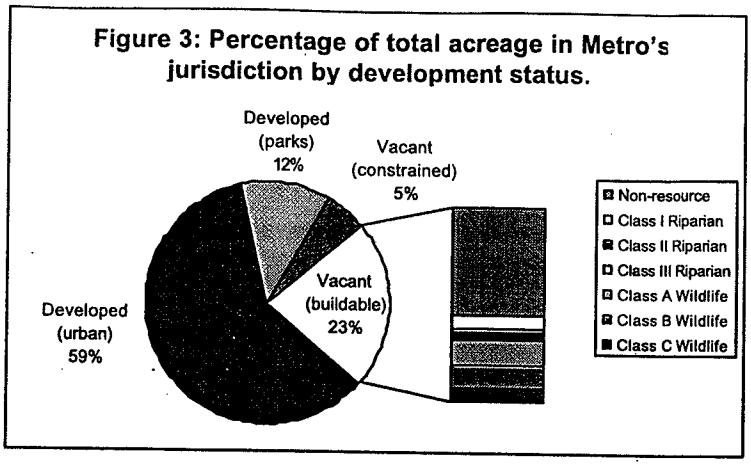
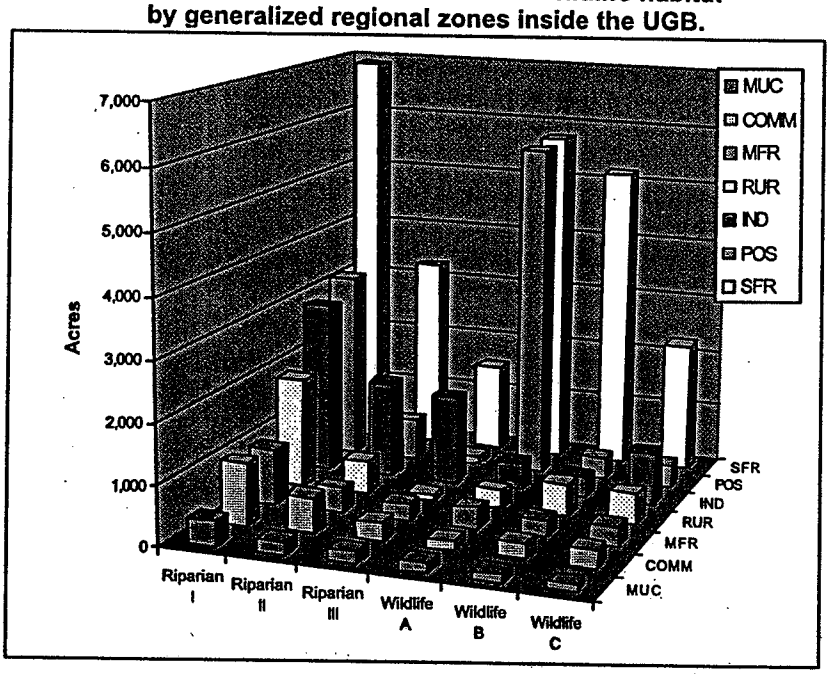


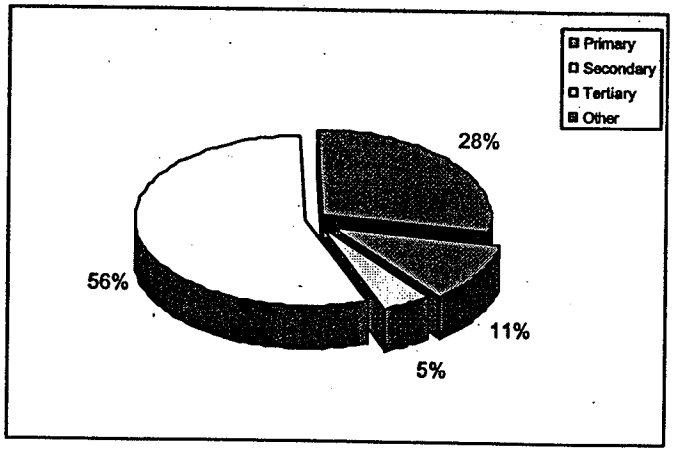
Figure 4: Distribution of fish and wildlife habitat by generalized regional zones inside the UGB.



Inside the UGB

- Forty-six percent of resource land is zoned[1] single-family residential; over half is classified as high value riparian/wildlife corridor and upland wildlife habitat.
- Twenty percent of the resource land is zoned for parks and open space. However, 34 percent of the inventory is used as a park or open space.
- Fourteen percent of the resource land is zoned for industrial use. Of this amount, 44 percent overlaps with high value habitat and over half is vacant, but mostly constrained.
- Metro identified approximately 13, 300 acres as impact areas within the UGB. Over half are zoned single-family residential; 19 percent are zoned industrial; 82 percent is developed.
- Metro's 2040 Growth Concept describes the region's goals through land use and identifies design types as the "building blocks" of the regional strategy. 2040 design types are prioritized into four categories: primary, secondary, tertiary, and other design types. Over half of the habitat is in tertiary design types.

Figure 5: Percentage of resource land by 2040 Design Type hierarchy.



[1] Generalized regional zones include: SFR: single family residential; MFR: multi-family residential; MUC: mixed use centers; COM: commercial; IND: industrial; RUR: rural residential; and POS: parks and openspace.

Definition of allow, limit, and prohibit

Metro's ESEE analysis describes the consequences of allowing, limiting, or prohibiting conflicting uses in fish and wildlife habitat areas. The Goal 5 rule requires that a program be developed that is based on and supported by the ESEE analysis, and that describes the degree of protection intended for the resource. Although the ESEE consequences analysis is described in terms of "allow, limit, or prohibit," the Goal 5 program may be some combination of the three scenarios, such as "strictly limit" (between prohibit and limit), "limit," or "moderately limit" (between limit and allow). Table 3 depicts Metro's general definitions of allow, limit, and prohibit for purposes of this general regional ESEE analysis. In the next phase of the ESEE, Metro will develop modeling assumptions for each development decision to assess the impacts of a variety of program options.

Table 3. General definition of allow, limit, and prohibit.

Allow	Limit	Prohibit
According to the Goal 5 rule, "a local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site." For example, the economic and social benefits of allowing an industrial use may outweigh the environmental and energy benefits of protecting the resource because of the additional jobs and increased tax base the development may create. A decision to allow the conflicting use does not necessarily preclude resource protection. All development in a resource area would be subject to existing local, state, and federal government regulations. Incentives and/or educational materials could be developed to encourage stewardship and other voluntary protection measures.	According to the Goal 5 rule, "a local government may decide that both the resource and the conflicting use are important compared to each other and the conflicting use should be allowed in a limited way that protects the resource site to a desired extent." A program to limit a conflicting use can be designed to allow some level of development with certain restrictions to protect the resource. For example, the disturbance area may be limited in size ("x" number of square feet) and location (as far from the water feature as possible). Design standards may also be required to lessen the impact on the resource (e.g., tree retention, cluster development, impervious surface reduction). Mitigation standards may be required to replace lost resource functions (e.g., plant native vegetation).	A Goal 5 resource would receive the highest level of protection with a decision to prohibit conflicting uses. According to the Goal 5 rule, "a local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited." For example, development may be prohibited within a highly valuable riparian corridor with intact vegetation. Development would, however, be allowed if all economic use of a property is lost through full protection. This could occur when a parcel of otherwise developable land is located fully within a riparian corridor.

A decision to limit or prohibit conflicting uses in fish and wildlife habitat areas could impact the amount of buildable land available to meet the jobs and housing needs of the Metro region within the UGB. If land for employment and housing were protected then the Metro Council is required to consider either increasing densities or changing design type designations in other parts of the region. If the 20-year demand for growth still cannot be met, the Metro Council has the authority to expand the UGB to meet regional needs. At the regional level, expanding the UGB has the potential to mitigate the negative consequences on jobs and housing of limiting or prohibiting development. However, not all uses are "substitutable" or able to be relocated from one part of the region to another. For example, it is easier to relocate housing than water-dependent industrial uses. Expanding the UGB to allow for protection of fish and wildlife habitat may be one method to minimize clashes with conflicting uses. However, such a decision may increase expenditures associated with extending infrastructure, vehicle miles traveled, and other development related expenses.

ESEE Issues

Metro's approach for conducting a region-wide ESEE consequences analysis focuses on achieving the goals of the 2040 Growth Concept. The goals in the Growth Concept, the Future Vision, the Regional Framework Plan (implemented through the Urban Growth Management Functional Plan), and Metro's Vision Statement for Protecting Fish and Wildlife Habitat all specify that the region should manage growth while protecting the natural environment, maintaining a high quality of life, and providing affordable housing options.

Metro has taken a regional approach to the ESEE analysis, considering the overall tradeoffs of protecting or not protecting fish and wildlife habitat. Frequently, it was difficult to determine in which category to place a consequence. For example, flooding has negative economic consequences (cost to repair damaged structures), social consequences (families lose irreplaceable items like photos), environmental consequences (changes to the stream system), and energy consequences (energy used to repair buildings). Many consequences cross categories and Metro staff used professional judgement to determine which category was most effective for describing the consequences. The table below identifies the main ESEE issues considered in Metro's analysis.

Table 4. ESEE key issues.

Economic	Social	Environment	Energy
– Development values *(property values, location and use factors)* – Economic activity impacts *(jobs, income; costs to expand UGB or for regulatory compliance)* – Policy values and future goals *(2040 Growth Concept hierarchy)* – Ecosystem values *(flood management and water quality; salmon habitat; amenities; intrinsic values)* – Dynamic factors *(substitutability of land use; ability/need to expand UGB over time; opportunities for restoring resources)*	– Cultural heritage and sense of place *(nature & wildlife are part of region's unique identity; salmon: important to Metro residents; Native American culture)* – Public health *(recreation; clean air and water; sight of natural areas impacts mental health and reduce stress; spiritual values)* – Educational opportunities *(interdisciplinary education)* – Public safety *(tree canopy, vegetation reduces landslides and floods; may increase wildfires; nuisance species)* – Land supply *(housing & job types, location)* – Property rights *(Americans history of private property rights; takings; personal financial security; public property rights (fish, wildlife, water, air); distribution of benefits and burdens)* – Intergenerational equity	– Hydrology, physical stream condition, floodplain function – Water quality – Riparian or upland habitat condition – Vegetative cover – Fragmentation, light and noise – Microclimate – Woody debris and organic materials – Erosion, sedimentation and soil loss – Biodiversity; nonnative species invasions	– Transportation – Regionally, petroleum is second only to hydroelectric in use *(transportation is primary petroleum user)* – Transportation use is affected by urban form – fewer VMT with compact urban form – Motor vehicles are the single biggest air polluter *(pollution warms air (local and global), increasing smog)* – Temperature regulation *(plants reduce air temperature in urban areas prone to heat island effect; cool by shading and discharging water vapor; helps reduce global warming)* – Plants reduce energy use *(reduces air conditioning demand; reduces need to use energy for salmon protection, restoration by cooling water)*

ESEE Tradeoffs

The Goal 5 rule describes a process in which the ESEE consequences of allowing, limiting, and prohibiting conflicting uses are weighed with the need to preserve natural resources. These tradeoffs are described below. Metro considers the tradeoffs from a regional perspective. Some of the tradeoffs are different when considering local priorities and concerns; for example, from a regional perspective conflicting uses could be relocated or intensified in one area to account for resource protection in another. This solution may not address the needs of a city to provide jobs or housing within its jurisdiction, or to protect locally significant resources.

The consequences of allowing, limiting, or prohibiting conflicting uses vary by resource class, with negative impacts greater when conflicting uses are allowed in high value fish and wildlife habitat areas (see Table 5 below). On the other hand, the ecological benefits of prohibiting conflicting uses are greater for higher value fish and wildlife habitat areas. Impacts of allowing, limiting or prohibiting conflicting uses on undeveloped land would likely be greater than on developed land, because existing uses are assumed to be allowed. However, developed land may be impacted when redevelopment activities occur, depending on the type of program implemented. The consequences of allowing, limiting, or prohibiting conflicting uses are mostly the same for the regional zones, but there are some differences, as shown in Table 6.

Table 5. Resource site perspective of tradeoffs of allowing, limiting, and prohibiting conflicting uses.

Resource class	Allow	Limit	Prohibit
Class I Riparian/wildlife Class A Upland wildlife	The environmental consequences would be substantially greater in these areas than in resource areas with less functional value. There would not be many positive consequences of allowing conflicting uses in these high quality habitat areas. • No additional constraints on economic development of property, or on uses of property by landowners. • Class I contains 8% of unconstrained, buildable land within the UGB; if more vacant land fell within these areas the tradeoffs would be higher. • Of the 17% of land zoned for employment in Class I, none is considered high employment value, limiting economic benefits of allowing conflicting uses. • 42% of unconstrained, buildable land in Class I riparian/wildlife is zoned for single family use, so a decision to allow would minimize additional property owner concerns about further regulations on their land. • Class A upland wildlife contains about 11% of unconstrained, buildable land within the UGB, and of that land 77% is zoned for single family use. Single family use, if allowed, may be compatible with some habitat protection. • Loss of many primary ecological functions and habitat characteristics, fragmentation and degradation of key habitat for sensitive and endangered species, and introduction of nonnative species. • Loss of trees and vegetation would also lead to higher air temperatures and increased energy demand for temperature regulation. • Loss of ecosystem services, potential increase in municipal expenditures on water quality and flood control, and a high risk of foregoing future ecosystem benefits through retention of restoration opportunities. • Loss of social benefits because these high value habitats are critical to preserving cultural heritage and protecting public health. Negative impacts to salmon (and Native American culture). Irreversible changes to the heritage and economy of the Pacific Northwest.	Would allow some resource preservation while mitigating the negative economic, social and energy consequences. • The impact of limiting development would depend on the type of program implemented, and the results may range from minimal to almost complete protection of ecological functions. • The retention of ecological functions through a limit decision is affected by the degree to which medium and low value habitats are protected. • Using best management practices and low impact development standards to mitigate the impacts of development could reduce negative environmental, social, energy and economic consequences. • Retention of existing habitat would be much cheaper than restoring it later, and also would require less energy.	Would result in the most positive environmental consequences. • The amount of buildable land impacted would be one fifth (19 percent) of the total buildable land in the UGB, which would reduce competition between resource conservation and development of these high value habitats (Class I and Class A). • Preserving the high value habitats would minimize negative environmental consequences but would focus protection efforts on owners of buildable single family land, especially in upland habitat areas. • Reduce air temperatures but may increase infrastructure needs and commute distances by preventing road development in high value habitats and possible expansion of the UGB. • Preserves the value of ecosystem services provided by high quality habitat. • Preserves the public social values of habitat (cultural heritage, public health and safety, education, etc.) but may negatively impact private property rights. • Would likely require additional density elsewhere in the UGB or an expansion of the UGB to provide sufficient buildable land.

Resource class	Allow	Limit	Prohibit
Class II Riparian/wildlife Class B Upland wildlife	The tradeoffs would not be as great as in Class 1 riparian/wildlife but still would have a substantial negative impact on ecological function. • No additional constraints on economic development of property, or on uses of property by landowners. • Potential for losing existing ecological functions is reduced because fewer functions are present. May result in the loss of restoration opportunities. • The loss of Class II riparian/wildlife would remove existing water quality filtration capacity and other ecological functions, with resulting negative impacts on ecosystem services, social values, and energy use. • Would have a negative environmental impact on Class I riparian/wildlife by removing areas that contribute secondary function to the streams and water bodies. • Class II riparian/wildlife contains about 5% of the unconstrained buildable land within the UGB; thus allowing development in these areas does not have a significant economic benefit at the regional level. • Approximately 28% of Class II land supports employment, and a majority is classified as low employment value, minimizing the positive impact of an allow decision. • Loss of Class B land would result in the loss of connectivity between habitat patches as well as extensive loss of migratory stopover habitats and movement corridors. • Losing Class B would impact the value of the Class A upland wildlife areas by reducing connectivity among them, with consequent negative social and economic impacts. • Class B contains 9% of the buildable land in the UGB. Over 63% of that land is zoned for single family use, thus a decision to allow would positively impact residential property owners. • Only 9% of Class B land supports employment, and of that none is classified as high value employment, minimizing the positive economic impact of an allow decision.	The tradeoffs of preserving these habitat areas may be addressed by mitigating the negative consequences with a Limit decision. • The impact of limiting development would depend on the type of program implemented. • Using best management practices and low impact development standards to mitigate the impacts of development could reduce negative environmental, social, energy and economic consequences. • Retention of existing habitat would be much cheaper than restoring it later, and also would require less energy. • These habitat types that are not currently high quality may benefit from limited development if tied to restoration and mitigation.	Prohibiting conflicting uses would result in a number of positive environmental consequences but at the expense of affecting a large number of residential property owners. • Preservation of Class II riparian/wildlife and Class B upland wildlife would increase the quality of Class I riparian/wildlife and Class A upland wildlife, maintaining riparian ecological functions and habitat connectivity. • May result in the need to increase density within the UGB or to expand. This may reduce housing and employment choices and could increase energy use through increased VMT and the increased economic cost of development. • Would retain restoration opportunities where ecological functions could be regained by increasing tree canopy or removing nonnative plants.

Resource class	Allow	Limit	Prohibit
Class III Riparian wildlife Class C Upland wildlife	The tradeoffs would not be as great as in the higher value resource areas. • No additional constraints on economic development of property, or on uses of property by landowners. • Class III riparian/wildlife includes small forest patches and developed floodplains. The developed floodplains currently provide little ecological value but may provide opportunities for restoration in the future. Isolated small forest patches provide some environmental and energy benefits. • Class III riparian/wildlife makes up 1% of the buildable land in the UGB. 48% of that land is zoned for single family, development of which could retain some of the forest canopy, minimizing negative environmental impact of an allow decision. • 49% of Class III riparian/wildlife land is zoned for employment, and of that land 19% is classified as medium or high employment value. This indicates greater economic, social benefits of an allow decision than in Classes I or II. • Class C upland wildlife patches are of reduced quality compared to A and B upland wildlife. Negative environmental impacts of an allow decision are not as great as for Classes A and B. • Class C upland wildlife comprises only about 7% of the buildable land within the UGB, most of which is zoned for single family (37%) and industrial (26%). 25% of Class C upland wildlife land is zoned for employment, and most of that land is classified as low employment density.	Could preserve some resource value while mitigating the negative consequences of protection. Class III riparian/wildlife and Class C upland wildlife could provide important sites for restoration, improving the overall habitat quality for all resource classes.	The ecological benefits of prohibiting development in Class III riparian/wildlife and Class C upland wildlife would not be very great, while the negative economic, social and energy consequences for the property owners in these areas would be high. However, the impact on buildable land would be minimal, reducing the regional impact of preserving these areas.
Impact areas	The negative consequences of allowing conflicting uses in impact areas would be substantially less for all four ESEE factors than in higher value resource categories. • Impact areas provide little existing ecological function, so the environmental benefit of prohibiting conflicting uses is low. • These areas provide important opportunities for landowner education, stewardship and restoration. • With development and redevelopment a limit decision that directs the use of low impact development standards and best management practices could help the overall ecosystem to regain ecological function over time.		

Table 6. Regional zone perspective of ESEE tradeoffs.

Regional zone	Tradeoffs of allowing, limiting, or prohibiting conflicting uses
Single family residential	For single family uses the tradeoffs include many of the most sensitive social issues. • Largest portion (46%) of the inventory; includes 23% of the total unconstrained buildable land within the UGB. • A decision to allow minimizes additional restrictions on development potential, reducing possible impacts on personal financial security and regulatory or perceptual takings. • Allowing conflicting uses on vacant land may adversely impact established neighborhoods, changing neighborhood character, and resulting loss of trees and vegetation. • Limit decision provides opportunities to balance competing needs of resource protection and property development rights. May retain trees and vegetation and provide opportunities for stewardship and landowner education. May increase offsite roads and infrastructure. • Prohibiting conflicting uses completely would adversely affect many residential property owners, but would retain resources and neighborhood character.
Multi-family residential	The most important tradeoff for multi-family is the impact on capacity within the UGB. • Accounts for 5% of the inventory and 1.5% of the total unconstrained buildable land within the UGB. Thus, limiting or prohibiting conflicting uses would have a minimal impact on housing capacity. • Fewer infrastructure requirements per dwelling unit as compared to single family, reducing cost of development (economic and energy) but increasing vegetation loss & impervious surfaces. • Limit decision allows for substantial preservation of the resource along with development if low impact development (LID) standards are applied in conjunction with best management practices (BMPs).
Mixed use centers	A key tradeoff is supporting the 2040 Growth Concept and providing housing & employment capacity in the UGB. • Comprises only 2% of the inventory, and almost 2% of the total unconstrained buildable land in the UGB. • An allow decision for mixed-use centers allow residents the opportunity to live near their work, which tends to reduce vehicle miles traveled and related negative water quality impacts and energy use. Less time spent commuting also allows people time to spend with family, on hobbies or recreational activities. • Increased impervious surfaces and tree loss add to the urban heat island effect, contributes to global warming. • May provide some opportunity for resource preservation along with development, depending on the program.
Commercial	For commercial uses the most important tradeoff is the impact on employment and shopping opportunities. • Accounts for 5% of the inventory, and 1.5% of the total unconstrained buildable land in the UGB. • Allowing conflicting uses reduces employment impacts specific to development; does not affect related income & tax revenue to municipalities. • Increased levels of on-site impervious surfaces have negative environmental and energy impacts. • Limit decision would allow some retention of ecological functions by requiring LID and BMPs.
Industrial	For industrial uses the most important tradeoff is provision of employment and an income base for the region. • Comprises 14% of the inventory, but only 6% of the total unconstrained buildable land in the UGB. However, due to the scarcity of industrial land in the region, impacts may be high. • Most of the industrially zoned resource land is classified as having a low employment density. However, 60% of resource land in industrial zoning scored high for at least on measure of development value, increasing economic development impacts of a prohibit decision. • Instituting LID and BMPs may preserve some ecological functions, reducing negative economic impacts.
Rural	An important tradeoff is the impact of allowing conflicting uses on regional identity and preservation of land for future development. Rural areas serve as visual greenbelts and also maintain land in agricultural uses near the UGB. • Comprises 7% of the inventory and 7% of the total unconstrained buildable land in the UGB. Outside of the UGB (in Metro's jurisdiction), rural residential is the predominate use. • Rural uses provide important connector habitat. Allowing conflicting uses can have negative environmental effects such as livestock degradation of riparian areas and water quality impacts of leaky septic tanks. • Limit decision would provide opportunities to preserve habitat while allowing some development.
Parks and open space	A key consideration is the need for active recreation facilities versus using public land to preserve habitat. • Makes up 20% of the inventory, but provides a negligible amount of unconstrained buildable land. • Publicly owned lands offer the main opportunity to preserve habitat for the public benefit without negatively impacting private property owners.

Implications of ESEE for program options

The next step in Metro's planning process involves defining several program options for protecting fish and wildlife habitat. The tradeoffs associated with each option will be evaluated and compared, providing valuable information to the Metro Council as it considers a final decision to allow, limit, or prohibit conflicting uses in resource areas. The ESEE analysis helps to focus the debate in the program option phase. Key points from the analysis are highlighted below.

Economic

1. **Habitat lands have economic value for ecosystem services and for development potential.** Decisions that protect or enhance ecosystem services have a positive effect on the economy. In some cases it is more cost effective to protect natural resource areas than it is to undertake restoration or build engineered structures to provide for flood control, water quality, and other ecosystem services. The development potential of land based on the property market and other conditions competes with habitat values.
2. **The extent of the conflict between protecting fish and wildlife habitat and allowing development to occur is minimized by the following factors:**
   - Most resource lands inside the UGB are in park status (34 percent), developed with existing uses (22 percent), or constrained by existing regulatory programs protecting streams, wetlands, floodplains, and steep slopes near streams (16 percent). The majority of high value resource lands (71 percent of Class I riparian/wildlife; 59 percent of Class A upland wildlife) are already in use as parks or open space or are environmentally constrained.
   - While resource lands comprise 41 percent of the unconstrained buildable land supply within the 2002 UGB, the highest value resources comprise one-fifth of the region's buildable land supply.
   - A majority of resource lands occur outside areas of intensive urban development, reducing conflicts between habitat conservation and economic development.
   - A majority of high value resource land (83 percent of Class I riparian/wildlife and 95 percent of Class A upland wildlife) is not zoned to support employment (zoned for mixed-use centers, commercial, or industrial use), and land that does support employment is at low employment densities (based on employees per acre).
   - Conflicts are highest on resource lands in industrial zoning. About 61 percent of resource lands zoned for industrial use scored high for at least one measure of development value.
   - Limit and prohibit decisions would primarily affect 2040 design types with lower expected levels of urbanization (i.e., inner and outer neighborhoods). These areas cover a majority of the landscape, so the decisions would impact many property owners.
3. **Conflicts between ecosystem service value and development value remain because:**
   - The cumulative property value or employment affected could be significant depending on the amount of land on which conflicting uses are limited or prohibited.
   - Land considered of low development value from a regional perspective could be considered high development value from a local perspective.
4. **Regional economic impacts could be reduced by the availability of land elsewhere in the region or outside the UGB.**
   - Some development types can be accommodated within the region at higher densities; e.g., more housing units or dense commercial uses in centers.

- Other development may be less flexible; e.g. industrial uses or detached single family.
- A UGB expansion to replace buildable land may not be in the same area of resource protection, impacting the needs of the local community.
- Expanding the UGB may increase expenditures associated with vehicle miles traveled, extending or expanding infrastructure, and other urban growth expenditures.

5. **Decisions that result in protection of riparian corridors and wildlife habitat may reduce the future costs to municipalities of complying with environmental regulations, such as the federal Endangered Species Act and the federal Clean Water Act.** Likewise, degrading resources increases the likelihood that future municipal expenditure to comply with environmental laws will increase.

Social

1. **The social benefits of preserving fish and wildlife habitat are diverse and cross-cultural.** These include our cultural heritage, regional identity, sense of place, and neighborhood character. Property owners may also benefit from the retention of fish and wildlife habitat through increased property values. Opportunities for education abound in areas with healthy fish and wildlife habitat.
2. **The distribution of the regulatory burden on property owners to protect fish and wildlife habitat for the general public benefit is a critical social concern.** Private property rights are a fundamental cornerstone of American life, and additional regulations reducing development rights may be seen as an attack on personal financial security as well as a possible taking. However, there are public rights to clean air and water, as well as healthy fish and wildlife, which serve as a counterbalance to this view.
3. **Fish and wildlife habitat provide positive benefits to public health and safety, but there are some negative effects.** There are many obvious benefits of recreation, as well as the mental health and stress relief found in nature. Additionally, minimizing the incidence of flooding and erosion contributes to public safety. However, increased forest canopy and vegetation could lead to wildfire risks and potential damage from windstorms.
4. **People today have a responsibility to provide future generations with some of the same benefits that current residents enjoy.** Preserving fish and wildlife habitat for future generations is a social value that must be balanced by the costs of doing so today. Sustainable development practices allow for development to occur today while maintaining a certain amount of intergenerational equity.

Environmental

1. **Conflicting uses on highly valued habitat land have a greater negative impact than on less valuable land.** For example, loss of high-value Class I riparian/wildlife would have a stronger ecological impact than Class II or Class III. Loss of high-value riparian resources would also result in loss of high-value wildlife habitat, because Class I riparian/wildlife resources include some high-value wildlife habitat (including Habitats of Concern).
2. **Consequences to wildlife habitat also depend on resource value, but with different implications than riparian resources.** Connectivity is important to wildlife, therefore the loss of any component in the system may reduce the value of nearby wildlife habitat patches. For example, preserving two Class A upland wildlife habitat patches will be most valuable if connectivity is retained, and the connecting patches are typically Class B or C upland wildlife. Preserving only Class A upland wildlife will reduce its value due to the loss of nearby Class B and C habitats.

3. **Trees are invaluable to the health of both wildlife habitat and riparian corridors.** They are important both near streams and throughout the watershed, as affirmed by local studies. Trees provide habitat, absorb pollution and excess nutrients, and slow and retain stormwater, reducing hydrologic alterations.
4. **Hydrologic changes have far-reaching negative consequences.** Changes to stream flow have far-reaching environmental impacts. Reducing or mitigating impervious surfaces and stormwater impacts is necessary to mimic natural water flow patterns.

Energy

1. **Trees and other vegetation are a key variable mitigating negative energy impacts.** Plants clean and cool air and water, and also reduce air conditioning demand.
2. **Transportation infrastructure creation and maintenance require energy, whereas transit and alternative transportation modes reduce energy consumption.** Program solutions that reduce infrastructure needs and support alternative modes of transportation can reduce overall energy use.
3. **At the regional scale, fossil fuel use for transportation constitutes a key use of energy and contributes to warming of air and water, as well as air pollution.** Reducing vehicle miles traveled, and the infrastructure required to support such travel, is an important variable in reducing energy use.
4. **Protection of natural areas can increase energy use by increasing VMT, because drivers must travel around the protected areas.** However, trees and other vegetation also help mitigate negative energy effects. A limit decision could provide a balance between compact urban form and retention of green infrastructure within the urban area.

Integrating the needs of people with the needs of fish and wildlife in an urban environment is not an easy task. There is debate on the value of protecting habitat in urban and developing areas, considering the difficulty many species have cohabiting with humans and the economic value of developable land in urban areas. However, a large body of evidence, both local and nationwide, indicates that people living in urban areas value fish and wildlife habitat. In addition, properties located adjacent to natural areas can have higher economic and social value.

The right balance between preserving and developing natural areas is not obvious. Allowing 100 percent of the desired development activities or protecting 100 percent of the habitat areas from development will not satisfy the many competing interests, as described above. The ESEE tradeoffs and key points identified in this report create a base of facts as a foundation for the public debate and decision making process.

Revised Addendum to Exhibit A: Comments on ESEE Analysis and Executive Summary

Reviewer	Report & section	Comment	Response
MTAC	ESEE Report	Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on *transportation facilities*	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on *other infrastructure*	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on the *ability to provide security for public infrastructure* that is located in these areas	Staff will address
		Address the social and economic consequences of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas that are located within *public and private institutions*	Staff will address
		Consider the value of vested property rights in determining economic priorities	Staff will consider
		Confirm that the effect on redevelopment from a decision to allow, limit, or prohibit conflicting uses is adequately addressed	Staff will address
ETAC	ESEE Report; Economic priority methodology	Report needs to recognize dividing points are coarse, and more description of how they were determined (for both economic and environmental) needs to be included. Identify limitations of the priority ranking methodology. Add reference to Port study of the river industrial area.	Staff will address
	ESEE Report; Component summary categories	Changing the component summary categories to include only Regionally Significant Industrial Areas and not all industrial areas does not reflect the priority the committee discussed for these areas. This also creates complications for intermodal facilities. ETAC recommends removing this distinction.	Staff will consider
	ESEE Report; Table 4-1	Undervalues the ecosystem service functions of some areas such as steep slopes (for landslides) and small headwaters (for water quality).	Staff will consider
IEAB Summary comments	ESEE Report ECO analysis	1. Presentation bias/unbalanced treatment of economic effects 2. Positive values of ecological services are over-emphasized and costs of limit or prohibit decisions are de-emphasized 3. Statements not backed up by quantifiable information should be presented as value judgements 4. The conflict between the development of industrial sites and riparian protection is missing from several parts of the reports 5. 2040 growth concept is not included in key parts of the report 6. Costs of not expanding the UGB are not considered 7. Several important economic factors appear to be missing from the analysis 8. Not enough emphasis on the economic values of open space that would be enhanced or preserved by prohibit or limit decisions 9. More explanation of methodology used to create high, medium, and low categories should be included. Resulting analysis is highly dependent on how these categories are defined.	1. Staff will consider 2. Staff will consider 3. Staff will address 4. Staff will address 5. Staff will address 6. Staff will address 7. Staff will consider 8. Staff will address 9. Staff will address

		10. Reports imply a cost-benefit analysis when they only provide a consideration of the costs and benefits. 11. Economic equity discussion should be expanded. 12. Areas that do not have resources still may be impacted by limit or prohibit decisions by a general increase in housing costs and job opportunities 13. Reports need to define terms and use them consistently 14. Include more description of Goal 5 rule and policies influencing analysis 15. State that the expansion of the UGB is a possible policy consideration 16. Add more clarification of the 2040 design types in the ECO report 17. Review tables to ensure the numbers reported are accurately described	10. Staff will address 11. Staff will address 12. Staff will address 13. Staff will address 14. Staff will consider 15. Staff will address 16. Staff will address 17. Staff will address
IEAB Individual reviewers	ESEE Report	All comments were reviewed and will be considered when revising the report. Many are editorial and are not included in this table. The following comments were not included in the summary above: 1. Color maps would be helpful – or a link to a website that contains the color maps (NN, SH, TM) 2. Concern about describing Multi-family as not supporting employment (RM) 3. Economic chapter in ESEE Report is much clearer and better written than ECO Report. (SH, TM) 4. Changes in timber production are not solely the result of restrictions due to the spotted owl and Canadian policies. (HR) 5. Ranking all jobs together is very simplistic, at least two categories are needed: average income per job and multiplier effect. (HR) 6. Describe maps when they appear in the report (TM)	1. Staff will consider 2. Staff will consider 3. Thanks! 4. Staff will consider 5. Staff will consider 6. Staff will address
Port of Portland	ESEE Report	1. Publicly owned lands are tax-exempt, yet this is not acknowledged in the economic analysis or the maps. . 2. The ESEE report should cite the recently completed Portland Harbor Industrial Lands Study.	1. Staff will address 2. Staff will address

EXHIBIT B
Resolution No. 03-3376B
Fish and Wildlife Habitat Protection and Restoration Program Options
Program Options Report
October 31, 2003

1. Program Options

The Metro Council and its local partners are conducting a three-step planning process to conserve, protect, and restore urban streams, waterways and upland areas that provide important fish and wildlife habitat. State land-use planning laws and broad citizen concern about the need to protect and restore habitat guide this work.

Based on a scientific assessment of functional habitat values, Metro Council identified regionally significant fish and wildlife habitat in August 2002, completing the first step of the planning process. This paper describes the approach Metro is following to carry out the second step of the planning process: assessing the Economic, Environmental, Social, and Energy (ESEE) tradeoffs of protecting or not protecting regionally significant fish and wildlife habitat.

Metro's ESEE analysis is divided into two phases. The first phase is nearly complete with the release of the discussion draft ESEE Report that describes the general tradeoffs of allowing, limiting, or prohibiting conflicting uses in fish and wildlife habitat areas.[1]

Evaluating the performance of a range of program options is the objective of the second phase of the ESEE analysis. Program options will be defined by applying a range of hypothetical Allow, Limit, and Prohibit regulatory treatments to regional resources and impact areas within Metro's jurisdiction. Non-regulatory approaches will also be analyzed as possible components to program options. The tradeoffs associated with each option will be evaluated and results compared, providing valuable information to Metro Council as it considers a regional ESEE decision in May 2004.

Metro Council is scheduled to consider a fish and wildlife program by December 2004 designed to protect the nature of the region for generations to come.

2. Description of Program Options and Evaluation

The Program Option Chart (Figure 1, page 5) illustrates the various regulatory and non-regulatory program approaches proposed for further study in the ESEE analysis. On the left hand side of the chart, the *"Range of Regulatory Program Options"* depicts two distinct regulatory approaches and provides a baseline for evaluation purposes. These are draft materials and will evolve based on comments from the public and advisory groups.

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[1] Metro's Economic, Social, Environmental, and Energy Analysis (ESEE) Discussion Draft Report, September, 2003.

Regulatory Approaches

Option 1, "Habitat based," proposes to study three levels of habitat protection ranging from least to most. Option 1 uses habitat quality as the basis of assigning regulatory treatments regardless of land uses or economic priorities. For example, the highest value (Class I) riparian/wildlife corridors receive the same level of regulatory protection in industrial areas as they do in residential areas. This approach recognizes fish and wildlife habitat as fixed assets in the urban landscape and orients urban development patterns around habitat areas based on the ecological values present. Option 1 Allow, Limit, and Prohibit regulatory treatments are shown in Table 1 (page 6).

Option 2, "Habitat and urban development based," proposes to study three levels of habitat protection based on both ecological values and urban development priorities. It applies 2040 policy priorities and economic data to adjust habitat protection levels. For example, the highest value (Class I) riparian/wildlife corridors receive differing levels of protection based on their location in areas identified in the ESEE analysis as providing high, medium, or low urban development values. A Class I riparian/wildlife corridor passing through a Regional Center or industrial area would receive less protection than one passing through an inner or outer neighborhood. Option 2 Allow, Limit, and Prohibit regulatory treatments are shown in Tables 2, 3, and 4 (pages 6 and 7).

"Baseline: Current regional regulations" describes the existing levels of regulation at the regional level. An analysis of the baseline regulations will allow Metro to determine the increment of additional protection each option would provide to inventoried fish and wildlife habitat areas. The baseline would be determined by applying Metro's existing Title 3 protection standards for water quality and flood areas, as well as accounting for fish and wildlife habitat in parks and open spaces. The existing Baseline regulatory treatment is shown in Table 5 (page 8).

The *Riparian District Plans* box in Figure 1 provides a placeholder for the future development of a method to vary compliance with any of the regulatory approaches described above. The Riparian district plan[s] concept will be further developed during Phase II of the ESEE analysis.

Non-regulatory approaches

Regulatory options affect land use activities through the permit process. Other activities cause disturbance to fish and wildlife habitat that are not regulated through the permit process. Some of these activities could be affected through a non-regulatory approach. The right side of the Program Option Chart displays the range of possible non-regulatory program options focusing on acquisition, incentives, and education. Regulatory and non-regulatory options could be applied together to provide a complimentary set of tools for protecting and restoring fish and wildlife habitat.

Non-regulatory approaches depend heavily on new funding sources to support land acquisition, incentive and education programs. Table 6 (page 9) displays possible range of non-regulatory options distinguishing between existing programs and potential programs.

Restoration
The Program Option Chart (Figure 1, page 5) shows that *restoration* can be addressed through regulatory and non-regulatory options. Metro's inventory of fish and wildlife habitat can help to identify restoration opportunities. The degree to which any given option protects fish and wildlife habitat helps preserve restoration opportunities. In addition, successful restoration of fish and wildlife habitat depends heavily on non-regulatory program options. For example, creating new dedicated funding sources and land owner recognition programs could bolster restoration efforts. The evaluation criteria will provide a general assessment of how a given option performs in addressing restoration opportunities.

3. Definition of ESEE decisions for allow, limit or prohibit treatments
A more precise definition of Allow, Limit, and Prohibit regulatory treatments is needed to determine ESEE tradeoffs and model how different program options will look "on-the-ground." Although Metro's ESEE Report describes general tradeoffs in terms of "allow, limit, or prohibit," tradeoffs can be determined in a more discriminating way by defining degree of limitations on conflicting uses that fall between the extremes of "allow" and "prohibit."

Limit treatments are divided into three categories that represent a continuum ranging from strictly limit, moderately limit, and lightly limit. A description of the assumptions tied to these treatments is provided on page 10. For example, a "strictly limit" treatment assumes that very little building occurs in areas covered by this treatment (primarily those parcels which are located entirely within the treatment area). A "moderately limit" treatment assumes that a moderate percentage of the resource area will be developed. A lightly limit treatment assumes an higher percentage of the resource area will be developed compared to moderately limit treatments. These assumptions will help model how much habitat will be protected, and conversely, how much development will be accommodated under various options.

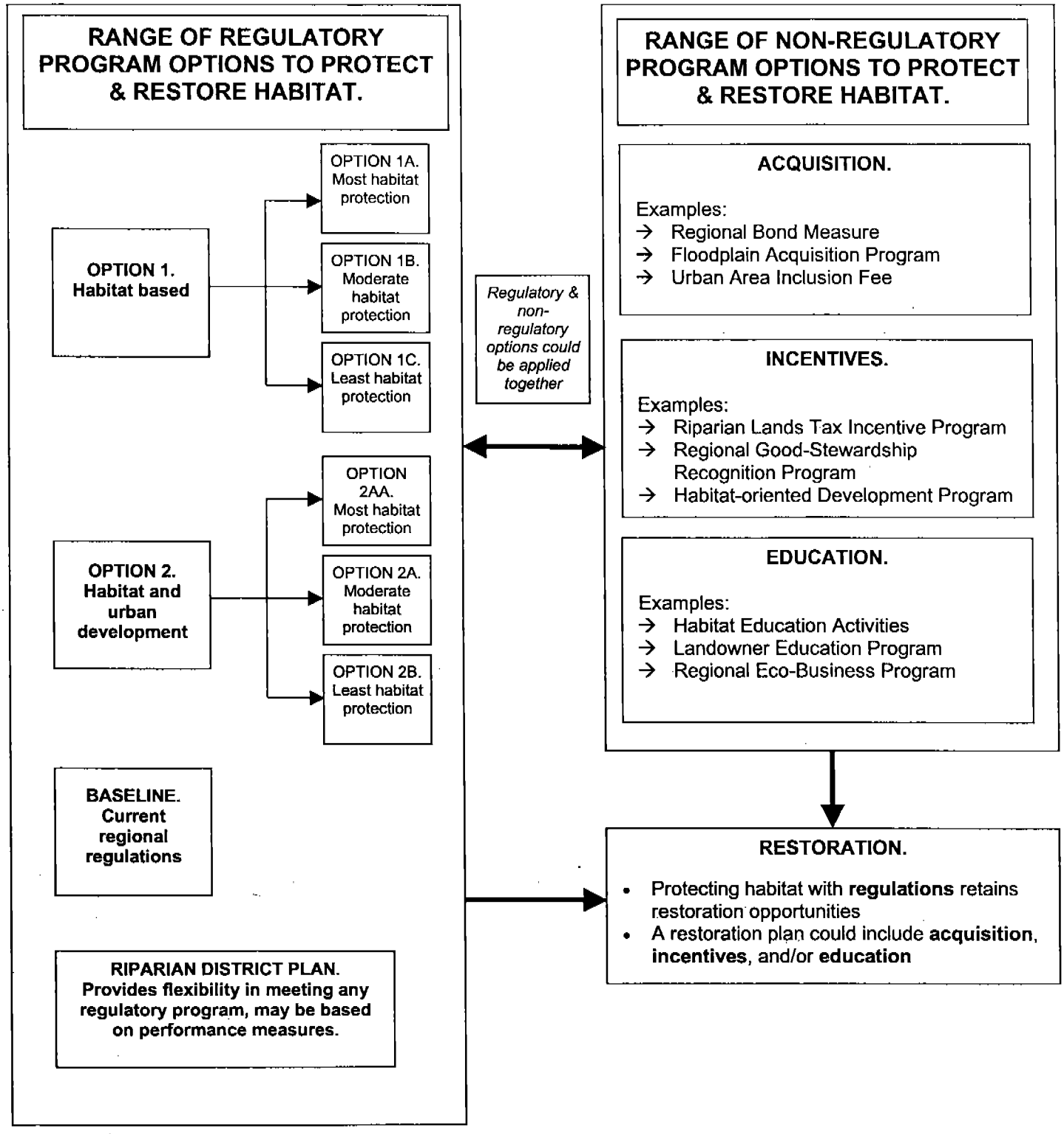
4. Criteria and potential indicators and measures for evaluation of program options

Each program option will be evaluated according to criteria that reflect what was learned in the first phase of the ESEE analysis, as well as other considerations important in formulating regional policy. Table 7 (pages 11-12) lists criteria and corresponding potential indicators and measures for determining whether, or how well, a given criterion is addressed by a program option. In addition to criteria related to the economic, social, environmental, and energy factors, Table 6 lists criteria related to federal environmental laws, funding requirements, effectiveness of non-regulatory approaches, and the increment of additional protection beyond current levels required by the various program options.

Metro staff does not propose to weight the criteria, and any given option will result in a spectrum of economic, social, environmental, and energy tradeoffs. It is ultimately up to

the Metro Council to determine, based on the results of the evaluation, which program option, or combination of program options, will be chosen to develop a regional fish and wildlife habitat protection program.

FIGURE 1: PROGRAM OPTION CHART



REGULATORY OPTIONS TO PROTECT AND RESTORE HABITAT.

Option 1. Habitat based.

Description: This approach recognizes fish and wildlife habitat as fixed assets in the urban landscape and orients urban development patterns around habitat areas based on the ecological values present.

Table 1. Option 1: Habitat based.

Resource Category	Option #1A Most habitat protection	Option #1B Moderate habitat protection	Option #1C Least habitat protection
Class I Riparian/Wildlife	Prohibit	Strictly limit	Moderately limit
Class II Riparian/Wildlife	Prohibit	Moderately limit	Lightly limit
Class III Riparian/Wildlife	Strictly limit	Lightly limit	Allow
Class A Upland Wildlife	Prohibit	Strictly limit	Moderately limit
Class B Upland Wildlife	Strictly limit	Moderately limit	Lightly limit
Class C Upland Wildlife	Strictly limit	Lightly limit	Allow
Impact Areas	Lightly limit	Lightly limit	Allow

Option 2. Habitat and urban development.

Description: Applies 2040 policy priorities and economic data to modify habitat protection levels.

Table 2. Option 2AA: Habitat and urban development. (Most habitat protection).

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components,[1] high employment value, or high land value[4]	Secondary 2040 components,[2] medium employment value, or medium land value[4]	Tertiary 2040 components,[3] low employment value, or low land value[4]	Parks and Open Spaces, no design types
Class I Riparian/Wildlife	Strictly limit	Strictly limit	Prohibit	Prohibit
Class II Riparian/Wildlife	Moderately limit	Moderately limit	Strictly limit	Strictly limit
Class III Riparian/Wildlife	Lightly limit	Lightly limit	Lightly limit	Moderately limit
Class A Upland Wildlife	Lightly limit	Moderately limit	Moderately limit	Strictly limit
Class B Upland Wildlife	Lightly limit	Lightly limit	Moderately limit	Moderately limit
Class C Upland Wildlife	Lightly limit	Lightly limit	Lightly limit	Moderately limit
Impact Areas	Lightly limit	Lightly limit	Lightly limit	Lightly limit

[1]Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas
[2]Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas, Employment Centers
[3]Tertiary 2040 components: Inner and outer neighborhoods, Corridors
[4] Land value excludes residential lands.
Note: Staff will define regionally significant public facilities and recommend the appropriate urban development value rank during Phase II of the ESEE analysis.

Table 3. Option 2A: Habitat and urban development. (Moderate habitat protection).

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components,[1] high employment value, or high land value[4]	Secondary 2040 components,[2] medium employment value, or medium land value[4]	Tertiary 2040 components,[3] low employment value, or low land value[4]	Parks and Open Spaces, no design types
Class 1 Riparian/Wildlife	Lightly limit	Moderately limit	Strictly limit	Strictly limit
Class 2 Riparian/Wildlife	Lightly limit	Lightly limit	Moderately limit	Moderately limit
Class 3 Riparian/Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Class A Upland Wildlife	Lightly limit	Moderately limit	Moderately limit	Strictly limit
Class B Upland Wildlife	Lightly limit	Lightly limit	Moderately limit	Moderately limit
Class C Upland Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Impact Areas	Allow	Lightly limit	Lightly limit	Lightly limit

[1]Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas
[2]Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas, Employment Centers
[3]Tertiary 2040 components: Inner and outer neighborhoods, Corridors
[4] Land value excludes residential lands.
Note: Staff will define regionally significant public facilities and recommend the appropriate urban development value rank during Phase II of the ESEE analysis.

Table 4. Option 2B: Habitat and urban development. (Least habitat protection).

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components,[1] high employment value, or high land value[4]	Secondary 2040 components,[2] medium employment value, or medium land value[4]	Tertiary 2040 components,[3] low employment value, or low land value[4]	Parks and Open Spaces, no design types
Class 1 Riparian/Wildlife	Allow	Lightly limit	Moderately limit	Strictly limit
Class 2 Riparian/Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Class 3 Riparian/Wildlife	Allow	Allow	Allow	Moderately limit
Class A Upland Wildlife	Allow	Lightly limit	Moderately limit	Strictly limit
Class B Upland Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Class C Upland Wildlife	Allow	Allow	Allow	Moderately limit
Impact Areas	Allow	Allow	Lightly limit	Lightly limit

[1]Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas
[2]Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas, Employment Centers
[3]Tertiary 2040 components: Inner and outer neighborhoods, Corridors
[4] Land value excludes residential lands.
Note: Staff will define regionally significant public facilities and recommend the appropriate urban development value rank during Phase II of the ESEE analysis.

Baseline for evaluation (current regional regulations).

Description: Metro's adopted Title 3 Water Quality and Floodplain Management program provides consistent regulations to vegetated corridors and floodplains throughout the region.

Table 5. Baseline for evaluation (current regional regulations).

Resource type	Slopes less than 25%	Slopes greater than 25%
Primary Streams Draining > 100 acres	50 ft. from top of stream bank	Up to 200 ft. from top of stream bank (to break in slope)
Secondary Streams Draining 50 to 100 acres	15 ft. from top of stream bank	Up to 50 ft. from top of stream bank (to break in slope)
Wetlands	50 ft. from edge of wetland	Up to 200 ft. from top of stream bank (to break in slope)
Floodplains	Balanced cut & fill and prohibition of uncontained areas of hazardous materials as defined by DEQ	NA

NON-REGULATORY OPTIONS TO PROTECT AND RESTORE HABITAT.

Table 6. Non-regulatory options.

POTENTIAL FOCUS	HOW		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	**Examples of potential programs**				
Natural areas (includes riparian and upland areas)	• *Metro Openspaces Acquisition Program.* Funded through $135 million bond measure approved by voters in 1995. Focuses on targeted natural areas and regional trails. • *Three Rivers Land Conservancy Acquisition Program.* Works to encourage donation of conservation easements to protect targeted open space in the Metro region.	• *Regional Bond Measure.* Focused on purchasing targeted Habitats of Concern and connector habitat from willing sellers and restoration.	4	4		4
		• *Regional Revolving Land Purchase Fund.* Develop a program to purchase habitat land, place development restrictions or conservation easements to protect habitat areas, and then sell remaining land for development.	4	4	4	
Watersheds	• *Oregon Watershed Enhancement Board (OWEB) General Grant Program.* Grants to carry out on the ground watershed restoration projects to restore aquatic habitat, improve water quality, and improve biodiversity. Projects include planting, culvert replacement, habitat improvements, wetland restoration, and others. • *Metro/USFWS Greenspaces Grant Program.* Provides funding for urban projects that emphasize environmental education, habitat enhancement and watershed health.	• *Regional Restoration Plan.* Develop a restoration plan for the region based on watersheds. Start with Watershed Action Plans and build from existing/ongoing efforts. Include grant program to fund restoration projects, recognition of good stewardship, and targeted education.		4	4	4
		• *Regional stormwater management fee.* Implement a regional fee on stormwater to fund watershed based restoration activities.				4
		• *Habitat Education Activities.* Focus efforts to increase awareness of connection to streams and rivers, similar to fish stencil programs.			4	
Floodplains	• *Sherwood program.* Requires SDC for development in floodplains, fee waived in flood area is donated to the city. • *Johnson Creek Willing Seller Program.* Portland program allows landowners in Johnson Creek floodplain to sell their property to the City at fair market value. After acquisition, properties are restored to natural floodplain function. Funded largely with dollars from FEMA after the 1996 flood.	• *Regional SDC Program.* Develop a regional SDC program similar to the City of Sherwood to protect and restore floodplain function to reduce development's impact on stormwater.	4	4		4
		• *Floodplain Acquisition Program.* Coordinate and facilitate expansion of a willing seller program similar to Portland's to purchase and restore land within floodplains.	4		4	4
Streamside areas	• *East Multnomah Soil & Water Conservation District grants.* Provides awards for conservation and restoration projects, ranging from $200-2,500. • *Wildlife Habitat Incentives Program (WHIP).* Implemented through NRCS to help landowners develop and improve wildlife habitat on their land. In Oregon approximately $350,000 is targeted for salmon habitat, riparian habitat, and promotion of biodiversity.	• *Regional Streamside Restoration Grant Program.* Program to target education and fund restoration projects in streamside areas. (May be part of a *Regional Restoration Plan*).			4	4
		• *Riparian Lands Tax Incentive Program.* Allows property owners to gain a full tax exemption for improving or maintaining riparian lands up to 100 ft from a stream, must include a management plan developed in coordination with ODFW. Implement with local county approval, state limits tax relief to 200 stream miles per county.		4	4	4

POTENTIAL FOCUS	HOW		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	Examples of potential programs				
Rural land	• *Environmental Quality Incentives Program (EQIP).* Provides payments through the Natural Resources Conservation Service (NRCS) to farmers and ranchers for assistance implementing conservation practices on their lands (including filter strips, manure management practices and others). Authorized by the 2002 Farm Bill, pays up to 74% of the costs of the implemented practice.	• *Urban Area Inclusion Fee.* Requires legislative changes. Captures a portion of the increased value of property (windfall) due to inclusion within the urban growth boundary. Funds could be used to purchase or restore habitat land within Metro's jurisdiction.	4		4	4
Property owners	• *Metro's Natural Gardening and Landscaping Program.* Metro offers free natural gardening seminars and workshops in spring and fall. Also includes a demonstration garden, summer garden tour, and educational materials. • *Downspout Disconnect Program.* Portland program that provides property owners with funds and technical expertise to disconnect downspouts to reduce flow into the stormsewer system.	• *Stewardship Certification Program.* Proposed by the Conservation Incentives Summit Group, this program would provide recognition to a variety of stakeholders for implementing best management practices and other practices of conservation value.		4	4	4
		• *Regional Good-Stewardship Recognition Program.* Develop a regional program to recognize property owners in high value habitat areas for good stewardship and restoration efforts. (May be part of a Regional Restoration Plan).		4	4	4
		• *Landowner Education Program.* Target landowners in regionally significant habitat areas to raise awareness of how individual activities impact fish and wildlife habitat.			4	
Businesses	• *Eco Biz Program.* City of Portland program, started to recognize auto repair and service facilities that minimize their environmental impacts. Currently being extended to landscaping business.	• *Regional Eco-Business Program.* Develop a regional program to recognize and certify good business practices. Include an educational component describing ways to minimize impact on habitat.		4	4	
Design and construction practices	• *Metro's Green Streets Handbook.* A resource for designing environmentally sound streets that can help protect streams and wildlife habitat. • *Eco-roof Program.* Portland provides sewer rate discounts to developers that build greenroofs minimizing stormwater runoff. Also provides an eco-roof floor area bonus, in which each square foot of eco-roof equals an additional three square feet of building area in the downtown. • *G-Rated Incentive Program.* Portland program that encourages innovations in residential and commercial development and redevelopment for green building design practices. Provides up to $20,000 for commercial projects and $3,000 for residential projects.	• *Regional Habitat Friendly Development Program.* Work with local partners to develop technical assistance, incentives, recognition programs, and awards for development that helps protect fish and wildlife habitat. Develop regional low impact development standards.		4	4	4
		• *Habitat-oriented Development Program.* Develop a program similar to Metro's Transit-oriented Development (TOD) Program to encourage construction of new developments or redevelopment that protects and restores fish and wildlife habitat.		4	4	4
		• *Model Wildlife Crossing Program.* Develop a grant program to construct wildlife crossing facilities in key movement corridors.		4		4

5. Definition of ESEE decisions for allow, limit or prohibit treatments

The following assumptions apply to all limit and prohibit treatments:

- No existing buildable lot would be rendered unbuildable
- Existing regulations remain in effect (local, regional, state, and federal)
- Existing legal development may be maintained and repaired
- Adverse impacts of development will be mitigated

Prohibit assumption:

- Development inside resource areas prohibited (unless prohibition removes all economic use of property)
- Horizontal expansion of existing buildings prohibited
- If development is allowed, a maximum disturbance area will be allowed

Strictly Limit assumptions

- Very little building occurs in areas covered by a strictly limit decision (primarily those parcels which are located entirely within the resource area); public facilities allowed if no options with less impact on resources are available.
- Maximum disturbance area allowed oriented to protect the resource, low impact development practices and best management practices
- No development in wetlands and undeveloped floodplains
- No net loss of forest canopy and low structure vegetation within resource area
- Land divisions not allowed except to establish open space lots or tracts within land divisions or planned developments

Moderately Limit assumptions:

- A moderate percentage of resource area is developed
- Maximum disturbance area allowed oriented to protect the resource, low impact development practices and best management practices to avoid adverse impacts on resource functions
- Some development in wetlands and undeveloped floodplains will occur
- Land divisions would provide flexibility to allow clustering, small lots, transfer of development rights to avoid adverse impacts while achieving planned densities on average
- Less forest canopy and low structure vegetation within resource area is retained compared to Strictly Limit decisions

Lightly Limit assumptions:

- A higher percentage of resource area compared to Strictly Limit and Moderately Limit decisions is developed
- Low impact development practices and best management practices to avoid adverse impacts on resource functions will apply
- More wetland and undeveloped floodplain loss compared to Strictly Limit and Moderately Limit decisions
- Land divisions will occur subject to underlying zoning

- Less forest canopy and low structure vegetation within resource area is retained compared to Strictly Limit and Moderately Limit decisions.

Allow assumptions:

- Resources not covered by existing regulations assumed to be developed over time

Criteria for evaluation of program options

In October 2000, the Metropolitan Policy Advisory Committee (MPAC) developed a vision for fish and wildlife habitat protection for the region, which was adopted by the Metro Council.

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

The Metro Council is scheduled to consider, based on the results of the evaluation, which program option, or combination of program options, will be chosen to develop a regional fish and wildlife habitat protection program. Both regulatory and non-regulatory options may be assessed with the same criteria. Possible criteria to evaluate the performance of various program options are:

Table 7. Potential criteria, indicators and measures for evaluation of program options.

Criteria	Potential indicators and measures
Economic factors 1. Higher market value areas retained for development 2. Key employment areas conserved for employment 3. Reflects 2040 design hierarchy priorities 4. Promotes retention of ecosystem services 5. Promotes potential for non-use or use for recreational economic purposes 6. Economic equity	1. Acres of buildable land with high land value affected 2. Acres of buildable land with high employment value affected 3. Acres of buildable land by 2040 hierarchy affected 4. Number of functions/ecosystem services affected 5. Acres of public land with resource function located near population centers 6. Distribution of allow, limit, prohibit treatments
Social factors 1. Maintains cultural heritage and sense of place 2. Reduces impact on types/location of jobs and housing 3. Minimizes impact on individual landowner rights 4. Preserves amenity value of resources 5. Preserves resources for future generations	1. Qualitative measure 2. Number of potential housing units or jobs affected 3. Number of tax lots by zoning type affected 4. Extent of reliability of protection 5. Total resource acres protected
Environmental factors 1. Retains forest canopy cover 2. Conserves existing watershed health (retains primary and secondary riparian corridor functions) 3. Promotes conservation of sensitive habitats and species 4. Promotes habitat connectivity and riparian corridor continuity 5. Promotes large habitat patches 6. Promotes restoration 7. Promotes no net loss of ecological function	1. Total acres forest cover affected 2. Total acres containing primary and secondary riparian corridor functions affected 3. Acres of Habitats of Concern affected 4. Total acres in medium or high connectivity scores; maintains/enhances continuity of riparian corridors 5. Number of acres/patches in largest category affected 6. Acres of protected resource land in low structure vegetation 7. Acres of habitat land protected
Energy factors 1. Promotes compact urban form 2. Promotes retention of green infrastructure	1. Potential for displacement of land uses by protection of habitat within UGB. 2. Percent vegetative cover (or tree canopy) affected

Federal ESA: Extent to which option assists in recovery of listed species and facilitates achieving blanket "exception to take" under the MRCI limits of the 4(d) rule.	1. Protects slopes, wetlands, and areas of high habitat value 2. Maintains hydrological conditions 3. Protects area within one site potential tree height of all streams 4. Maintains & restores native vegetation along stream corridors 5. Minimizes stream crossings 6. Retains channel migration zone (primary function for *Large wood and channel dynamics*) 7. Reduces and prevents erosion and sediment run-off (primary function of *Bank stabilization, sediment, and pollution control*) 8. Includes mechanism for monitoring, enforcement, funding and implementation of protection
Federal CWA: Extent to which option assists in meeting state and federal water quality standards.	1. Number of primary and secondary functions maintained 2. Miles of stream within a watershed with Class I & II status protected
Funding challenges	1. Funding required to effectively carry out program elements, such as acquisition, conservation easements, education, technical assistance, incentives to landowners, and restoration 2. New authority needed (such as for the Riparian Tax Incentive) for implementation
Effectiveness for habitat protection	1. Level of certainty as assessed from experiences with compliance or voluntary actions 2. Potential use of incentive 3. Reliability of protection
Increment of additional protection	1. Example of how local standards would need to change (e.g., extent of resource covered by local protection compared to the option, level of local protection provided to the resource compared to the option)

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO 03-3376A FOR THE PURPOSE OF ENDORSING METRO'S DRAFT PHASE 1 ECONOMIC, SOCIAL, ENVIRONMENTAL AND ENERGY (ESEE) ANALYSIS AND DIRECTING STAFF TO CONDUCT MORE SPECIFIC ESEE ANALYSIS OF MULTIPLE FISH AND WILDLIFE PROTECTION AND RESTORATION PROGRAM OPTIONS.

Date: October 24, 2003 Prepared by: Andy Cotugno and Chris Deffebach

BACKGROUND

Policies in Metro's Regional Framework Plan and sections of the Urban Growth Management Functional Plan call for Metro to develop a regional fish and wildlife protection program. As defined in a Vision Statement that was developed in cooperation with local governments at MPAC and endorsed by MPAC and Metro Council in 2000, the overall goal of the protection program is, ..." to conserve, protect and restore a continuous ecologically viable streamside corridor... that is integrated with the urban environment." Metro is currently developing this program, following the 3-step process established by the State Land Use Planning Goal 5 administrative rule.

In the first step of this 3-step process, Metro identified regionally significant fish and wildlife habitat using the best available science, computer mapping, and fieldwork. In 2002, after review by independent committees, local governments and residents, Metro Council adopted the inventory of regionally significant fish and wildlife habitat lands.

The second step of the process is to evaluate the Economic, Social, Environmental and Energy consequences of a decision to allow, limit or prohibit conflicting uses on these regionally significant lands. Metro is conducting the ESEE analysis in two phases. The first phase is to evaluate the ESEE consequences at a regional level. This work is now complete and is presented as Exhibit A to this Resolution. The second phase of the ESEE analysis will evaluate a range of possible protection and restoration program options. The program options include a mix of regulatory and non-regulatory components. They are presented in Draft as Exhibit B to the Resolution. The evaluation of these options will respond to key questions that emerged from the Phase 1 ESEE analysis.

Based on the results of the evaluation of the program options, Metro Council is scheduled to consider where development of the fish and wildlife habitat areas should be allowed, limited or prohibited, as required in the Goal 5 administrative rule. Based on the results of the ESEE Analysis, Metro Council is scheduled to consider a direction for the development of a Fish and Wildlife Habitat Protection Program.

The Resolution has been forwarded to Metro Council by MPAC. The Resolution has also been reviewed by Metro's advisory committees including, Economic Technical Advisory Committee (ETAC), Goal 5 Technical Advisory Committee (Goal 5 TAC), Water Resources Policy Advisory Committee (WRPAC), the Independent Economic

Advisory Board (IEAB) and the Social Issues Group, Metro Technical Advisory Committee (MTAC).

Prior to Council consideration of this Resolution, staff will present a summary of public comments received at Metro Council's public hearing that was held on October 22nd for Council review and on any other comments that Metro receives after October 22nd.

This Staff Report summarizes the comments received from Metro's advisory committees on this Resolution and public comments received before October 22nd. The comments from Metro's advisory committees and the general public comments are described in attachments to this staff report. Staff identified comments from Metro's Advisory Committees as 1) those that are technical in nature or generally widely agreed upon; and 2) those that raise policy issues for Metro Council to consider.

For comments that are technical in nature or were generally widely agreed upon by the various committees, Staff has responded by preparing an "A" version of Resolution 03-3376. This "A" version includes: Revisions to the Resolution; creation of an Addendum to Exhibit A that lists those comments on the ESEE report for that staff will address in the next draft of the Report and revisions to Exhibit B of the Program Options. In summary, these revisions are:

Proposed Revisions in "A" Version of Resolution 03-3376
Staff propose modifying the Resolution language to add a whereas that refers to the Vision Statement; a revision to the 4th Resolve to reiterate Metro's policy on "taking" and a revision to the 5th Resolve to clarify the effect on existing structures and new structures.

For comments on the ESEE Report and Executive Summary, staff has noted those issues that will be addressed by adding clarification or more description in the report and those which require further consideration before addressing in the report. In the Addendum to Exhibit A staff propose to address or consider.

- Adding descriptions of the consequences on transportation and other infrastructure, security needs, redevelopment and on public and private institutions.
- Considering the value of vested property rights in determining economic priorities, and revising the economic report, prepared by Metro's consultants and included as an appendix to the full report, to address other comments raised by ETAC and the IEAB.

In Exhibit B, the Program Options, staff has proposed the following revisions:

- Replace the Non-Regulatory Table 6 with a revised Table 6 with additional descriptions of acquisition, incentive, education and restoration program examples and including an example of applying surface water management fees to restoration.
- Replace the Figure 1 Program Chart with a revised Figure 1 Program Chart that is consistent with the definitions used in the descriptions of the regulatory and non-regulatory options.

- Correct a technical error in Option 1B by changing the protection level for Class A Upland Wildlife from Moderately limit to Strictly limit so that the full range of protection levels are considered for upland wildlife.
- Revise the headings in the Habitat and urban development options to make explicit that the "other areas" category includes interim design types for the urban expansion areas and lands outside the URG but with no assigned design types.
- Simplify and clarify the assumptions that define ESEE decisions for allow, limit or prohibit treatments in this analysis.
- Clarify the criteria that refer to the Clean Water Act and the ESA.
- Add economic equity to the economic criteria
- Add a measure to consider net loss of environmental function and clarify other criteria environmental criteria

Issues for Council consideration
Comments that raise policy issues for further Metro Council consideration are summarized together. These are:

Comments that apply to all options

1. Consider simplifying and refining options to reduce confusion.
2. Eliminate program variables that would vary regulatory approaches by geographic area (e.g., inside/outside 2002 UGB).
3. Strengthen restoration element to have high importance in all of the regulatory and non-regulatory options.

Option 1

4. Consider increasing protection levels in Option 1.
5. Consider revising Options 1C to change allow decisions to lightly limit decisions in riparian areas.
6. Drop Option 1 from further evaluation since it does not explicitly reflect the economic consequences from the ESEE analysis.

Option 2

7. Consider the implication of the economic importance of Regionally Significant Industrial Areas, employment land, and corridors.
8. Consider eliminating residential land values from the land value measure and using the 2040 policy hierarchy only as the method to assess residential treatment.
9. Create a new option within the habitat and urban development category that provides stronger fish and wildlife habitat protection.

Option 3

10. Drop Option 3 from further evaluation since it does not seem to meet the Goal 5 rule or the Vision Statement and does not reflect the diversity of environmental values of the inventory.

Option 4

11. Drop Option 4 from further evaluation since it does not seem to meet the Goal 5 rule or the Vision Statement, because the region has already documented the need for more than current protection for fish and wildlife habitat and because of concern there is a lack of symmetry because prohibit is ruled out (in the resolution) and allow is not.
12. If this option remains for evaluation, call it the "baseline" rather than an option.

Step 3 of the Goal 5 process will be development of a protection program for adoption as part of Metro's Functional Plan. This step is scheduled to begin in May, with Council consideration of direction on a program option, and be completed by the end of 2004. The evaluation of program options in the ESEE analysis is designed to result in a "safe harbor" program that local jurisdictions could adopt with State approval and to offer variations to the Safe Harbor program Variations would offer an approach for local jurisdiction implementation that supports local flexibility and the opportunity to develop a riparian district plan. The Protection Program would be adopted by local governments after acknowledgement by the State and implemented within two to four years.

ANALYSIS/INFORMATION

1. **Known Opposition.** Metro has received opposition and comments on different parts of the preliminary Goal 5 ESEE analysis and the Draft Program Options for Fish and Wildlife Habitat Protection. This staff report identifies comments on this resolution received from Metro's Advisory Committees and the general public prior to October 23.
2. **Legal Antecedents.** Policies in Metro's Regional Framework Plan and Section 5 of Title 3 in Metro's Urban Growth Management Functional Plan support the development of a Fish and Wildlife Habitat Protection Program. In addition, the preliminary ESEE analysis and the evaluation of the Program Options as the ESEE analysis continues compliance with the State Land Use Planning Goal 5 administrative rule (OAR 660-023-000). Metro's adoption of the Draft Regionally Significant Fish and Wildlife Habitat Inventory and a Local Plan Analysis by Resolution No. 02-3218A formed the basis for the Preliminary ESEE analysis and development of program options that this resolution endorses.
3. **Anticipated Effects.** Approval of this resolution will allow Metro to complete the ESEE analysis as required by State Land Use Goal 5 and provide additional information necessary for Metro Council to reach a decision on where to allow, limit or prohibit development on regionally significant fish and wildlife habitat lands. With the completion of the analysis as directed by this Resolution and a Metro Council decision on an Allow/Limit/Prohibit map, the third step of the Goal 5 process, development of a protection and restoration program for adoption into Metro's Functional Plan, can begin.
4. **Budget Impacts.** The adopted budget for FY04 includes resources for staff and consultants to evaluate the program options and share the findings with the public at a level of detail defined.

RECOMMENDED ACTION

Staff requests that Metro Council endorse the preliminary ESEE findings as described in Exhibit A to the Resolution and direct staff to evaluate the program options as described in Exhibit B to the Resolution.

Attachments to the Staff Report

Metro Fish and Wildlife Protection (Goal 5) Program Summary of Public Comments for Fall 2003 Outreach Efforts, October 22, 2003

Memo to Metro Council with Goal 5/WRPAC comments

Memo to Metro Council with ETAC comments

Memo to Metro Council with MPAC comments

Summary of Issues Raised on Exhibit B by Committee with proposed staff response

Metro Fish and Wildlife Protection (Goal 5) Program

Summary of Public Comments for Fall 2003 Outreach Efforts

October 22, 2003

Metro has worked with advisory committees, participated in public events, and attended various interest group meetings throughout the region to inform the public about and get feedback on the Regional Fish and Wildlife Habitat Protection (FWHP) or "Goal 5" Program. This phase of public outreach focused on the second stage of the planning process, which has involved identifying the Economic, Social, Environmental, and Energy (ESEE) consequences of protecting or not protecting fish and wildlife habitat. The draft ESEE report was completed in Fall 2003. Public input has been received via standard printed and on-line comment forms, phone calls, and email and open letters. This report summarizes Metro's public outreach efforts to-date and what we have heard from the public about the regional FWHP program.

Metro staff utilized several different venues for announcing events and informing the public about the on-going and current activities relating to the FWHP Program. The Metro web page has been updated to reflect past, current, and future activities. Several documents are available on-line and an interactive web tool has been developed to allow individuals to search and view a specific property or area in the habitat inventory. The public comment form was also made available at the web site so that individuals can send us their thoughts electronically at their convenience. Events were announced through several venues including the printed and electronic newsletters of various groups in the region. For example, the Coalition for a Livable Future, League of Women Voters, and Homebuilders Associations (see Table 1 for a full list). Metro staff also sent a media release to all of the television and radio stations and newspapers in the region. In response, several news articles were published about Metro's FWHP Program (see Table 1).

Outreach Events

Metro has participated in eleven community events that drew approximately 4,740 participants. These events include open houses organized in coordination with the Tualatin Basin Partners, community farmers' markets and Salmon Festival, among others (refer to Table 2 for a full list). Metro staff and councilors were available at these events, mostly in a booth/table format to answer questions and listen to individuals' views on the habitat program. Maps of regionally significant habitat and informational brochures were available at these events along with public comment forms. Handouts were also distributed by Metro staff and councilors and other persons throughout the region. Approximately 1,200 of each the comment forms and the other informational brochures were handed out to the public.

Metro staff and councilors have attended over twenty meetings with various governmental and non-governmental groups throughout the region, including

neighborhood associations and watershed councils, local governments and special interest groups such as the Tualatin Riverkeepers and the Columbia Corridor Association (see Table 3 for a full list). At these meetings, Metro staff presented more detailed information on the regional approach to habitat protection, the three-step planning process, the habitat inventory (step 1), the ESEE impacts (step 2) and future steps for evaluating and adopting a habitat protection program. Questions and discussions about the FWHP program followed the presentations and addressed a wide range of perspectives on the fairness and adequacy of the program for protecting habitat and supporting a healthy economy. Additional meetings are and will be scheduled throughout October and November with interested groups.

These comments are in addition to the feedback received from Metro advisory committees that have various expertise and interests related to habitat protection (e.g. Goal 5TAC, WRPAC, ETAC, MTAC, MPAC)

Public Feedback

The following summarizes public feedback on Metro's FWHP Program. Comments have been gathered on standard comment forms, via open letters sent by mail or on-line, and by phone. A record of all the written comments received is being kept by the Metro Council Office (see Table 4 for selected items from this record).

Comment forms

Metro has received a total of 54 comment forms including 36 handed out at the outreach events and 18 submitted on-line. Overall, comments support a regional program aimed at protecting fish and wildlife habitat. Emphasis was placed on varying the level of protection based on ecological value while considering the impacts on economic development and private property rights. Six sets of questions prompted feedback on specific issues relevant to developing a program to protect regionally significant habitat. A summary of each question, or set of questions, posed on the comment form follows.

The first question asked whether habitat protection should be equal or varied based on ecological value. Most respondents support the latter approach. The majority of respondents support protecting all important habitat areas to some degree while focusing attention on the most ecologically valuable areas (including riparian and upland areas and connecting habitat areas). A few respondents emphasized the need to focus on restoring degraded areas in addition to protecting valuable ones and a few expressed concern about how ecological value is determined. A few respondents stated that existing local government protections are enough.

The second question asked about varying protection by land use (zoning) and considering habitat while planning for roads and utilities. Most respondents support habitat protection on all types of land, though some suggest considering the economic value of development

and still others emphasize flexibility and a case-by-case approach to protection. Those respondents who favor varying protection by land use are generally less supportive of regulations for residential areas. Some comments emphasize the compatibility of habitat areas and residential neighborhoods. Regarding infrastructure, respondents overwhelmingly favored considering the impacts of roads and utilities on habitat areas.

The third question asked if habitat areas that provide connections to other areas should be given priority. Most respondents supported greater protection efforts for these areas, though a few of these suggest that all habitat areas should be equally protected. A few respondents raised concerns about the impacts of this decision on private property. Others mentioned acquisition of these areas as a potential policy approach.

The fourth question addressed protecting established versus new development, allowing exceptions from development restriction, and requiring mitigation. Most respondents support protection standards on newly developed and re-developed land, while some people favor exempting already developed land from protections. Still others favor protections on all land. Respondents mostly favor mitigation, though a few expressed concerns about whether mitigation was equal to protection. In general, people favored a balanced approach of avoiding impacts when possible and mitigating losses when they occur.

The fifth question asked the public for input on the types of incentives that should be used to protect habitat. The most commonly reported suggestions include: tax incentives (e.g., reduced property taxes), grants and technical assistance for habitat protection and restoration, education efforts including school programs, community recognition and awards for habitat protection and restoration, free or reduced cost native plants and other restoration materials, help with protection costs and labor (e.g., through use of Americorps participants), and conservation easements or transfer of development rights. A couple people responded to this question with concerns about infringements on private property rights.

The sixth question addressed how the habitat protection program should be funded and personal willingness to support public financing mechanisms. Though several people expressed concerns about property rights and/or increased taxation, the majority of respondents are supportive of public financing mechanisms. Other funding mechanisms mentioned include taxes (e.g., on non-consumptive products such as binoculars and automobiles), fees on development, pollution or stormwater management, voluntary contributions and entrance fees at parks.

Phone calls

To date, Metro staff have received around 50 phone calls about the FWHP Program over the past few months. In general, callers request information about the program or ask questions to clarify their understanding of the program including the steps taken so far as well as future directions. Many callers request information about the criteria underlying

the habitat inventory generally, in addition to specific details about how a particular property is classified and why. Callers who own regionally significant habitat inquire about what that means for their property. Though a few callers have been upset, most callers simply want to learn more about the program.

Open letters

Metro Council and planners have received approximately 16 letters via regular mail, email or fax about the FWHP program. These letters are mostly supportive of a regional habitat protection program. Only one letter expressed concern about the potential private property impacts, given that the majority of his land is classified as regionally significant habitat. A few letters are critical of Metro efforts and express concerns that Metro is not doing enough to protect the region's resources. A variety of regulatory and non-regulatory approaches are called for in these letters, and the need for both protection and restoration is noted.

Friends and Advocates of Urban Natural Areas (FAUNA) postcards

The Friends and Advocates of Urban Natural Areas (FAUNA) have distributed pre-addressed postcards to be sent to Metro Council and the Tualatin Basin partners in support of the Fish and Wildlife Habitat protection program. At present, 1,261 postcards have been sent to Metro Council and another 164 to the Tualatin Partners. Only two of these postcards express concerns about property rights and are less supportive of a habitat protection program. The following are major themes expressed in the postcards that support a regional habitat protection program: a desire and need for additional regulations to protect watershed and habitat resources; the need to pursue responsible development and stop reckless development; the importance of habitat areas for environmental health and neighborhood livability; the positive influence protected natural areas have on property rights; the long timeframe involved in recovering resource health relative to the short timeframe of degrading resources; and, the desire and need to protect habitat resources to maintain the character of our region and for the benefit of future generations.

Summary

Based on the feedback received to-date, the public appears generally supportive of protecting fish and wildlife habitat in the region both inside and outside the urban growth boundary and including regulatory and non-regulatory measures. The majority of the critical feedback received has been through phone calls from concerned citizens who worry about the impacts of Metro's habitat protection program on the use of their property or who oppose all habitat protection based on private property rights or anti-tax sentiments. Other critical feedback suggests that Metro is not currently doing enough to protection fish and wildlife habitat.

Table 1: Event Promotion Strategies and Media Coverage, Sept. and Oct. 2003

Newsletters	Publication Date(s)
Metro councilor newsletters (varies from 50-500 per councilor)	Sept. and Oct. 2003
Metro e-news (about 5,500 recipients)	emailed from Metro 9-9-03, 9-30-03
Greenscene (about 22,500 copies)	in fall 2003 edition
Washington County newsletter	Various times: Aug., Sept. and Oct. 2003
Tualatin Basin city newsletters	Various times: Aug., Sept. and Oct. 2003
Audubon Warbler	Sept. 2003
Home Builders' Association (HBA) Newsletter	Sept. 2003
League of Women Voters newsletter	Sept. 2003
Chamber of Commerce Newsletters	Various times: Aug., Sept. and Oct. 2003
E-news Submissions	
Coalition for Livable Future weekly member list-serve	submitted information 8-11-03
Earth Share Oregon listserve-19 regional member groups	submitted information 8-11-03
1000 Friends of Oregon periodic email updates	submitted information 8-11-03
The Dirt weekly e-news	submitted information 9-5-03
Women on Water weekly e-news	submitted information 9-5-03
Community Non-profit Resource Group e-news	submitted information 9-5-03
XPAC weekly e-news	submitted information 9-5-03
HBA Blast Facts bi-weekly e-news	submitted information 9-17-03
Media coverage	
Forest Grove News Times article about G5 generally	09/03/03
Oregonian editorial (Mike Houck) relates open spaces and G5	09/01/03
Forest Grove News Times article promotes Sept. 9 open house	09/03/03
Oregonian article (Laura Oppenheimer) describes current G5 work and offers a list of events	09/08/03
Portland Tribune article (Ben Jacklet) describes G5 work	09/16/03
Hillsboro Argus editorial (Councilor McLain) invites comment and participation in remaining events and hearings	09/25/03
Hillsboro Argus article (Doug Browning) about the Sept. 13 Washington County Public Affairs Forum meeting	10/14/03
Hillsboro Argus article directing people to web sites and staff contacts to learn more about habitat protection	10/14/03
Daily Journal of Commerce article (Aimee Curl) following up on stakeholder meeting with CREEC (Commercial Real Estate Economic Coalition) and other developer interests (10-14-03)	10/15/03
*Hillsboro Argus editorial (Councilor McLain) explaining Metro's habitat protection efforts	10/15/03
*planned column	

Table 2: Sept. and Oct. 2003 Community Events around the Region
(11 events, 4,740 attendees)

Event and location	# of attendees
Tualatin Basin Partners Open House - Forest Grove	150
Tualatin Basin Partners Open House - Beaverton	125
Alberta Street Fair - NE Portland	65
Tualatin Basin Partners Open House - Sherwood	35
Lake Oswego Farmers' Market	50
Springwater Festival, A Johnson Creek Celebration - Gresham	20
Hillsdale Farmers' Market	40
Metro Hazardous Waste Collection Event - Damascus	215
Clackamas Town Center Court Information Table	25
Metro Salmon Festival - Oxbow Park	4,000
Lents Harvest Festival – SE Portland	15

Table 3: Sept. and Oct. 2003 Stakeholder Meetings

(22 meetings, 567 attendees)

Washington County CPO #8	12
Forest Grove Rotary	50
Tualatin Chamber	25
Columbia Corridor Association, Environment/Land Use Committee (Sept. and Oct. meetings, 15 each)	30
Johnson Creek Watershed Council	25
Sexton Mountain Neighborhood Association	20
Westside Economic Alliance, Land Use Committee	25
Portland Metropolitan Area Realtors	25
Oregon Trout	5
Gresham Planning Commission	25
Friends of Trees	15
Oak Lodge (Clackamas County) CPO	30
Columbia Slough Watershed Council	25
American Planning Association, Oregon Chapter Conference	50
Wilsonville Chamber	30
Tualatin Riverkeepers	20
North Clackamas Chamber	25
Washington County CPO #1	20
Gresham Chamber	40
Washington County Public Affairs Forum	45
Commercial Real Estate Economic Coalition (CREEC)	90
Clackamas County Salmon Coordinating Committee	20
Clackamas County Central Point-Leland Rd.-New Era CPO	5

NOTE: Stakeholder and committee meetings will continue through October and into November. Additional stakeholder meetings are being scheduled with the East County Cities, West Linn Chamber of Commerce, and Forest Grove Chamber of Commerce, among other organizations.

Table 4: Selected Items from Legal Record for Metro's Fish and Wildlife Habitat (Goal 5) Program

DOC. DATE	DOCUMENT DESCRIPTION	TO/FROM	PAGE
10/21/2003	Letter supporting fish & wildlife protection	TO: Council FROM: John Ferguson, Deep River Geotechnical Services	
10/20/2003	Letter supporting wildlife & watershed protection	TO: Council FROM: Patricia Sims	
10/15/2003	Email supporting protection of watersheds	TO: Metro FROM: Greg Schifsky	
10/03/03	Email letter expressing support for protecting riparian areas including regulations, education, & incentives.	TO: habitat@metro.dst.or.us FROM: Chris Ling	
10/03/03	Email to Hennings: Thanks for presentation at Tualatin Riverkeepers meeting. Expresses desire for a program that supports and protects restoration activities.	TO: Lori Hennings FROM: Barb Fitzgerald	
10/1/2003	Letter in support of protecting watershed areas.	TO: Metro Council FROM: Jeffrey Cleven, MD	
09/30/03	Email: Thanks for valuable presentation to watershed council.	TO: Chris Deffebach FROM: Jay Mower, Coordinator of Columbia Slough Watershed Council.	
9/26/2003	Letter in support of regulations & environmental standards for keeping watersheds healthy	TO: Metro Council FROM: Mary McGilvra, Architect/Landscape Designer	
09/25/03	Letter expressing concern about what will happen to private land, much of which is classified as habitat.	TO: Brian Newman FROM: Sam Sabbo	
09/25/03	Email inquiry about Goal 5 program: (1) progress to-date and next steps; (2) detailed map of property. Paul Ketcham responded to inquiries.	TO: habitat@metro.dst.or.us FROM: Pete Kirby	
9/24/2003	Letter received in support of Fish and Wildlife Habitat Protection Program	TO: Metro Council FROM: Gerard & Rita van Deene	
9/19/2003	Letter in support of stronger standards for streamside development	TO: Metro Council FROM: Matthew Hein	
9/17/2003	Letter in support of Metro's upcoming Fish and Wildlife protection program	TO: David Bragdon FROM: Mark Riesmeyer	
9/15/2003	Letter in support of Fish and Wildlife Protection Program	TO: Metro Council FROM: Burke Strobel	
09/10/03	Inquiry about criteria used to map environmental features that support healthy streams and fish and wildlife habitat. Metro staff responded to these inquiries in follow-up emails and phone conversations.	TO: Metro Habitat Protection Program (habitat@metro-region.org) FROM: Steven Edelman	

09/10/03	Criticizes Metro for allowing development, especially in terms of clear cutting trees for new developments. If eliminate trees, eliminate wildlife. Also, traffic from UGB law is not wildlife friendly. Too much traffic already. Need to stop development.	TO: Metro Habitat Protection Program (habitat@metro-region.org) FROM: Dale Rank	
8/5/2003	Letter received: Metro Council Work Session in support of a Goal 5 regulatory program	TO: Metro Council FROM: Ed Labinowicz – Gresham Butte Neighborhood Association	
7/23/2003	Email re Fish and Wildlife Habitat Action Alert; Brownfields Conference in Portland	TO: Rooney Barker FROM: Teresa Huntsinger	
7/15/2003	Letter re Program Options for Fish and Wildlife Program	TO: Metro Council FROM: Ron Carley, Board President, Coalition for a Livable Future, and Jim Labbe, Urban Conservationist, Audubon Society of Portland	
7/15/2003	Letter re Draft Options for Regional Fish and Wildlife Habitat Protection Program	TO: Metro Council FROM: Susan Marshall, Executive Director, Tualatin Riverkeepers	

M E M O R A N D U M

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METRO

To: Metro Council

From: Chris Deffebach

Subject: ETAC Comments on Resolution 03-3376

Date: October 22, 2003

The Economic Technical Advisory Committee was formed in 2002 to advise Metro staff on economic consequences from a decision to allow, limit or prohibit conflicting uses on the fish and wildlife habitat lands in the ESEE analysis. ETAC was created to:

1. Review the consultants proposed methodology for conducting the economic analysis
2. Assess materials sent to the independent economic peer review panel and responses from the peer review panel
3. Analyze the consultant's draft work products based on the methodology
4. Advise about the economic integration into the overall economic social environmental and energy consequences document and
5. Review and make recommendations about economic considerations in regard to the draft programs to protect important resources.

The Advisory Committee has been meeting every other month, on average since June of 2002 to complete these tasks.

On October 20, ETAC presented comments about the integration of the economic analysis in the ESEE and on the draft program options as presented in Resolution 03-3376. This resolution endorses Metro's Goal 5 Draft Phase 1 Economic, Social, Environmental and Energy analysis and directs staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options. The ETAC comments are summarized below. The committee did not formally take votes.

The economic analysis is being reviewed by the Northwest Power Planning Commissions' Independent Economic Advisory Board (IEAB). The IEAB presented their comments at the ETAC meeting and these are summarized here.

Comments on the Economic Priority Methodology:

1. The methodology for ranking economic priority of lands is, while not perfect, the best that they could develop. Its value lies in using three different measures of economic development values of the lands—2040 policy, land value and employment density—which each capture different aspects of economic value.

2. The ESEE report needs to recognize that the dividing points between high, medium and low economic development value and environmental value are, and will always be, coarse. More description of the effects that drawing the dividing line in different points could make should be added to the report. More description is needed on how and why the markers are set for high medium and low for both the environmental and economic ranking in the ESEE report.

3. The component summary map shows those areas that score "high" by any one of the three measures, "medium" by any one of the three measures and "low" by all measures. This approach to defining the "high" category needs to be explained better in the report.

4. The economic priority ranking method still has limitations, which need to be recognized in the report. For example, the value of public investment in land for economic purposes, such as investment in Port facilities, is underrepresented under the land values measure, though Port industrial properties are included in the high economic rank for policy purposes. The measures of economic value do not reflect the multiplier effect of jobs, other than the industrial areas, which get a high score based on the policy criteria. More information about these values can be found in the Port/City Study of the River Industrial area and this reference should be added to the literature review.

5. Changing the component summary categories to include only Regionally Significant Industrial Areas and not all industrial areas does not reflect the priority the committee discussed for industrial areas. Industrial areas only score high based on 2040 policy, not on land value or employment density. ETAC did not recommend using only Regionally Significant Industrial areas and commented that the RSIA overlay creates complications for intermodal facilities, which are half on RSIA areas and half on other industrial lands.

6. Table 4-1 in the ESEE Report that shows the relationship between ecosystem services and the fish and wildlife habitat functions undervalues the ecosystem service functions of some areas such as steep slopes (for landslides) and small headwaters (for water quality). (Note that IEAB comments that ecosystem service value appears to be overstated in some of the tables in the ESEE Report).

IEAB Comment Summary

The following summarizes the IEAB memo that was submitted as a summary of all IEAB member comments.

1. Add discussion on the economic costs of not expanding the UGB.

2. Add discussion of economic value of open space.
3. Expand discussion of economic equity.
4. Define terms and use terms consistently.
5. Consider jobs ranking methodology.
6. Review report for:
   a. bias in presentation of economic effects and ecosystem services
   b. ensure that value judgments are distinguished from quantifiable statements
   c. conflict between industrial development and riparian protection is fully described
   d. 2040 growth concept is referred to in appropriate places
   e. key economic factors are addressed
   f. substitutability of land is sufficiently discussed

Comments on Exhibit B, the Program Options

1. The committee supports continued evaluation of Option 2 (Habitat and Urban Development) because it reflects the findings in the ESEE Report by taking the economic consequences into consideration.

2. The committee did not see the value of continuing evaluation of any of the other options because the other options do not appear to flow from what has been learned in the first phase of the ESEE analysis. Option 1 should be dropped because it does not take the economic analysis into consideration; Option 3 should be dropped because it does not reflect what we learned about the ecological diversity of the environmental values in the resource sites when the resource inventory was created; Option 4 should be dropped because the region already has documented the need for more protection than we have today, as evidenced by the commitment to the Goal 5 work program.

3. The committee supports expansion of the range of options in Option 2 (Habitat and Urban Development) to include options that provide more regulatory protection of the fish and wildlife habitat areas.

Other Comments on Exhibit B:

1. The description of Option 2 Table 2 should add a fifth box that can better describe the urban expansion areas, rather than referring to them as "rural zoning" in the fourth column.

2. Add economic equity as a criterion for further evaluation to the list of Criteria in Table 7 of Exhibit B. The only equity criterion listed is intergenerational equity, under the Social Factors.

3. Clarify the direction of the indicators, or measures in Table 7. For example, rather than say the number of acres affected, indicate if they are "retained" or "protected".

4. Clarify how employment areas will be preserved in Table 7 criteria and measures, as to preserving existing employment or preserving the capacity for additional employment areas.

5. The role of incentives and other non-regulatory approaches need a good, thorough examination in the program options. The analysis should build off of the incentives work that was done last year by Metro Parks and Greenspaces.

Comments on the Resolves in the Resolution

1. The resolution lacks symmetry by concluding not to study a 100% " prohibit" option but remaining silent on whether to continue a 100% "allow" option.

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METRO

From: Andy Cotugno
Chris Deffebach

Subject: Goal 5 TAC and WRPAC comments on Resolution 03-3376

Date: October 18, 2003

The Goal 5 Technical Advisory Committee (TAC) and the Water Resources Policy Advisory Committee (WRPAC) met together on October 17, 2003 to prepare comments for staff and Metro Council consideration on Resolution 03-3376. The purpose of the resolution is to endorse Metro's Goal 5 Draft Phase 1 Economic, Social, Environmental and Energy analysis and to direct staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options. This memo summarizes the comments of Goal 5 TAC/WRPAC.

The Goal 5 TAC has been meeting monthly to advise Metro staff on the Regional Fish and Wildlife Habitat Protection Program since 1998. Andy Cotugno serves as chair of this Committee. The Water Resources Policy Advisory Committee is one of the Council's standing committees. Councilor Hosticka currently serves as chair. Since September, the two committees have been meeting jointly to review the Fish and Wildlife Habitat Protection Work with Councilor Hosticka as chair.

The joint committee voted on, or identified comments on, the following items in Exhibit B of the Resolution.

1. The Joint Committee voted 15 – 3 to recommend that Metro not analyze different options for areas outside the December 2002 Urban Growth Boundary and to drop the geographic areas variation to program options from Figure 1: Program Option Chart.

2. The Joint Committee voted 12 – 2 in favor of creating a new option that would provide stronger fish and wildlife habitat protection in Option 2, (Habitat and Urban Development Based) (with no "allow" decisions for any areas).

3. The Joint Committee commented in general, without voting, that restoration should have high importance in, and be an integral part of, all of the regulatory and non-regulatory options.

4. The Joint Committee recommended generally, without voting, that the criteria evaluate (1) whether each option results in any "net loss" of environmental function and, (2) the effect of each option on riparian continuity. The joint committee discussed how to evaluate "no net loss" environmental function and considered eliminating all "allow" decisions on the Riparian Habitat Class 3 and in the Riparian Impact Areas in Option 1c (Habitat Based Options) to preserve riparian continuity (because an "allow" decision does not provide for imposing a mitigation requirement to offset disruption of environmental function).

5. The Joint Committee commented that Option 3 (Streamside habitat approach)) does not seem to meet the Goal 5 Rule or the Vision Statement and is not related to the characteristics of the inventory. The Committee made similar comments about Option 4 (Baseline current regional regulations), and some committee members believed that Option 4 should not be listed as an "option," but rather as the baseline to be analyzed for comparison purposes only.

Three committee members and staff distributed written comments to the committee. Other than the points above, the written comments were not discussed further.

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METRO

To: Metro Council

From: Chris Deffebach
Andy Cotugno

Subject: MPAC Action on Resolution 03-3376

Date: October 24, 2003

On October 22, 2003 MPAC reviewed Metro Resolution 03-3376. This resolution calls for endorsing Metro's Goal 5 Draft Phase 1 Economic, Social, Environmental and Energy Analysis and directing staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options. After review and discussion, MPAC voted to forward the Resolution to Metro Council for their consideration along with the MTAC comments and an additional request that Metro consider changing the "allow" designations to "lightly limit" in the riparian resources and impact areas in Option 1c in Exhibit B.

The following summarizes the MTAC comments.

MTAC endorsed Resolution 03-3376 on October 15, 2003 with a vote of 21 yes and 2 no. MTAC recommended the following changes to the Resolution for your consideration. Metro staff will use your comments on these items, along with comments from other advisory committees, to revise the Resolution, Exhibit A, Exhibit B and the Staff Report for Metro Council consideration. These are summarized below.

Resolution language
MTAC recommended the following changes to the Resolution language for MPAC consideration:

1. Add a whereas to the resolution that refers to the vision statement that was developed by MPAC and endorsed by Metro Council in 2002 and serves as the overall goal for the Regional Fish and Wildlife Habitat Protection Program.

2. Replace the 4th Resolve with new language that reiterates Metro Council's previous policy on taking issue:

The Metro Council concludes, based on the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would demonstrably convert a buildable lot or parcel into an unbuildable lot or parcel without compensation to a willing seller would have exceptionally detrimental social effects, and could also have detrimental environmental, economic, and energy effects. The Metro Council therefore concludes that, balancing such effects against any resulting positive environmental, social, economic, and energy effects, the Program to Achieve Goal 5 that Metro develops shall include a provision to reduce or remove the fish and wildlife habitat protection that would otherwise apply to such a lot or parcel so as not to render it unbuildable."

3. Edit the 5th Resolve to clarify the uses affected and not affected by the program. The Resolve would read:

   The Metro Council concludes, following the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would require property owners to discontinue a use or remove structures on their properties for which they have received land use authorization would have exceptionally detrimental social and economic effects, and could also have detrimental environmental and energy effects, and that, balancing such effects against any resulting positive environmental social economic and energy effects, the Program to Achieve goal 5 that Metro develops shall not require property owners to discontinue use or remove structures on their properties for which it was allowed, but expansion to existing structures into the resource may be affected.

Exhibit A, the ESEE Report and Executive Summary

MTAC recommended the following comments be incorporated into the Exhibit A of the Resolution, in the ESEE Report and Executive Summary. These comments, combined with other comments that Metro receives on Exhibit A, will constitute an Addendum to Exhibit A. Metro Council will consider this addendum when considering the Resolution.

a. Address the effect of a decision to allow, limit or prohibit conflicting uses in fish and wildlife areas on transportation facilities
b. Address the effect of a decision to allow, limit or prohibit conflicting uses in fish and wildlife areas on other infrastructure
c. Address the effect of a decision to allow, limit or prohibit conflicting uses in fish and wildlife areas on the ability to provide security for public infrastructure that is located in these fish and wildlife habitat areas.
d. Address the social and economic consequences of a decision to allow, limit or prohibit confliction uses on public and private institutions that are located in fish and wildlife habitat areas.
e. Consider the value of vested property rights in determining economic priorities.

f. Even when consideration of multiple trade-offs result in giving a priority to conflicting uses, clarify that the avoid, minimize, mitigate standard should be applied
g. Confirm that the effect on redevelopment from a decision to allow, limit or prohibit conflicting uses is adequately covered.

Exhibit B Fish and Wildlife Habitat Protection and Restoration Program Options, Program Options Report (dated October 1, 2003)
MTAC recommended the following changes to the descriptions of the program options for further ESEE analysis and to the criteria that are used to evaluate these options for MPAC consideration.

4. Substitute a new page 5, Program Option Chart that changes high, medium and low to most, moderate, least for Options 1a, b and c and revises the descriptions of the non-regulatory examples. A copy of the new page 5 Program Option Chart is attached.

5. Substitute the revised description of non-regulatory examples on two pages for the old page 9. The revised description of non-regulatory options deletes references to high, medium and low. The revised description also sorts the examples into those that are currently in use and those that have potential application for use in the incentive, education, and acquisition and restoration categories. The revised description of non-regulatory options is attached.

6. Add a non-regulatory example that would apply surface water management fees to support restoration.

7. In the second regulatory approach option that is based on habitat and urban development value, High Urban Development Value is defined to include Primary 2040 components, high employment value or high land value. Primary 2040 components include Regional Centers, Central City and Regionally Significant Industrial Areas. MTAC has asked MPAC to consider policy implication of the economic importance of regionally significant industrial areas, employment land and corridors.

8. In Table 7 of Exhibit B, Criteria and potential indicators and measures for the evaluation of program options, expand the description of the clean water criteria to add a reference to meeting state water quality standards, especially temperature.

9. Include reference to the MRC rule in the ESEE and in Table 7, Criteria and potential indicators and measures for the evaluation of program options. And clarify that the criteria would not evaluate just blanket protection, but the extent that the program would provide blanket exception to take or assist in the recovery under the 4d rule.

10. Consider simplifying and refining the options to reduce confusion.

11. Consider treating residential land consistently in the program options instead of varying treatment as would result in Options 2 where land value of all lands is used to assess economic priority. Under this measure, higher-valued residential land receives lower levels of protection than lower-valued residential land.

12. Option 1, Habitat Based, may need to be stronger.

13. Mitigation as a tool to restore land is lost with any "allow" designation. Consider revising Option 1/ b/c to eliminate allow designations.

14. The Tualatin Basin Approach follows a somewhat different methodology in their ESEE analysis.

Staff Report to Resolution 03-3376
MTAC recommended MPAC consideration of the following items for elaboration in the Staff Report for Resolution 03-3376:

15. Recognize new case law regarding takings that result from the recent Coast Range Conifers case.

16. Expand the description of a riparian district plan and site specific variations to the standard Regional Protection Approach that would be available to jurisdictions.

17. Expand on the ESA evaluation criteria to define how much the protection plan could assist with local ESA compliance, not just for the blanket exception to take provision of the 4d rule and describe the NMFS rule.

FIGURE 1: PROGRAM OPTION CHART

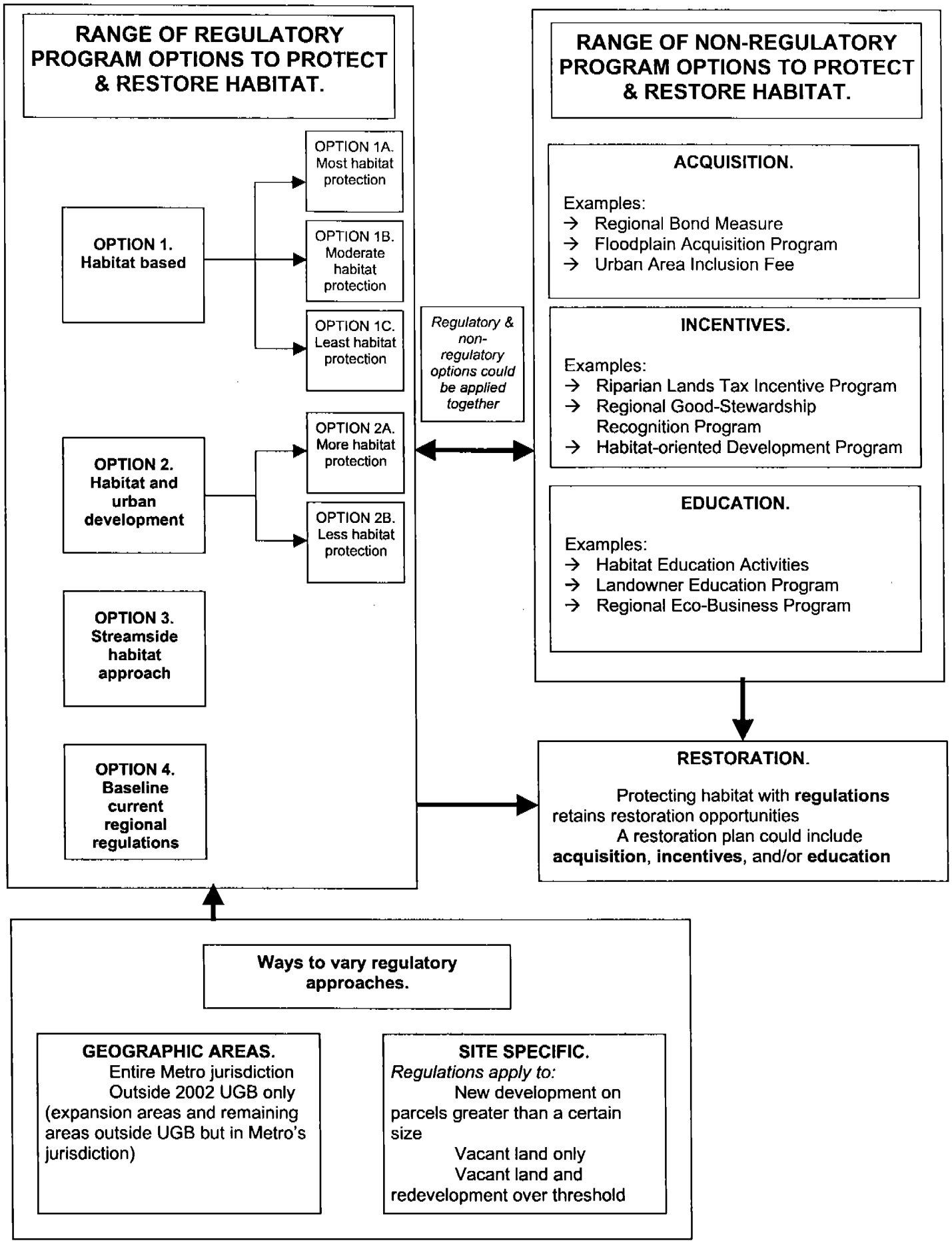

Table 6. Non-regulatory options.

POTENTIAL FOCUS	HOW		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	**Examples of potential programs**				
Natural areas (includes riparian and upland areas)	• *Metro Openspaces Acquisition Program.* Funded through $135 million bond measure approved by voters in 1995. Focuses on targeted natural areas and regional trails. • *Three Rivers Land Conservancy Acquisition Program.* Works to encourage donation of conservation easements to protect targeted open space in the Metro region.	• *Regional Bond Measure.* Focused on purchasing targeted Habitats of Concern and connector habitat from willing sellers and restoration.	4	4		4
		• *Regional Revolving Land Purchase Fund.* Develop a program to purchase habitat land, place development restrictions or conservation easements to protect habitat areas, and then sell remaining land for development.	4	4	4	
Watersheds	• *Oregon Watershed Enhancement Board (OWEB) General Grant Program.* Grants to carry out on the ground watershed restoration projects to restore aquatic habitat, improve water quality, and improve biodiversity. Projects include planting, culvert replacement, habitat improvements, wetland restoration, and others. • *Metro/USFWS Greenspaces Grant Program.* Provides funding for urban projects that emphasize environmental education, habitat enhancement and watershed health.	• *Regional Restoration Plan.* Develop a restoration plan for the region based on watersheds. Start with Watershed Action Plans and build from existing/ongoing efforts. Include grant program to fund restoration projects, recognition of good stewardship activities, and targeted education.		4	4	4
		• *Habitat Education Activities.* Focus efforts to increase awareness of connection to streams and rivers, similar to fish stencil programs.			4	
Floodplains	• *Sherwood program.* Requires SDC for development in floodplains, fee waived in flood area is donated to the city. • *Johnson Creek Willing Seller Program.* Portland program allows landowners in Johnson Creek floodplain to sell their property to the City at fair market value. After acquisition, properties are restored to natural floodplain function. Funded largely with dollars from FEMA after the 1996 flood.	• *Regional SDC Program.* Develop a regional SDC program similar to the City of Sherwood to protect and restore floodplain function to reduce development's impact on stormwater.	4	4		4
		• *Floodplain Acquisition Program.* Coordinate and facilitate expansion of a willing seller program similar to Portland's to purchase and restore land within floodplains.	4		4	4
Streamside areas	• *East Multnomah Soil & Water Conservation District grants.* Provides awards for conservation and restoration projects, ranging from $200-2,500. • *Wildlife Habitat Incentives Program (WHIP).*	• *Regional Streamside Restoration Grant Program.* Program to target education and fund restoration projects in streamside areas. (May be part of a *Regional Restoration Plan*).			4	4

POTENTIAL FOCUS	HOW		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	**Examples of potential programs**				
	Implemented through NRCS to help landowners develop and improve wildlife habitat on their land. In Oregon approximately $350,000 is targeted for salmon habitat, riparian habitat, and promotion of biodiversity.	• *Riparian Lands Tax Incentive Program.* Allows property owners to gain a full tax exemption for improving or maintaining riparian lands up to 100 ft from a stream, must include a management plan developed in coordination with ODFW. Implement with local county approval, state limits tax relief to 200 stream miles per county.		4	4	4
Rural land	• *Environmental Quality Incentives Program (EQIP).* Provides payments through the Natural Resources Conservation Service (NRCS) to farmers and ranchers for assistance implementing conservation practices on their lands (including filter strips, manure management practices and others). Authorized by the 2002 Farm Bill, pays up to 74% of the costs of the implemented practice.	• *Urban Area Inclusion Fee.* Requires legislative changes. Captures a portion of the increased value of property (windfall) due to inclusion within the urban growth boundary. Funds could be used to purchase or restore habitat land within Metro's jurisdiction.	4		4	4
Property owners	• *Metro's Natural Gardening and Landscaping Program.* Metro offers free natural gardening seminars and workshops in spring and fall. Also includes a demonstration garden, summer garden tour, and educational materials. • *Downspout Disconnect Program.* Portland program that provides property owners with funds and technical expertise to disconnect downspouts to reduce flow into the stormsewer system.	• *Stewardship Certification Program.* Proposed by the Conservation Incentives Summit Group, this program would provide recognition to a variety of stakeholders for implementing best management practices and other practices of conservation value.		4	4	4
		• *Regional Good-Stewardship Recognition Program.* Develop a regional program to recognize property owners in high value habitat areas for good stewardship and restoration efforts. (May be part of a Regional Restoration Plan).		4	4	4
		• *Landowner Education Program.* Target landowners in regionally significant habitat areas to raise awareness of how individual activities impact fish and wildlife habitat.			4	
Businesses	• *Eco Biz Program.* City of Portland program, started to recognize auto repair and service facilities that minimize their environmental impacts. Currently being extended to landscaping business.	• *Regional Eco-Business Program.* Develop a regional program to recognize and certify good business practices. Include an educational component describing ways to minimize impact on habitat.		4	4	

POTENTIAL FOCUS	HOW		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	**Examples of potential programs**				
Design and construction practices	• *Metro's Green Streets Handbook.* A resource for designing environmentally sound streets that can help protect streams and wildlife habitat. • *Eco-roof Program.* Portland provides sewer rate discounts to developers that build greenroofs minimizing stormwater runoff. Also provides an eco-roof floor area bonus, in which each square foot of eco-roof equals an additional three square feet of building area in the downtown. • *G-Rated Incentive Program.* Portland program that encourages innovations in residential and commercial development and redevelopment for green building design practices. Provides up to $20,000 for commercial projects and $3,000 for residential projects.	• *Regional Habitat Friendly Development Program.* Work with local partners to develop technical assistance, incentives, recognition programs, and awards for development that helps protect fish and wildlife habitat. Develop regional low impact development standards.		4	4	4
		• *Habitat-oriented Development Program.* Develop a program similar to Metro's Transit-oriented Development (TOD) Program to encourage construction of new developments or redevelopment that protects and restores fish and wildlife habitat.		4	4	4
		• *Model Wildlife Crossing Program.* Develop a grant program to construct wildlife crossing facilities in key movement corridors.		4		4

Exhibit B: Comments on program options

Reviewer	Topic	Comment	Response
MPAC	Option 1C	Where an "allow" decision is applied to a resource, change lightly limit	Issue for Council consideration
MTAC	Program Option Chart	Accept proposed staff changes	Staff has proposed revision in "A" version
	Non-regulatory examples	Accept proposed staff changes	Staff has proposed revision in "A" version
	Non-regulatory examples	Add an example that would apply surface water management fees to support restoration	Staff has proposed revision in "A" version
	All options	Consider simplifying and refining options to reduce confusion	Issue for Council consideration
	Option 1	Consider increasing protection levels; mitigation as a tool to restore land is lost with allow decision. Consider revising Options 1b & 1c to eliminate allow decisions.	Issue for Council consideration
	Option 2	Consider implication of economic importance of regionally significant industrial areas, employment land, and corridors	Issue for Council consideration
	Option 2	Consider treating residential land the same. Currently higher valued residential land receives lower levels of protection than lower-valued residential land.	Issue for Council consideration
	Definition of ALP	Clarify that the avoid, minimize, mitigate standard should be applied even when a priority is given to conflicting uses	Issue for Council consideration
	Criteria and Indicators	Expand description of clean water criterion to add a reference to meeting state water quality standards, especially temperature	Staff has proposed revision in "A" version
	Criteria and Indicators	Include reference to MRCI limits in 4(d) rule and clarify that criterion would evaluate the extent the program would assist in salmon recovery	Staff has proposed revision in "A" version
G5TAC/ WRPAC	Geographic areas variation	Recommends that Metro not analyze different options for areas outside December 2002 UGB and drop geographic areas variation from program options.	Issue for Council consideration
	Option 2	Recommends that Metro create a new option that would provide stronger fish and wildlife habitat protection that does not include "allow"	Issue for Council consideration
	Restoration	Restoration should be an integral part of regulatory and non-regulatory options	Issue for Council consideration
	Evaluation criteria	Add the following criteria: 1. does an option result in any "net loss" of environmental function 2. effect of each option on riparian continuity	Staff has proposed revision in "A" version
	Option 3	Does not seem to meet Goal 5 rule or Vision Statement and is not related to inventory	Issue for Council consideration

	Option 4	Same comment as Option 3 and some committee members thought it should be described as "baseline" rather than an option	Issue for Council consideration
ETAC	Option 2	Committee supports expansion of range of options within Option 2 to include one that provides more protection to fish and wildlife habitat areas.	Issue for Council consideration
	Option 2	Separate the urban expansion areas rather than including them as rural zoning.	Staff has proposed revision in "A" version
	Options 1, 3, & 4	Committee does not support continued evaluation of these options. Option 1 does not consider economic analysis; Option 3 does not reflect diversity of environmental values; Option 4 is unnecessary because the region has already documented need for more than current protection.	Issue for Council consideration
	All options	Lack of symmetry because prohibit is ruled out but allow is not.	Issue for Council consideration
	Table 7	Add economic equity as a criterion	Staff has proposed revision in "A" version
	Table 7	Further clarification is needed on indicators	Staff will address
	Non-regulatory approaches	Conduct a through examination of options and use Incentives work done by Parks and Greenspaces Dept.	Staff will address

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING METRO'S DRAFT GOAL 5 PHASE 1 ECONOMIC, SOCIAL, ENVIRONMENTAL AND ENERGY ANALYSIS AND DIRECTING STAFF TO CONDUCT MORE SPECIFIC ESEE ANALYSIS OF MULTIPLE FISH AND WILDLIFE HABITAT PROTECTION AND RESTORATION PROGRAM OPTIONS	))))))	RESOLUTION NO. 03-3376A Introduced by Michael Jordan, Chief Operating Officer, with the concurrence of the Council President

WHEREAS, the Regional Framework Plan and Urban Growth Management Functional Plan ("UGMFP") state that Metro will undertake a program for protection of fish and wildlife habitat; and

WHEREAS, Title 3 of the UGMFP sets forth actions that the Metro Council anticipated that Metro would take in identifying, considering, and protecting regionally significant fish and wildlife habitat conservation areas (see Metro Code section 3.07.350(C)); and

WHEREAS, an effective regional fish and wildlife habitat protection program will assist local governments to address the requirements of the federal Endangered Species Act and the federal Clean Water Act; and

WHEREAS, Metro is applying the state Goal 5 administrative rule, OAR 660-023-0000 through OAR 660-023-0250, as the framework for identifying, considering, and protecting regionally significant fish and wildlife habitat areas; and

WHEREAS, the Goal 5 vision statement, developed by the Metro Policy Advisory Committee (MPAC) and endorsed by Metro Council in 2002, serves as the overall goal for the Regional Fish and Wildlife Protection Program; and

WHEREAS, the Metro Council adopted a draft inventory and map of regionally significant riparian corridors and wildlife habitat in Resolution No. 02-3218A on August 8, 2002; and

WHEREAS, in Resolution No. 02-3218A, approved on August 8, 2002, the Metro Council adopted a Local Plan Analysis, as required by Title 3, Section 5 of the Urban Growth Management Functional Plan, and concluded, based on the evidence in the Local Plan Analysis, that Goal 5 data and protection among local governments within Metro's jurisdiction is inconsistent and that Metro should analyze the regional economic, social, environment, and energy ("ESEE") consequences that could result from a decision to allow, limit, or prohibit conflicting uses (an "ESEE analysis") for all Goal 5 resource sites containing regionally significant riparian corridors and wildlife habitat; and

WHEREAS, the Goal 5 administrative rule describes four steps to be followed in conducting an ESEE analysis, including (1) identifying conflicting uses, (2) determining the "impact area," (3) analyzing the ESEE consequences, and (4) developing a program to achieve Goal 5; and

WHEREAS, the Goal 5 administrative rule allows local governments to conduct a single ESEE analysis for more than one significant Goal 5 resource and does not require local governments to address the four steps of the ESEE analysis sequentially, but anticipates that some steps will result in a return to a previous step; and

WHEREAS, Metro is conducting its ESEE analysis for all Goal 5 resource sites containing regionally significant riparian corridors and wildlife habitat in two phases: Phase 1 will be a draft general analysis of regional ESEE consequences, including the determination of impact areas and the identification of conflicting uses; Phase 2 will be a more specific draft regional ESEE consequences analysis of the tradeoffs identified in Phase 1 as applied to several program options for protection of regionally significant resource sites, and will result in a draft determination of where to allow, limit or prohibit development on regionally significant fish and wildlife habitat lands and will be the basis for development of Metro's Program to Achieve Goal 5; and

WHEREAS, Metro has (1) contracted with an independent, well-respected economic consultant, ECONorthwest, to provide its expertise on Metro's analysis of the economic consequences that could result from a decision to allow, limit, or prohibit conflicting uses for all regionally significant resource sites, (2) provided draft copies of the economic analysis to an Independent Economic Advisory Board ("IEAB"), which included recognized economics experts from across the Pacific-Northwest region, to provide peer-review analysis of the methods and assumptions used the economic consequences analysis, and (3) convened an Economics Technical Advisory Committee ("ETAC") consisting of a broad cross-section of economics experts, local government representatives, and other interested parties from the Metro region to review the economic analysis to ensure that it addressed the most critical economic issues facing the Metro region; and

WHEREAS, Metro convened a Social Issues Committee ("Social Committee"), consisting of citizens from the region representing a broad cross-section of ideological viewpoints regarding the social impacts that Metro's Fish and Wildlife Habitat Protection Program may have, to review Metro's social issues analysis; and

WHEREAS, Metro received input from the Goal 5 Technical Advisory Committee ("Goal 5 TAC"), consisting of staff representatives from federal, state, and local governments, soil and water conservation districts, and other individuals with scientific expertise, and from the Water Resources Policy Advisory Committee ("WRPAC"), consisting of representatives from local governments, water districts, and other water service providers in the Metro region, regarding Metro's environmental impacts analysis; and

WHEREAS, a draft Economic, Social, Environmental and Energy Analysis (ESEE) and Executive Summary, September 2003 (collectively the "Draft Phase 1 ESEE Analysis"), is attached as Exhibit A; and

WHEREAS, as required by the Goal 5 administrative rule, the Draft Phase 1 ESEE Analysis determines, for each regionally significant resource site, an impact area in which allowed uses could adversely affect the resource; and

WHEREAS, as required by the Goal 5 administrative rule, the Draft Phase 1 ESEE Analysis examines land uses allowed outright or conditionally within the zones applied to the regionally significant resource sites and their impact areas and, on that basis, identifies conflicting uses that exist, or could occur with respect to the regionally significant resource sites; and

WHEREAS, as required by the Goal 5 administrative rule, the Draft Phase 1 ESEE Analysis analyzes the ESEE consequences that could result from decisions to allow, limit, or prohibit conflicting uses in regionally significant resource sites; and

WHEREAS, the ETAC, Social Committee, Goal 5 TAC, and WRPAC reviewed the Draft Phase 1 ESEE Analysis and provided input and advice on that document; and

WHEREAS, Metro engaged in extensive public outreach to inform the citizens of the region about this stage of Metro's work to develop a fish and wildlife habitat protection and restoration program consistent with the Goal 5 administrative rule, including holding public open houses, distributing material at public events, and presenting Goal 5 material to other interested organizations, groups, businesses, non-profit agencies, and property owners; and

WHEREAS, based on the preliminary conclusions and tradeoffs discussed in the Draft Phase 1 ESEE Analysis a broad range of program options have been developed for further ESEE analysis as part of Phase 2 of Metro's Goal 5 ESEE analysis, which options are described in detail in a report entitled, "Fish and Wildlife Habitat Protection and Restoration Program Options," (the "Program Options Report") attached hereto as Exhibit B; and

WHEREAS, the Program Options Report describes evaluation criteria and modeling assumptions to guide the Phase 2 ESEE analysis of the program options; and

WHEREAS, the Draft Phase 1 ESEE Analysis, the Program Options Report, and this resolution have been reviewed by the Metro Technical Advisory Committee and the Metro Policy Advisory Committee, which have recommended that this resolution be approved; and

WHEREAS, the Metro Council has held two public hearings to hear comments directly from the citizens of the region regarding the Draft Phase 1 ESEE Analysis, the Program Options Report, this resolution, and Metro's fish and wildlife habitat protection program planning process; now therefore

BE IT RESOLVED:

1. Endorse Draft Phase 1 ESEE Analysis, Exhibit A

   The Metro Council endorses the Draft Phase 1 ESEE Analysis in Exhibit A, including the preliminary identification of conflicting uses and impact areas, and reserves the opportunity to minimally or substantially alter the ESEE analysis prior to adoption of a final ESEE analysis and Program to Achieve Goal 5, after additional public comment and review.

2. Direct Staff to Analyze Program Options, Exhibit B

   The Metro Council directs Metro staff to analyze the program options described in the Program Options Report, attached as Exhibit B, using the evaluation criteria and modeling assumptions described therein, in order to provide Metro with sufficient technical data and analysis to permit the Metro Council to take final action to adopt a Program to Achieve Goal 5.

3. No Further Analysis of Option to Prohibit All Conflicting Uses in All Resource Sites

   The Metro Council concludes, based on the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 prohibiting all conflicting uses in all resource sites would have exceptionally detrimental social and economic effects, as balanced against the positive environmental, social, economic, and energy effects of such an approach, and

that such an approach shall not be further analyzed as part of Metro's fish and wildlife habitat planning process.

4. Program Shall Not Result in Takings

~~The Metro Council concludes, based on the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would result in a taking of property under the Oregon or United States Constitutions would have exceptionally detrimental social effects, and could also have detrimental environmental, economic, and energy effects, and that, balancing such effects against any resulting positive environmental, social, economic, and energy effects, the Program to Achieve Goal 5 that Metro develops shall not prohibit or limit a conflicting use in any significant resource site if such a prohibition or limitation would result in a taking of private property.~~

The Metro Council concludes, based on the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would demonstrably convert a buildable lot or parcel into an unbuildable lot or parcel without compensation to a willing seller would have exceptionally detrimental social effects, and could also have detrimental environmental, economic, and energy effects. The Metro Council therefore concludes that, balancing such effects against any resulting positive environmental, social, economic, and energy effects, the Program to Achieve Goal 5 that Metro develops shall include a provision to reduce or remove the fish and wildlife habitat protection that would otherwise apply to such a lot or parcel so as not to render it unbuildable.

5. Program Shall Not Affect Existing Uses of Property

~~The Metro Council concludes, following the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would require property owners to discontinue a use or remove structures on their properties for which they have received land use authorization would have exceptionally detrimental social and economic effects, and could also have detrimental environmental and energy effects, and that, balancing such effects against any resulting positive environmental, social, economic, and energy effects, the Program to Achieve Goal 5 that Metro develops shall not require property owners to discontinue a use or remove structures on their properties for which they have received land use authorization.~~

The Metro Council concludes, following the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would require property owners to discontinue a use or remove structures on their properties for which they have received land use authorization would have exceptionally detrimental social and economic effects, and could also have detrimental environmental and energy effects, and that, balancing such effects against any resulting positive environmental social economic and energy effects, the Program to Achieve goal 5 that Metro develops shall not require property owners to discontinue use or remove structures on their properties for which it was allowed, but expansion to existing structures into the resource may be affected.

6. This Resolution is Not a Final Action

The Metro Council's action in this resolution is not a final action designating regionally significant fish and wildlife habitat areas, final action on an ESEE analysis, or a final action to protect those areas through a Program to Achieve Goal 5. Pursuant to OAR 660-023-0080, when Metro takes final action to approve a Program to Achieve

Goal 5 it will do so by adopting an ordinance that will include an amendment to the Urban Growth Management Functional Plan, approval of the final designation of significant fish and wildlife habitat areas, and approval of a final ESEE analysis, and Metro then will submit such functional plan amendments to the Oregon Land Conservation and Development Commission for acknowledgement under the provisions of ORS 197.251 and ORS 197.274.

ADOPTED by the Metro Council this ___ day of _____ 2003.

_____
David Bragdon, Council President

Approved as to Form:

_____
Dan Cooper, Metro Attorney

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Resolution No. 03-3376A
Exhibit A

Discussion Draft

DOCUMENT TOO LARGE TO COPY
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METRO FISH AND WILDLIFE HABITAT

PROTECTION PROGRAM

Economic, Social, Environmental and Energy Analysis (ESEE)

September 2003

METRO

PEOPLE PLACES
OPEN SPACES

Discussion Draft

METRO FISH AND WILDLIFE HABITAT

PROTECTION PROGRAM

Economic, Social, Environmental and Energy Analysis (ESEE)

Executive Summary

September 2003

METRO

PEOPLE PLACES

OPEN SPACES

REGIONAL FISH AND WILDLIFE HABITAT PROTECTION PROGRAM

DRAFT ESEE ANALYSIS

EXECUTIVE SUMMARY

SEPTEMBER 2003

Introduction

In October 2000, the Metropolitan Policy Advisory Committee (MPAC) developed a vision for fish and wildlife habitat protection for the region, which was adopted by the Metro Council.

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

In achieving the overall goal, the vision statement emphasizes the importance of balancing several goals, including livable communities and a strong economy with protection and enhancement of fish and wildlife habitat.

Metro is working to protect fish and wildlife habitat in the region to ensure that there is a consistent standard that applies regardless of the city or county a habitat may be found in. Streams and rivers, forests and meadows, and the fish and wildlife that inhabit them do not understand artificial legal boundaries. The economy of the region also functions at a larger scale than just one city or county. Just as it makes sense to plan for transportation needs across the Metro region, the protection of fish and wildlife habitat at a regional scale allows for greater understanding of the connections between habitats and the functions of the ecosystem as a whole. Metro is also capitalizing on the economies of scale available at the regional level to help our local partners meet requirements for habitat protection. One of Metro's primary planning tasks is to balance growth to meet the needs of the region. Higher densities help to make growth more livable, and are an essential part of the 2040 Growth Concept. Metro's habitat protection efforts are conducted within the framework of the 2040 Growth Concept.

Metro's authority to plan for fish and wildlife habitat protection in the region derives from State Land Use Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. Implementation of Goal 5 must comply with the Goal 5 rule adopted by the state Land Conservation and Development Commission. The Goal 5 rule recognizes Metro's unique planning role and gives Metro the option to develop a functional plan to protect regionally significant fish and wildlife habitat. The Goal 5 process follows three steps. The first step is to identify regionally significant fish and wildlife habitat, which Metro completed in 2002. The economic, social, environment and energy (ESEE) analysis is the second step. Metro is now completing the first phase of a regional ESEE analysis. Metro will next apply the tradeoffs identified in the first phase of the analysis to several options for protection to evaluate where and how to protect the regionally significant habitat areas. This will provide the Metro Council the information they need to make a decision about where development should be allowed, limited, or prohibited. The third step is to develop a program to protect significant fish and wildlife habitat. After Metro adoption, local cities and counties will have 2-4 years to comply with the regional fish and wildlife habitat protection program.

Following the planning guidelines for state land use Goal 5, Metro's approach to the regional ESEE analysis is:

- define impact areas (areas adjacent to habitat where activities could impact habitat) and conflicting uses (land uses and activities that degrade the fish and wildlife habitat);

- identify and research relevance of economic, social, environmental, and energy issues of protecting or not protecting fish and wildlife habitat;
- define the consequences of allowing, limiting, and prohibiting conflicting uses in habitat areas; and
- assess the tradeoffs between factors and summarize the findings.

Identifying regionally significant fish and wildlife habitat

Metro completed its inventory of riparian corridors (streamside areas) and wildlife habitat in August 2002. Metro took an ecological functions approach to define the riparian corridors and identify wildlife habitat, based on an extensive scientific literature review. This approach combines geographic information system (GIS) mapping technology, scientific recommendations, and fieldwork for an inventory of the Metro region. Below is a short overview of the inventory methodology.

Riparian corridors

The riparian area refers to the land and vegetation adjacent to waterbodies such as streams, rivers, wetlands, and lakes that are influenced by perennial or intermittent water. According to the scientific literature reviewed, riparian corridors provide important ecological benefits for fish and wildlife including:

1. Microclimate and shade
2. Streamflow moderation and water storage
3. Bank stabilization, sediment and pollution control
4. Large wood and channel dynamics
5. Organic matter input

The ecological functions listed above provide the basis for Metro's delineation of riparian corridors. In the spring of 2001, Metro launched an effort to map the ecological functions of riparian corridors and the specific landscape features that are associated with these functions. Features include stands of trees, woody vegetation, meadows, wetlands, steep slopes, and flood areas that are located along the region's stream and rivers. Based on the scientific literature, Metro identified areas where landscape features make a "primary" (score of six points) or "secondary" (score of one point) contribution to providing an ecological function to the stream. The scores are additive for any given landscape feature and reflect relative ecological function at any given point on the map. The Metro Council determined that all areas receiving a score for providing riparian ecological function (primary and secondary) are regionally significant.

Wildlife habitat

The Goal 5 rule defines wildlife habitat as areas that wildlife depend on to meet their needs for food, water, shelter, and breeding. Metro's approach to identifying the region's important wildlife habitats was based on a combination of: best available scientific literature; GIS modeling; field studies to determine the location, quantity and quality of potential resource sites; and local expertise to identify locations of sensitive species and habitats (Habitats of Concern). The model assigns values to landscape features that allow comparison of their cumulative importance to the regional wildlife habitat network. In early 2001, Metro mapped wildlife habitat based on specific landscape features associated with these characteristics. Features include stands of trees, woody vegetation, meadows, and wetlands. The wildlife model is based on four criteria:

1. habitat patch size (minimum patch size of 2 acres unless a Habitat of Concern),
2. proximity to water sources,
3. proximity to other natural areas, and
4. forest interior habitat.

In brief, larger habitat patches are more valuable to native wildlife than smaller patches because more species are retained over time, and species sensitive to human disturbance still have a place to live. Rounder patches are better than long, narrow patches to reduce negative edge effects. Access to water within or near habitat patches is important to most wildlife species. Connectivity to other natural area patches is key to maintaining biodiversity. Sometimes local populations become extinct and connectivity provides the means for reintroducing that species, as well as maintaining the genetic diversity important to the long-term health of a population.

Each habitat patch was ranked and assigned a score for each model criteria, relative to other habitat patches. Sites are separated into three classes, of up to three possible points, for each criterion. The scores are additive for any given habitat patch and reflect relative wildlife habitat value for each of the habitat patches identified on the map. In addition to the wildlife habitat model, Metro worked with local experts and agency staff to identify "Habitats of Concern." Habitats of Concern are those sites known to be critical for sensitive species or to be scarce and declining in the Metro region. The Metro Council determined that all areas receiving a score of two or greater are regionally significant, plus sites identified as a Habitat of Concern.

Resource classification

Metro's inventories of riparian corridors and wildlife habitat provide a wealth of information on the relative ecological value of specific sites across the region. The inventory methodology distinguished between resource function with as much precision as possible to make an informed decision on regional significance. The upland wildlife habitat was evaluated separately from the riparian wildlife habitat areas. However, a method of classifying the resources together becomes useful in the ESEE to facilitate distinguishing the tradeoffs of protecting or not protecting the habitat areas and, later, in the protection program. For the ESEE analysis, Metro classified habitat based on the ecological function scores into six classes, under two main categories: Riparian/wildlife and Upland wildlife. Each class covers a geographically discrete portion of the inventory, and may include riparian and/or wildlife functions and also may be a Habitat of Concern. Class I Riparian/wildlife and Class A Upland wildlife are the highest value.

Table 1. Fish and wildlife habitat classification system.

Riparian/wildlife corridors	Upland wildlife habitat
Class I riparian/wildlife corridors provide three to five primary functions. Wildlife habitat and habitats of concern are also included in these areas where they overlay with the high value riparian resource. Class I includes rivers, streams, stream-associated wetlands, undeveloped floodplains, forest canopy within 100 feet of a stream, and forest canopy within 200 feet of streams with adjacent steep slopes.	**Class A upland wildlife habitat** is high value wildlife habitat areas scoring seven to nine points in the wildlife model. Examples include large forest patches, wetland areas such as Smith and Bybee Lakes, and large contiguous patches such as Forest Park. This category may also contain areas providing secondary functions for riparian corridors and Habitats of Concern located outside of riparian corridors.
Class II riparian/wildlife corridors provide one to two primary functional values and one or more secondary functions. Wildlife habitat is included. Includes rivers, streams, 50-foot area along developed streams, forest canopy or low structure vegetation within 200 feet of streams, and portions of undeveloped floodplains extending beyond 300 feet of streams. Class II is elevated to Class I with a Habitat of Concern.	**Class B upland wildlife habitat** are medium value upland wildlife habitat areas scoring four to six points in the wildlife model. These areas include forest patches with low structure connector patches along streams and rivers. This resource category may also contain areas providing secondary functions for riparian corridors.

Class III riparian corridors are areas that have only riparian value (located outside of wildlife habitat areas) such as developed floodplains and small forest canopies that are disassociated from streams.	**Class C upland wildlife habitat** includes areas scoring two to three points in the wildlife habitat model, including forest patches and smaller connector patches along streams and rivers.

Impact area and conflicting uses

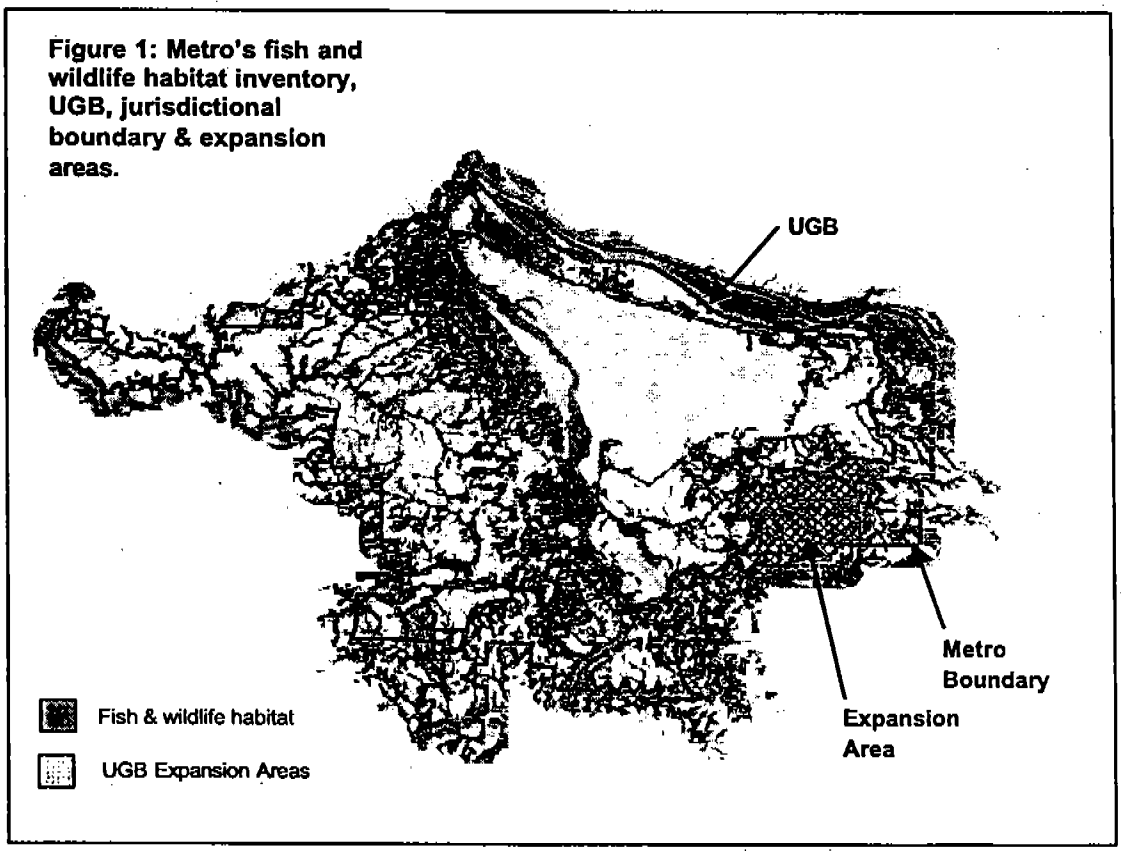
The first steps of the ESEE analysis are to identify the impact area and the conflicting uses that negatively impact fish and wildlife habitat.

Impact area

An impact area is the area where land uses and activities such as development, landscaping, and road construction may impact fish and wildlife habitat. In these areas Metro is concerned with how the activities impact the resource and possible restoration, since they are not currently providing habitat function. The ESEE analysis is conducted for both the regionally significant fish and wildlife habitat areas and the impact area. Under the Goal 5 rule, Metro may develop a program that applies to both the regionally significant resource and the impact area. Simply put, the impact area defines an area where allowed land uses or activities could harm the resource.

Riparian impact areas beyond the existing inventory are limited to areas adjacent to the most vulnerable resources, such as streams, wetlands and lakes, which have little or no vegetation. All land uses in a watershed impact the streams within it, but Metro's scientific literature review indicates that the area providing the most important ecological functions to the stream generally falls within 150 feet. The ***riparian impact area*** for Metro's ESEE analysis has been defined as the area within 150 feet of a stream, wetland or lake that otherwise receives no ecological score. The ***vegetation impact area*** is defined as 25 feet around all resources to protect the tree root zone area and low-structure vegetation.

Figure 1: Metro's fish and wildlife habitat inventory, UGB, jurisdictional boundary & expansion areas.



Conflicting uses

A key step in the economic, social, environmental, and energy (ESEE) analysis is to identify conflicting uses that "exist, or could occur" within regionally significant fish and wildlife habitat sites and identified impact areas. According to the Goal 5 rule, a conflicting use is a "land use, or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource." Identifying conflicting uses is important to focus the ESEE analysis on various land uses and related disturbance activities that may negatively impact riparian corridors and upland wildlife habitat. Figure 1 depicts Metro's inventory, urban growth boundary (UGB), jurisdictional boundary, and 2002 UGB expansion areas. Metro identified conflicting uses from a regional perspective by examining generalized regional zones and by considering Metro's 2040 Growth Concept. Metro analyzed the distribution of its fish and wildlife habitat inventory among generalized regional zones, 2040 design type priorities, and impact areas. Disturbance activities that are likely to occur within the generalized regional zones are described in Table 2 below.

Table 2: Common disturbance activities.

• Clearing vegetation	• Constructing roads, stream crossings (e.g., bridges), installing culverts
• Grading, excavation, filling, hauling, and soil compaction	• Landscaping with non-native vegetation (e.g., establishment of lawns, addition of non-native landscape features – trees, shrubs, groundcover, etc.)
• Adding impervious surfaces by constructing buildings, sidewalks, driveways, parking areas and roads	• Introduction of non-native fish and wildlife species
• Modifying streams such as channelizing, piping, widening, deepening, straightening and armoring streambanks to confine flows, increase capacity for flood control, and stabilize streambanks	• Using fertilizers, pesticides and herbicides
• Installing utility connections such as sewers and stormwater pipes; septic tanks (in rural areas); building sewer pump stations and water towers	• Building fences and other wildlife barriers
• Building stormwater control structures	• Using toxins in households and businesses
	• Generating runoff from household and business activities
	• Other (pets, lights, noise, litter, garbage, etc.)

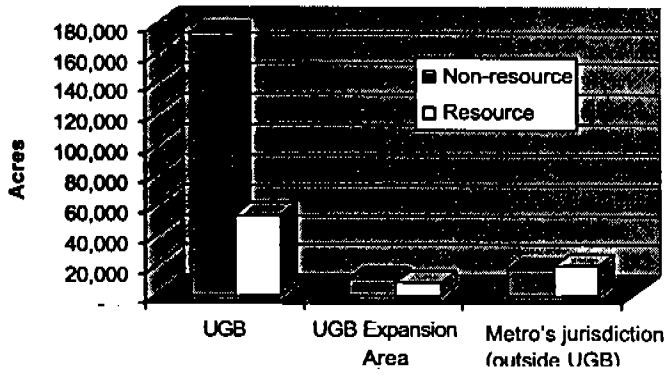
Key points from the conflicting use analysis are highlighted below, first from the perspective of Metro's entire jurisdiction, and secondly focusing on the conflicting uses within the UGB.

All fish and wildlife habitat within Metro's jurisdiction

Metro's jurisdiction covers about 280,660 acres, or about 438 square miles (not including water). Figure 2 shows a comparison of non-resource land with resource land in three geographical areas: the UGB (pre-December 2002), UGB expansion areas (December 2002), and the remaining areas in Metro's jurisdiction outside the UGB (see Figure 1 map).

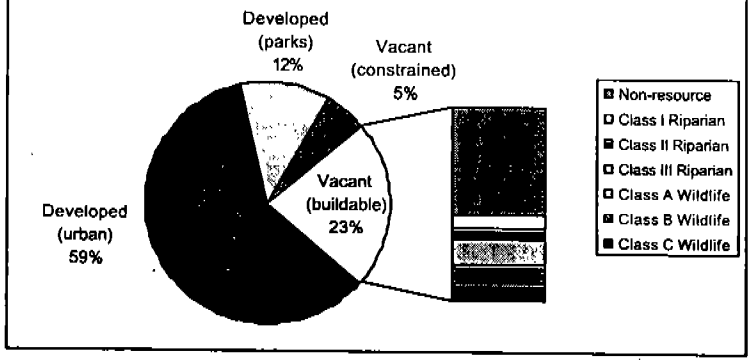
- About 29 percent of the total acreage represented in Figure 2 is regionally significant fish and wildlife habitat (81,700 acres). Approximately two-thirds of fish and wildlife habitat is within the UGB. Most (89 percent) of the land outside of the UGB but within Metro's jurisdiction is in rural use.

Figure 2: Total acreage in Metro's jurisdiction.



- Twenty-three percent of the total land area (both non-resource and resource) is vacant buildable land (64,178 acres); over half is non-resource land (see Figure 3).
- Twenty-eight percent of vacant resource land is constrained by existing environmental regulations.
- Taken together, the highest quality riparian/wildlife corridors (Class I) and upland wildlife (Class A) comprise one-fifth of the region's supply of buildable land.

Figure 3: Percentage of total acreage in Metro's jurisdiction by development status.



Inside the UGB

- Forty-six percent of resource land is zoned[1] single-family residential; over half is classified as high value riparian/wildlife corridor and upland wildlife habitat.
- Twenty percent of the resource land is zoned for parks and open space. However, 34 percent of the inventory is used as a park or open space.
- Fourteen percent of the resource land is zoned for industrial use. Of this amount, 44 percent overlaps with high value habitat and over half is vacant, but mostly constrained.
- Metro identified approximately 13, 300 acres as impact areas within the UGB. Over half are zoned single-family residential; 19 percent are zoned industrial; 82 percent is developed.
- Metro's 2040 Growth Concept describes the region's goals through land use and identifies design types as the "building blocks" of the regional strategy. 2040 design types are prioritized into four categories: primary, secondary, tertiary, and other design types. Over half of the habitat is in tertiary design types.

Figure 4: Distribution of fish and wildlife habitat by generalized regional zones inside the UGB.

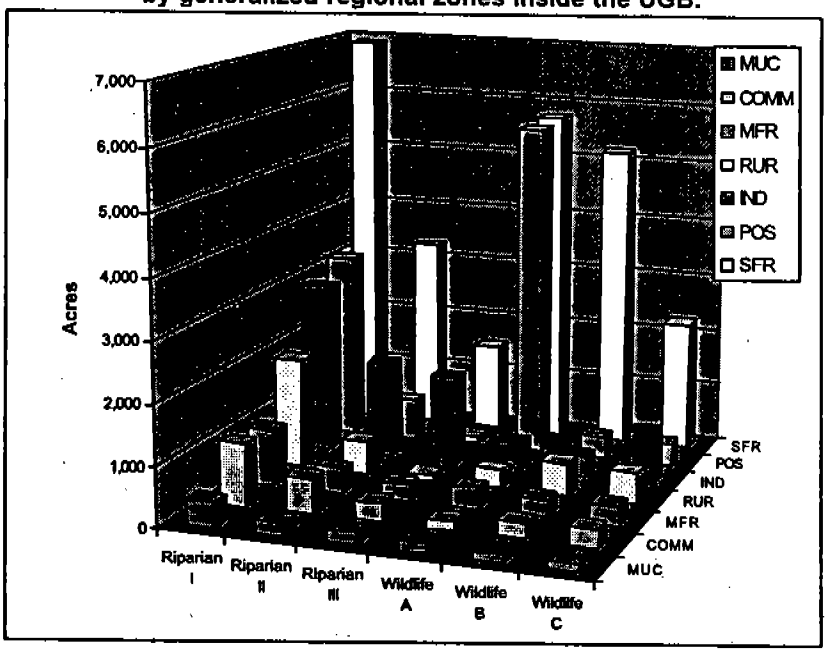
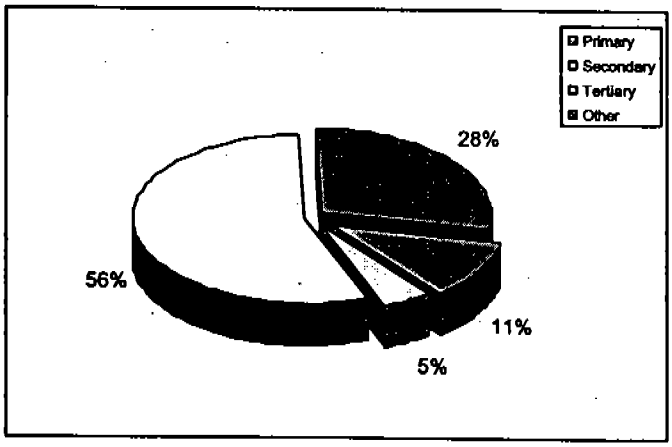


Figure 5: Percentage of resource land by 2040 Design Type hierarchy.



[1] Generalized regional zones include: SFR: single family residential; MFR: multi-family residential; MUC: mixed use centers; COM: commercial; IND: industrial; RUR: rural residential; and POS: parks and openspace.

Definition of allow, limit, and prohibit

Metro's ESEE analysis describes the consequences of allowing, limiting, or prohibiting conflicting uses in fish and wildlife habitat areas. The Goal 5 rule requires that a program be developed that is based on and supported by the ESEE analysis, and that describes the degree of protection intended for the resource. Although the ESEE consequences analysis is described in terms of "allow, limit, or prohibit," the Goal 5 program may be some combination of the three scenarios, such as "strictly limit" (between prohibit and limit), "limit," or "moderately limit" (between limit and allow). Table 3 depicts Metro's general definitions of allow, limit, and prohibit for purposes of this general regional ESEE analysis. In the next phase of the ESEE, Metro will develop modeling assumptions for each development decision to assess the impacts of a variety of program options.

Table 3. General definition of allow, limit, and prohibit.

Allow	Limit	Prohibit
According to the Goal 5 rule, "a local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site." For example, the economic and social benefits of allowing an industrial use may outweigh the environmental and energy benefits of protecting the resource because of the additional jobs and increased tax base the development may create. A decision to allow the conflicting use does not necessarily preclude resource protection. All development in a resource area would be subject to existing local, state, and federal government regulations. Incentives and/or educational materials could be developed to encourage stewardship and other voluntary protection measures.	According to the Goal 5 rule, "a local government may decide that both the resource and the conflicting use are important compared to each other and the conflicting use should be allowed in a limited way that protects the resource site to a desired extent." A program to limit a conflicting use can be designed to allow some level of development with certain restrictions to protect the resource. For example, the disturbance area may be limited in size ("x" number of square feet) and location (as far from the water feature as possible). Design standards may also be required to lessen the impact on the resource (e.g., tree retention, cluster development, impervious surface reduction). Mitigation standards may be required to replace lost resource functions (e.g., plant native vegetation).	A Goal 5 resource would receive the highest level of protection with a decision to prohibit conflicting uses. According to the Goal 5 rule, "a local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited." For example, development may be prohibited within a highly valuable riparian corridor with intact vegetation. Development would, however, be allowed if all economic use of a property is lost through full protection. This could occur when a parcel of otherwise developable land is located fully within a riparian corridor.

A decision to limit or prohibit conflicting uses in fish and wildlife habitat areas could impact the amount of buildable land available to meet the jobs and housing needs of the Metro region within the UGB. If land for employment and housing were protected then the Metro Council is required to consider either increasing densities or changing design type designations in other parts of the region. If the 20-year demand for growth still cannot be met, the Metro Council has the authority to expand the UGB to meet regional needs. At the regional level, expanding the UGB has the potential to mitigate the negative consequences on jobs and housing of limiting or prohibiting development. However, not all uses are "substitutable" or able to be relocated from one part of the region to another. For example, it is easier to relocate housing than water-dependent industrial uses. Expanding the UGB to allow for protection of fish and wildlife habitat may be one method to minimize clashes with conflicting uses. However, such a decision may increase expenditures associated with extending infrastructure, vehicle miles traveled, and other development related expenses.

ESEE Issues

Metro's approach for conducting a region-wide ESEE consequences analysis focuses on achieving the goals of the 2040 Growth Concept. The goals in the Growth Concept, the Future Vision, the Regional Framework Plan (implemented through the Urban Growth Management Functional Plan), and Metro's Vision Statement for Protecting Fish and Wildlife Habitat all specify that the region should manage growth while protecting the natural environment, maintaining a high quality of life, and providing affordable housing options.

Metro has taken a regional approach to the ESEE analysis, considering the overall tradeoffs of protecting or not protecting fish and wildlife habitat. Frequently, it was difficult to determine in which category to place a consequence. For example, flooding has negative economic consequences (cost to repair damaged structures), social consequences (families lose irreplaceable items like photos), environmental consequences (changes to the stream system), and energy consequences (energy used to repair buildings). Many consequences cross categories and Metro staff used professional judgement to determine which category was most effective for describing the consequences. The table below identifies the main ESEE issues considered in Metro's analysis.

Table 4. ESEE key issues.

Economic	Social	Environment	Energy
– Development values *(property values, location and use factors)* – Economic activity impacts *(jobs, income; costs to expand UGB or for regulatory compliance)* – Policy values and future goals *(2040 Growth Concept hierarchy)* – Ecosystem values *(flood management and water quality; salmon habitat; amenities; intrinsic values)* – Dynamic factors *(substitutability of land use; ability/need to expand UGB over time; opportunities for restoring resources)*	– Cultural heritage and sense of place *(nature & wildlife are part of region's unique identity; salmon: important to Metro residents; Native American culture)* – Public health *(recreation; clean air and water; sight of natural areas impacts mental health and reduce stress; spiritual values)* – Educational opportunities *(interdisciplinary education)* – Public safety *(tree canopy, vegetation reduces landslides and floods; may increase wildfires; nuisance species)* – Land supply *(housing & job types, location)* – Property rights *(Americans history of private property rights; takings; personal financial security; public property rights (fish, wildlife, water, air); distribution of benefits and burdens)* – Intergenerational equity	– Hydrology, physical stream condition, floodplain function – Water quality – Riparian or upland habitat condition – Vegetative cover – Fragmentation, light and noise – Microclimate – Woody debris and organic materials – Erosion, sedimentation and soil loss – Biodiversity; nonnative species invasions	– Transportation – Regionally, petroleum is second only to hydroelectric in use *(transportation is primary petroleum user)* – Transportation use is affected by urban form – fewer VMT with compact urban form – Motor vehicles are the single biggest air polluter *(pollution warms air (local and global), increasing smog)* – Temperature regulation *(plants reduce air temperature in urban areas prone to heat island effect; cool by shading and discharging water vapor; helps reduce global warming)* – Plants reduce energy use *(reduces air conditioning demand; reduces need to use energy for salmon protection, restoration by cooling water)*

ESEE Tradeoffs

The Goal 5 rule describes a process in which the ESEE consequences of allowing, limiting, and prohibiting conflicting uses are weighed with the need to preserve natural resources. These tradeoffs are described below. Metro considers the tradeoffs from a regional perspective. Some of the tradeoffs are different when considering local priorities and concerns; for example, from a regional perspective conflicting uses could be relocated or intensified in one area to account for resource protection in another. This solution may not address the needs of a city to provide jobs or housing within its jurisdiction, or to protect locally significant resources.

The consequences of allowing, limiting, or prohibiting conflicting uses vary by resource class, with negative impacts greater when conflicting uses are allowed in high value fish and wildlife habitat areas (see Table 5 below). On the other hand, the ecological benefits of prohibiting conflicting uses are greater for higher value fish and wildlife habitat areas. Impacts of allowing, limiting or prohibiting conflicting uses on undeveloped land would likely be greater than on developed land, because existing uses are assumed to be allowed. However, developed land may be impacted when redevelopment activities occur, depending on the type of program implemented. The consequences of allowing, limiting, or prohibiting conflicting uses are mostly the same for the regional zones, but there are some differences, as shown in Table 6.

Table 5. Resource site perspective of tradeoffs of allowing, limiting, and prohibiting conflicting uses.

Resource class	Allow	Limit	Prohibit
Class I Riparian/wildlife Class A Upland wildlife	The environmental consequences would be substantially greater in these areas than in resource areas with less functional value. There would not be many positive consequences of allowing conflicting uses in these high quality habitat areas. • No additional constraints on economic development of property, or on uses of property by landowners. • Class I contains 8% of unconstrained, buildable land within the UGB; if more vacant land fell within these areas the tradeoffs would be higher. • Of the 17% of land zoned for employment in Class I, none is considered high employment value, limiting economic benefits of allowing conflicting uses. • 42% of unconstrained, buildable land in Class I riparian/wildlife is zoned for single family use, so a decision to allow would minimize additional property owner concerns about further regulations on their land. • Class A upland wildlife contains about 11% of unconstrained, buildable land within the UGB, and of that land 77% is zoned for single family use. Single family use, if allowed, may be compatible with some habitat protection. • Loss of many primary ecological functions and habitat characteristics, fragmentation and degradation of key habitat for sensitive and endangered species, and introduction of nonnative species. • Loss of trees and vegetation would also lead to higher air temperatures and increased energy demand for temperature regulation. • Loss of ecosystem services, potential increase in municipal expenditures on water quality and flood control, and a high risk of foregoing future ecosystem benefits through retention of restoration opportunities. • Loss of social benefits because these high value habitats are critical to preserving cultural heritage and protecting public health. Negative impacts to salmon (and Native American culture). Irreversible changes to the heritage and economy of the Pacific Northwest.	Would allow some resource preservation while mitigating the negative economic, social and energy consequences. • The impact of limiting development would depend on the type of program implemented, and the results may range from minimal to almost complete protection of ecological functions. • The retention of ecological functions through a limit decision is affected by the degree to which medium and low value habitats are protected. • Using best management practices and low impact development standards to mitigate the impacts of development could reduce negative environmental, social, energy and economic consequences. • Retention of existing habitat would be much cheaper than restoring it later, and also would require less energy.	Would result in the most positive environmental consequences. • The amount of buildable land impacted would be one fifth (19 percent) of the total buildable land in the UGB, which would reduce competition between resource conservation and development of these high value habitats (Class I and Class A). • Preserving the high value habitats would minimize negative environmental consequences but would focus protection efforts on owners of buildable single family land, especially in upland habitat areas. • Reduce air temperatures but may increase infrastructure needs and commute distances by preventing road development in high value habitats and possible expansion of the UGB. • Preserves the value of ecosystem services provided by high quality habitat. • Preserves the public social values of habitat (cultural heritage, public health and safety, education, etc.) but may negatively impact private property rights. • Would likely require additional density elsewhere in the UGB or an expansion of the UGB to provide sufficient buildable land.

Resource class	Allow	Limit	Prohibit
Class II Riparian/wildlife Class B Upland wildlife	The tradeoffs would not be as great as in Class 1 riparian/wildlife but still would have a substantial negative impact on ecological function. • No additional constraints on economic development of property, or on uses of property by landowners. • Potential for losing existing ecological functions is reduced because fewer functions are present. May result in the loss of restoration opportunities. • The loss of Class II riparian/wildlife would remove existing water quality filtration capacity and other ecological functions, with resulting negative impacts on ecosystem services, social values, and energy use. • Would have a negative environmental impact on Class I riparian/wildlife by removing areas that contribute secondary function to the streams and water bodies. • Class II riparian/wildlife contains about 5% of the unconstrained buildable land within the UGB; thus allowing development in these areas does not have a significant economic benefit at the regional level. • Approximately 28% of Class II land supports employment, and a majority is classified as low employment value, minimizing the positive impact of an allow decision. • Loss of Class B land would result in the loss of connectivity between habitat patches as well as extensive loss of migratory stopover habitats and movement corridors. • Losing Class B would impact the value of the Class A upland wildlife areas by reducing connectivity among them, with consequent negative social and economic impacts. • Class B contains 9% of the buildable land in the UGB. Over 63% of that land is zoned for single family use, thus a decision to allow would positively impact residential property owners. • Only 9% of Class B land supports employment, and of that none is classified as high value employment, minimizing the positive economic impact of an allow decision.	The tradeoffs of preserving these habitat areas may be addressed by mitigating the negative consequences with a Limit decision. • The impact of limiting development would depend on the type of program implemented. • Using best management practices and low impact development standards to mitigate the impacts of development could reduce negative environmental, social, energy and economic consequences. • Retention of existing habitat would be much cheaper than restoring it later, and also would require less energy. • These habitat types that are not currently high quality may benefit from limited development if tied to restoration and mitigation.	Prohibiting conflicting uses would result in a number of positive environmental consequences but at the expense of affecting a large number of residential property owners. • Preservation of Class II riparian/wildlife and Class B upland wildlife would increase the quality of Class I riparian/wildlife and Class A upland wildlife, maintaining riparian ecological functions and habitat connectivity. • May result in the need to increase density within the UGB or to expand. This may reduce housing and employment choices and could increase energy use through increased VMT and the increased economic cost of development. • Would retain restoration opportunities where ecological functions could be regained by increasing tree canopy or removing nonnative plants.

Resource class	Allow	Limit	Prohibit
Class III Riparian wildlife Class C Upland wildlife	The tradeoffs would not be as great as in the higher value resource areas. • No additional constraints on economic development of property, or on uses of property by landowners. • Class III riparian/wildlife includes small forest patches and developed floodplains. The developed floodplains currently provide little ecological value but may provide opportunities for restoration in the future. Isolated small forest patches provide some environmental and energy benefits. • Class III riparian/wildlife makes up 1% of the buildable land in the UGB. 48% of that land is zoned for single family, development of which could retain some of the forest canopy, minimizing negative environmental impact of an allow decision. • 49% of Class III riparian/wildlife land is zoned for employment, and of that land 19% is classified as medium or high employment value. This indicates greater economic, social benefits of an allow decision than in Classes I or II. • Class C upland wildlife patches are of reduced quality compared to A and B upland wildlife. Negative environmental impacts of an allow decision are not as great as for Classes A and B. • Class C upland wildlife comprises only about 7% of the buildable land within the UGB, most of which is zoned for single family (37%) and industrial (26%). 25% of Class C upland wildlife land is zoned for employment, and most of that land is classified as low employment density.	Could preserve some resource value while mitigating the negative consequences of protection. Class III riparian/wildlife and Class C upland wildlife could provide important sites for restoration, improving the overall habitat quality for all resource classes.	The ecological benefits of prohibiting development in Class III riparian/wildlife and Class C upland wildlife would not be very great, while the negative economic, social and energy consequences for the property owners in these areas would be high. However, the impact on buildable land would be minimal, reducing the regional impact of preserving these areas.
Impact areas	The negative consequences of allowing conflicting uses in impact areas would be substantially less for all four ESEE factors than in higher value resource categories. • Impact areas provide little existing ecological function, so the environmental benefit of prohibiting conflicting uses is low. • These areas provide important opportunities for landowner education, stewardship and restoration. • With development and redevelopment a limit decision that directs the use of low impact development standards and best management practices could help the overall ecosystem to regain ecological function over time.		

Table 6. Regional zone perspective of ESEE tradeoffs.

Regional zone	Tradeoffs of allowing, limiting, or prohibiting conflicting uses
Single family residential	For single family uses the tradeoffs include many of the most sensitive social issues. • Largest portion (46%) of the inventory; includes 23% of the total unconstrained buildable land within the UGB. • A decision to allow minimizes additional restrictions on development potential, reducing possible impacts on personal financial security and regulatory or perceptual takings. • Allowing conflicting uses on vacant land may adversely impact established neighborhoods, changing neighborhood character, and resulting loss of trees and vegetation. • Limit decision provides opportunities to balance competing needs of resource protection and property development rights. May retain trees and vegetation and provide opportunities for stewardship and landowner education. May increase offsite roads and infrastructure. • Prohibiting conflicting uses completely would adversely affect many residential property owners, but would retain resources and neighborhood character.
Multi-family residential	The most important tradeoff for multi-family is the impact on capacity within the UGB. • Accounts for 5% of the inventory and 1.5% of the total unconstrained buildable land within the UGB. Thus, limiting or prohibiting conflicting uses would have a minimal impact on housing capacity. • Fewer infrastructure requirements per dwelling unit as compared to single family, reducing cost of development (economic and energy) but increasing vegetation loss & impervious surfaces. • Limit decision allows for substantial preservation of the resource along with development if low impact development (LID) standards are applied in conjunction with best management practices (BMPs).
Mixed use centers	A key tradeoff is supporting the 2040 Growth Concept and providing housing & employment capacity in the UGB. • Comprises only 2% of the inventory, and almost 2% of the total unconstrained buildable land in the UGB. • An allow decision for mixed-use centers allow residents the opportunity to live near their work, which tends to reduce vehicle miles traveled and related negative water quality impacts and energy use. Less time spent commuting also allows people time to spend with family, on hobbies or recreational activities. • Increased impervious surfaces and tree loss add to the urban heat island effect, contributes to global warming. • May provide some opportunity for resource preservation along with development, depending on the program.
Commercial	For commercial uses the most important tradeoff is the impact on employment and shopping opportunities. • Accounts for 5% of the inventory, and 1.5% of the total unconstrained buildable land in the UGB. • Allowing conflicting uses reduces employment impacts specific to development; does not affect related income & tax revenue to municipalities. • Increased levels of on-site impervious surfaces have negative environmental and energy impacts. • Limit decision would allow some retention of ecological functions by requiring LID and BMPs.
Industrial	For industrial uses the most important tradeoff is provision of employment and an income base for the region. • Comprises 14% of the inventory, but only 6% of the total unconstrained buildable land in the UGB. However, due to the scarcity of industrial land in the region, impacts may be high. • Most of the industrially zoned resource land is classified as having a low employment density. However, 60% of resource land in industrial zoning scored high for at least on measure of development value, increasing economic development impacts of a prohibit decision. • Instituting LID and BMPs may preserve some ecological functions, reducing negative economic impacts.
Rural	An important tradeoff is the impact of allowing conflicting uses on regional identity and preservation of land for future development. Rural areas serve as visual greenbelts and also maintain land in agricultural uses near the UGB. • Comprises 7% of the inventory and 7% of the total unconstrained buildable land in the UGB. Outside of the UGB (in Metro's jurisdiction), rural residential is the predominate use. • Rural uses provide important connector habitat. Allowing conflicting uses can have negative environmental effects such as livestock degradation of riparian areas and water quality impacts of leaky septic tanks. • Limit decision would provide opportunities to preserve habitat while allowing some development.
Parks and open space	A key consideration is the need for active recreation facilities versus using public land to preserve habitat. • Makes up 20% of the inventory, but provides a negligible amount of unconstrained buildable land. • Publicly owned lands offer the main opportunity to preserve habitat for the public benefit without negatively impacting private property owners.

Implications of ESEE for program options

The next step in Metro's planning process involves defining several program options for protecting fish and wildlife habitat. The tradeoffs associated with each option will be evaluated and compared, providing valuable information to the Metro Council as it considers a final decision to allow, limit, or prohibit conflicting uses in resource areas. The ESEE analysis helps to focus the debate in the program option phase. Key points from the analysis are highlighted below.

Economic

1. **Habitat lands have economic value for ecosystem services and for development potential.** Decisions that protect or enhance ecosystem services have a positive effect on the economy. In some cases it is more cost effective to protect natural resource areas than it is to undertake restoration or build engineered structures to provide for flood control, water quality, and other ecosystem services. The development potential of land based on the property market and other conditions competes with habitat values.
2. **The extent of the conflict between protecting fish and wildlife habitat and allowing development to occur is minimized by the following factors:**
   - Most resource lands inside the UGB are in park status (34 percent), developed with existing uses (22 percent), or constrained by existing regulatory programs protecting streams, wetlands, floodplains, and steep slopes near streams (16 percent). The majority of high value resource lands (71 percent of Class I riparian/wildlife; 59 percent of Class A upland wildlife) are already in use as parks or open space or are environmentally constrained.
   - While resource lands comprise 41 percent of the unconstrained buildable land supply within the 2002 UGB, the highest value resources comprise one-fifth of the region's buildable land supply.
   - A majority of resource lands occur outside areas of intensive urban development, reducing conflicts between habitat conservation and economic development.
   - A majority of high value resource land (83 percent of Class I riparian/wildlife and 95 percent of Class A upland wildlife) is not zoned to support employment (zoned for mixed-use centers, commercial, or industrial use), and land that does support employment is at low employment densities (based on employees per acre).
   - Conflicts are highest on resource lands in industrial zoning. About 61 percent of resource lands zoned for industrial use scored high for at least one measure of development value.
   - Limit and prohibit decisions would primarily affect 2040 design types with lower expected levels of urbanization (i.e., inner and outer neighborhoods). These areas cover a majority of the landscape, so the decisions would impact many property owners.
3. **Conflicts between ecosystem service value and development value remain because:**
   - The cumulative property value or employment affected could be significant depending on the amount of land on which conflicting uses are limited or prohibited.
   - Land considered of low development value from a regional perspective could be considered high development value from a local perspective.
4. **Regional economic impacts could be reduced by the availability of land elsewhere in the region or outside the UGB.**
   - Some development types can be accommodated within the region at higher densities; e.g., more housing units or dense commercial uses in centers.

- Other development may be less flexible; e.g. industrial uses or detached single family.
- A UGB expansion to replace buildable land may not be in the same area of resource protection, impacting the needs of the local community.
- Expanding the UGB may increase expenditures associated with vehicle miles traveled, extending or expanding infrastructure, and other urban growth expenditures.

5. **Decisions that result in protection of riparian corridors and wildlife habitat may reduce the future costs to municipalities of complying with environmental regulations, such as the federal Endangered Species Act and the federal Clean Water Act.** Likewise, degrading resources increases the likelihood that future municipal expenditure to comply with environmental laws will increase.

Social

1. **The social benefits of preserving fish and wildlife habitat are diverse and cross-cultural.** These include our cultural heritage, regional identity, sense of place, and neighborhood character. Property owners may also benefit from the retention of fish and wildlife habitat through increased property values. Opportunities for education abound in areas with healthy fish and wildlife habitat.
2. **The distribution of the regulatory burden on property owners to protect fish and wildlife habitat for the general public benefit is a critical social concern.** Private property rights are a fundamental cornerstone of American life, and additional regulations reducing development rights may be seen as an attack on personal financial security as well as a possible taking. However, there are public rights to clean air and water, as well as healthy fish and wildlife, which serve as a counterbalance to this view.
3. **Fish and wildlife habitat provide positive benefits to public health and safety, but there are some negative effects.** There are many obvious benefits of recreation, as well as the mental health and stress relief found in nature. Additionally, minimizing the incidence of flooding and erosion contributes to public safety. However, increased forest canopy and vegetation could lead to wildfire risks and potential damage from windstorms.
4. **People today have a responsibility to provide future generations with some of the same benefits that current residents enjoy.** Preserving fish and wildlife habitat for future generations is a social value that must be balanced by the costs of doing so today. Sustainable development practices allow for development to occur today while maintaining a certain amount of intergenerational equity.

Environmental

1. **Conflicting uses on highly valued habitat land have a greater negative impact than on less valuable land.** For example, loss of high-value Class I riparian/wildlife would have a stronger ecological impact than Class II or Class III. Loss of high-value riparian resources would also result in loss of high-value wildlife habitat, because Class I riparian/wildlife resources include some high-value wildlife habitat (including Habitats of Concern).
2. **Consequences to wildlife habitat also depend on resource value, but with different implications than riparian resources.** Connectivity is important to wildlife, therefore the loss of any component in the system may reduce the value of nearby wildlife habitat patches. For example, preserving two Class A upland wildlife habitat patches will be most valuable if connectivity is retained, and the connecting patches are typically Class B or C upland wildlife. Preserving only Class A upland wildlife will reduce its value due to the loss of nearby Class B and C habitats.

3. **Trees are invaluable to the health of both wildlife habitat and riparian corridors.** They are important both near streams and throughout the watershed, as affirmed by local studies. Trees provide habitat, absorb pollution and excess nutrients, and slow and retain stormwater, reducing hydrologic alterations.
4. **Hydrologic changes have far-reaching negative consequences.** Changes to stream flow have far-reaching environmental impacts. Reducing or mitigating impervious surfaces and stormwater impacts is necessary to mimic natural water flow patterns.

Energy

1. **Trees and other vegetation are a key variable mitigating negative energy impacts.** Plants clean and cool air and water, and also reduce air conditioning demand.
2. **Transportation infrastructure creation and maintenance require energy, whereas transit and alternative transportation modes reduce energy consumption.** Program solutions that reduce infrastructure needs and support alternative modes of transportation can reduce overall energy use.
3. **At the regional scale, fossil fuel use for transportation constitutes a key use of energy and contributes to warming of air and water, as well as air pollution.** Reducing vehicle miles traveled, and the infrastructure required to support such travel, is an important variable in reducing energy use.
4. **Protection of natural areas can increase energy use by increasing VMT, because drivers must travel around the protected areas.** However, trees and other vegetation also help mitigate negative energy effects. A limit decision could provide a balance between compact urban form and retention of green infrastructure within the urban area.

Integrating the needs of people with the needs of fish and wildlife in an urban environment is not an easy task. There is debate on the value of protecting habitat in urban and developing areas, considering the difficulty many species have cohabiting with humans and the economic value of developable land in urban areas. However, a large body of evidence, both local and nationwide, indicates that people living in urban areas value fish and wildlife habitat. In addition, properties located adjacent to natural areas can have higher economic and social value.

The right balance between preserving and developing natural areas is not obvious. Allowing 100 percent of the desired development activities or protecting 100 percent of the habitat areas from development will not satisfy the many competing interests, as described above. The ESEE tradeoffs and key points identified in this report create a base of facts as a foundation for the public debate and decision making process.

Resolution No. 03-3376A

Addendum to Exhibit A: Comments on ESEE Analysis and Executive Summary

Reviewer	Report & section	Comment	Response
MTAC	ESEE Report	Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on *transportation facilities*	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on *other infrastructure*	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on the *ability to provide security for public infrastructure* that is located in these areas	Staff will address
		Address the social and economic consequences of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas that are located within *public and private institutions*	Staff will address
		Consider the value of vested property rights in determining economic priorities	Staff will consider
		Confirm that the effect on redevelopment from a decision to allow, limit, or prohibit conflicting uses is adequately addressed	Staff will address
ETAC	ESEE Report; Economic priority methodology	Report needs to recognize dividing points are coarse, and more description of how they were determined (for both economic and environmental) needs to be included. Identify limitations of the priority ranking methodology. Add reference to Port study of the river industrial area.	Staff will address
	ESEE Report; Component summary categories	Changing the component summary categories to include only Regionally Significant Industrial Areas and not all industrial areas does not reflect the priority the committee discussed for these areas. This also creates complications for intermodal facilities. ETAC recommends removing this distinction.	Staff will consider
	ESEE Report; Table 4-1	Undervalues the ecosystem service functions of some areas such as steep slopes (for landslides) and small headwaters (for water quality).	Staff will consider
IEAB Summary comments	ESEE Report ECO analysis	1. Presentation bias/unbalanced treatment of economic effects 2. Positive values of ecological services are over-emphasized and costs of limit or prohibit decisions are de-emphasized 3. Statements not backed up by quantifiable information should be presented as value judgements 4. The conflict between the development of industrial sites and riparian protection is missing from several parts of the reports 5. 2040 growth concept is not included in key parts of the report 6. Costs of not expanding the UGB are not considered 7. Several important economic factors appear to be missing from the analysis 8. Not enough emphasis on the economic values of open space that would be enhanced or preserved by prohibit or limit decisions	1. Staff will consider 2. Staff will consider 3. Staff will address 4. Staff will address 5. Staff will address 6. Staff will address 7. Staff will consider 8. Staff will address

		9. More explanation of methodology used to create high, medium, and low categories should be included. Resulting analysis is highly dependent on how these categories are defined. 10. Reports imply a cost-benefit analysis when they only provide a consideration of the costs and benefits. 11. Economic equity discussion should be expanded. 12. Areas that do not have resources still may be impacted by limit or prohibit decisions by a general increase in housing costs and job opportunities 13. Reports need to define terms and use them consistently 14. Include more description of Goal 5 rule and policies influencing analysis 15. State that the expansion of the UGB is a possible policy consideration 16. Add more clarification of the 2040 design types in the ECO report 17. Review tables to ensure the numbers reported are accurately described	9. Staff will address 10. Staff will address 11. Staff will address 12. Staff will address 13. Staff will address 14. Staff will consider 15. Staff will address 16. Staff will address 17. Staff will address
IEAB Individual reviewers	ESEE Report	All comments were reviewed and will be considered when revising the report. Many are editorial and are not included in this table. The following comments were not included in the summary above: 1. Color maps would be helpful – or a link to a website that contains the color maps (NN, SH, TM) 2. Concern about describing Multi-family as not supporting employment (RM) 3. Economic chapter in ESEE Report is much clearer and better written than ECO Report. (SH, TM) 4. Changes in timber production are not solely the result of restrictions due to the spotted owl and Canadian policies. (HR) 5. Ranking all jobs together is very simplistic, at least two categories are needed: average income per job and multiplier effect. (HR) 6. Describe maps when they appear in the report (TM)	1. Staff will consider 2. Staff will consider 3. Thanks! 4. Staff will consider 5. Staff will consider 6. Staff will address
	ECO Report	All comments were reviewed and will be considered when revising the report. Many are editorial and are not included in this table. The following comments were not included in the summary above: 1. What is the purpose of an index that values land relative to the Portland city center? This needs to be more thoroughly described as part of the methodology. (LP) 2. A section on the types of economic benefits that might be lost if development is limited or prohibited should be added to parallel the discussion of ecosystem services benefits (RM) 3. Add more of a discussion of substitutability of lands (RM) 4. ECO probably went as far as they could in quantifying the effects. They have successfully shown the distribution of natural resources and economic activity in the Portland area and how they overlap. (TM) 5. Add some examples of types of areas that receive a low or medium land value or employment potential. (TM) 6. Add discussion of intrinsic value of built environment to the literature review. (TM)	1. Staff will address 2. Staff will consider 3. Staff will consider 4. Thanks! 5. Staff will consider 6. Staff will consider

EXHIBIT B
Resolution No. 03-3376A
Fish and Wildlife Habitat Protection and Restoration Program Options
Program Options Report
October 25, 2003

1. Program Options

The Metro Council and its local partners are conducting a three-step planning process to conserve, protect, and restore urban streams, waterways and upland areas that provide important fish and wildlife habitat. State land-use planning laws and broad citizen concern about the need to protect and restore habitat guide this work.

Based on a scientific assessment of functional habitat values, Metro Council identified regionally significant fish and wildlife habitat in August 2002, completing the first step of the planning process. This paper describes the approach Metro is following to carry out the second step of the planning process: assessing the Economic, Environmental, Social, and Energy (ESEE) tradeoffs of protecting or not protecting regionally significant fish and wildlife habitat.

Metro's ESEE analysis is divided into two phases. The first phase is nearly complete with the release of the discussion draft ESEE Report that describes the general tradeoffs of allowing, limiting, or prohibiting conflicting uses in fish and wildlife habitat areas.[1]

Evaluating the performance of a range of program options is the objective of the second phase of the ESEE analysis. Program options will be defined by applying a range of hypothetical Allow, Limit, and Prohibit regulatory treatments to regional resources and impact areas within Metro's jurisdiction. Non-regulatory approaches will also be analyzed as possible components to program options. The tradeoffs associated with each option will be evaluated and results compared, providing valuable information to Metro Council as it considers a regional ESEE decision in May 2004.

Metro Council is scheduled to consider a fish and wildlife program by December 2004 designed to protect the nature of the region for generations to come.

2. Description of Program Options and Evaluation

The Program Option Chart (Figure 1, page 5) illustrates the various regulatory and non-regulatory program approaches proposed for further study in the ESEE analysis. On the left hand side of the chart, the *"Range of Regulatory Program Options"* depicts four distinct regulatory approaches. These are draft materials and will evolve based on comments from the public and advisory groups.

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[1] Metro's Economic, Social, Environmental, and Energy Analysis (ESEE) Discussion Draft Report, September, 2003.

Regulatory Approaches

Option 1, "Habitat based," proposes to study three levels of habitat protection ranging from ~~low to high~~least to most. Option 1 uses habitat quality as the basis of assigning regulatory treatments regardless of land uses or economic priorities. For example, the highest value (Class I) riparian/wildlife corridors receive the same level of regulatory protection in industrial areas as they do in residential areas. This approach recognizes fish and wildlife habitat as fixed assets in the urban landscape and orients urban development patterns around habitat areas based on the ecological values present. Option 1 Allow, Limit, and Prohibit regulatory treatments are shown in Table 1 (page 6).

Option 2, "Habitat and urban development based," proposes to study two levels of habitat protection based on both ecological values and urban development priorities. It applies 2040 policy priorities and economic data to adjust habitat protection levels. For example, the highest value (Class I) riparian/wildlife corridors receive differing levels of protection based on their location in areas identified in the ESEE analysis as providing high, medium, or low urban development values. A Class I riparian/wildlife corridor passing through a Regional Center or industrial area would receive less protection than one passing through an inner or outer neighborhood. Option 2 Allow, Limit, and Prohibit regulatory treatments are shown in Tables 2 and 3 (page 7).

Option 3, "Streamside habitat approach," builds on Metro's adopted Title 3 Water Quality and Floodplain Management program by increasing the width of vegetated corridors and protection levels for wetlands and floodplains. This approach does not assign protection levels according to the ecological values identified in Metro's inventory of fish and wildlife habitat, and neither does it assign protection levels on urban development priorities. It does, however, focus protection generally within Class 1 riparian/wildlife corridors. It does not address upland wildlife habitats but can be combined with elements of other options to address upland wildlife habitat. Option 3 Allow, Limit, and Prohibit regulatory treatments are shown in Table 4 (page 8).

Option 4, "Baseline: Current regional regulations" reflects an approach that would not increase the existing levels of regulation. An analysis of the baseline option will allow Metro to determine the increment of additional protection each option would provide to inventoried fish and wildlife habitat areas. The baseline option would be determined by applying Metro's existing Title 3 protection standards for water quality and flood areas, as well as accounting for fish and wildlife habitat in parks and open spaces. ~~Option 4 Allow, Limit, and Prohibit regulatory treatments are~~The existing Baseline regulatory treatment is shown in Table 5 (page 8).

Ways to vary regulatory approaches

This portion of the Program Options Chart shows how regulatory options could be varied based on geographic areas of coverage or site specific factors. For example, regulatory approaches could be applied everywhere within Metro's jurisdiction or only to new UGB expansion areas and remaining areas outside the UGB. In addition, regulatory approaches could apply to vacant land only, or to both vacant land and redevelopment. Minimum parcel acreage or types of development activities that would act to trigger protection are yet to be defined.

Non-regulatory approaches
Regulatory options affect land use activities through the permit process. Other activities cause disturbance to fish and wildlife habitat that are not regulated through the permit process. Some of these activities could be affected through a non-regulatory approach. The right side of the Program Option Chart displays the range of possible non-regulatory program options focusing on acquisition, incentives, and education. Regulatory and non-regulatory options could be applied together to provide a complimentary set of tools for protecting and restoring fish and wildlife habitat.

Non-regulatory approaches depend heavily on new funding sources to support land acquisition, incentive and education programs. Table 6 (page 9) displays possible range of non-regulatory options distinguishing between existing programs and potential programs ~~based on high, medium, and low levels of funding. For example, low levels of funding for education could rely on better coordination of existing education programs, while a high level of funding could direct educational materials to landowners in all resource areas, as well as provide technical assistance and learning opportunities on low impact development and best management practices.~~

Restoration
The Program Option Chart (Figure 1, page 5) shows that *restoration* can be addressed through regulatory and non-regulatory options. Metro's inventory of fish and wildlife habitat can help to identify restoration opportunities. The degree to which any given option protects fish and wildlife habitat helps preserve restoration opportunities. In addition, successful restoration of fish and wildlife habitat depends heavily on non-regulatory program options. For example, creating new dedicated funding sources and land owner recognition programs could bolster restoration efforts. The evaluation criteria will provide a general assessment of how a given option performs in addressing restoration opportunities.

3. Definition of ESEE decisions for allow, limit or prohibit treatments
A more precise definition of Allow, Limit, and Prohibit regulatory treatments is needed to determine ESEE tradeoffs and model how different program options will look "on-the-ground." Although Metro's ESEE Report describes general tradeoffs in terms of "allow, limit, or prohibit," tradeoffs can be determined in a more discriminating way by defining degree of limitations on conflicting uses that fall between the extremes of "allow" and "prohibit."

Limit treatments are divided into three categories that represent a continuum ranging from strictly limit, moderately limit, and lightly limit. A description of the assumptions tied to these treatments is provided on page 10. For example, a "strictly limit" treatment assumes that very little building occurs in areas covered by this treatment (primarily those parcels which are located entirely within the treatment area). A "moderately limit" treatment assumes that a ~~certain~~ moderate percentage of ~~buildable lots within~~ the resource area will be developed. A lightly limit treatment assumes an ~~even~~ higher percentage of ~~buildable lots~~the resource area will be developed compared to moderately limit treatments. These assumptions will help model how much habitat will

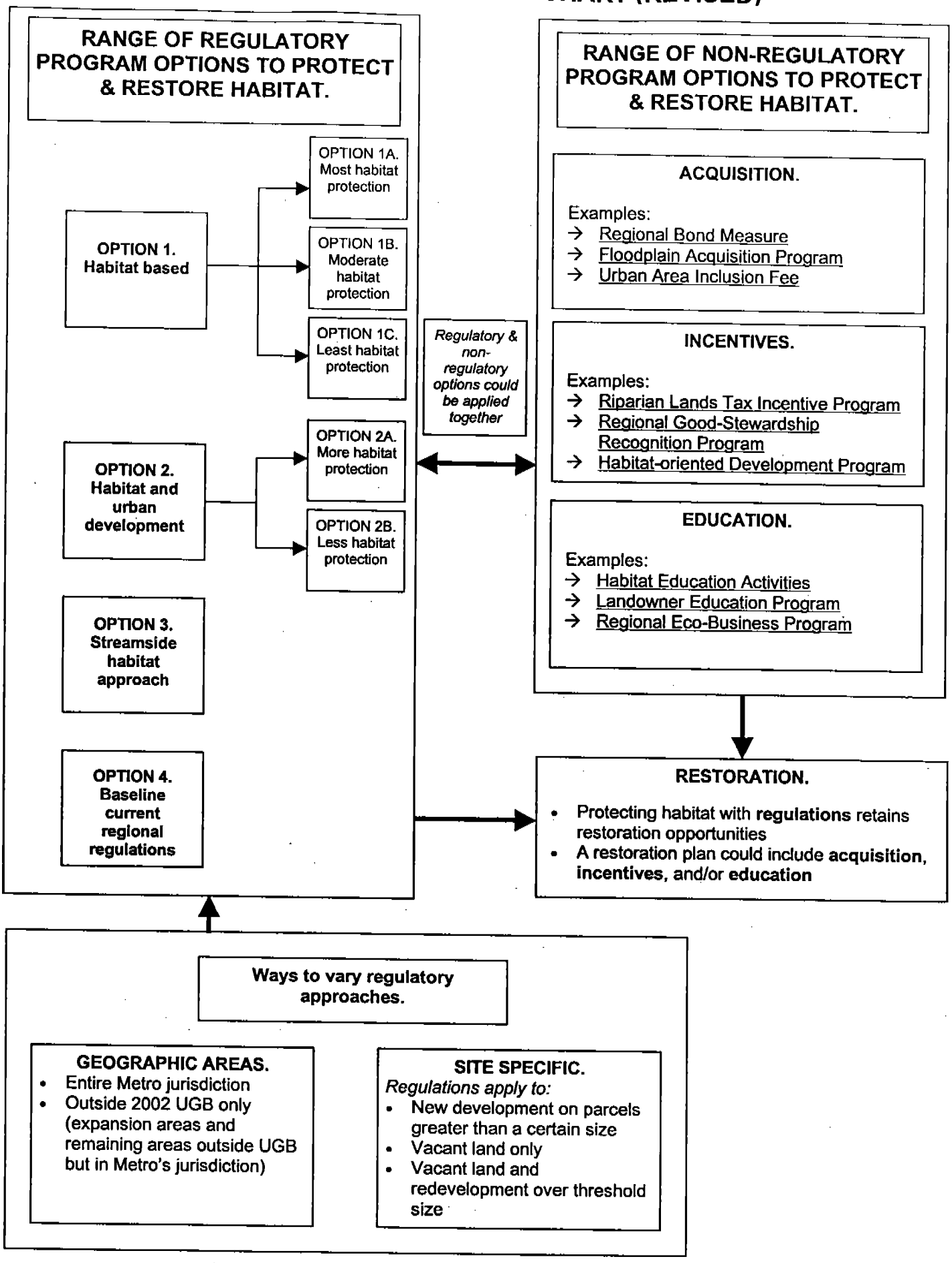
be protected, and conversely, how much development will be accommodated under various options.

4. Criteria and potential indicators and measures for evaluation of program options

Each program option will be evaluated according to criteria that reflect what was learned in the first phase of the ESEE analysis, as well as other considerations important in formulating regional policy. Table 7 (pages 11-12) lists criteria and corresponding potential indicators and measures for determining whether, or how well, a given criterion is addressed by a program option. In addition to criteria related to the economic, social, environmental, and energy factors, Table 6 lists criteria related to federal environmental laws, funding requirements, effectiveness of non-regulatory approaches, and the increment of additional protection beyond current levels required by the various program options.

Metro staff does not propose to weight the criteria, and any given option will result in a spectrum of economic, social, environmental, and energy tradeoffs. It is ultimately up to the Metro Council to determine, based on the results of the evaluation, which program option, or combination of program options, will be chosen to develop a regional fish and wildlife habitat protection program.

FIGURE 1: PROGRAM OPTION CHART (REVISED)



REGULATORY OPTIONS TO PROTECT AND RESTORE HABITAT.

Option 1. Habitat based.

Description: This approach recognizes fish and wildlife habitat as fixed assets in the urban landscape and orients urban development patterns around habitat areas based on the ecological values present.

Table 1. Option 1: Habitat based.

Resource Category	Option #1A Most habitat protection	Option #1B Moderate habitat protection	Option #1C Least habitat protection
Class I Riparian/Wildlife	Prohibit	Strictly limit	Moderately limit
Class II Riparian/Wildlife	Strictly limit	Moderately limit	Lightly limit
Class III Riparian/Wildlife	Moderately limit	Lightly limit	Allow
Class A Upland Wildlife	Prohibit	~~Moderately~~ Strictly limit	Moderately limit
Class B Upland Wildlife	Strictly limit	Moderately limit	Lightly limit
Class C Upland Wildlife	Moderately limit	Lightly limit	Allow
Impact Areas--Riparian	Lightly Limit	Lightly limit	Allow
Impact Areas—Other	Lightly Limit	Allow	Allow

Option 2. Habitat and urban development.

Description: Applies 2040 policy priorities and economic data to modify habitat protection levels.

Option 2A. More habitat protection.

Table 2. Option 2A: Habitat and urban development. (More habitat protection).

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components,[1] high employment value, or high land value	Secondary 2040 components,[2] medium employment value, or medium land value	Tertiary 2040 components,[3] low employment value, or low land value	Parks and Open Spaces, interim design types, or no design types
Class 1 Riparian/Wildlife	Lightly limit	Moderately limit	Strictly limit	Strictly limit
Class 2 Riparian/Wildlife	Lightly limit	Lightly limit	Moderately limit	Moderately limit
Class 3 Riparian/Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Class A Upland Wildlife	Lightly limit	Moderately limit	Moderately limit	Strictly limit
Class B Upland Wildlife	Lightly limit	Lightly limit	Moderately limit	Moderately limit
Class C Upland Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Impact Areas–Riparian	Allow	Lightly limit	Lightly limit	Lightly limit
Impact Areas–Other	Allow	Allow	Lightly limit	Lightly limit

[1]Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas
[2]Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas
[3]Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

Option 2B. Less habitat protection.

Table 3. Option 2B: Habitat and urban development. (Less habitat protection).

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components,[1] high employment value, or high land value	Secondary 2040 components,[2] medium employment value, or medium land value	Tertiary 2040 components,[3] low employment value, or low land value	Parks and Open Spaces, interim design types, or no design types
Class 1 Riparian/Wildlife	Allow	Lightly limit	Moderately limit	Strictly limit
Class 2 Riparian/Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Class 3 Riparian/Wildlife	Allow	Allow	Allow	Moderately limit
Class A Upland Wildlife	Allow	Lightly limit	Moderately limit	Strictly limit
Class B Upland Wildlife	Allow	Lightly limit	Lightly limit	Moderately limit
Class C Upland Wildlife	Allow	Allow	Allow	Moderately limit
Impact Areas--Riparian	Allow	Allow	Lightly limit	Lightly limit
Impact Areas–Other	Allow	Allow	Allow	Lightly limit

[1]Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas
[2]Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas
[3]Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

OPTION 3. Streamside habitat emphasis.

Description: Builds on Metro's adopted Title 3 Water Quality and Floodplain Management program by increasing the width of vegetated corridors and protection levels for wetlands and floodplains.

Table 4. Option 3: Streamside habitat emphasis.

Resource type	Slopes less than 25%	Slopes greater than 25%
Primary Streams Draining > 100 acres	Moderately limit within100 feet	Moderately limit up to 200 feet
Secondary Streams Draining 50 to 100 acres	Moderately limit within 50 feet	Moderately limit up to 100 feet
Other Streams	Moderately limit within 25 feet	Moderately limit up to 100 feet
Wetlands*	Strictly limit within 100 feet	Moderately limit up to 200 feet
Undeveloped Floodplains	Moderately limit	NA
Developed Floodplains	Lightly limit	NA

*All (regionally identified) wetlands are designated as Habitats of Concern.

Option 4. Baseline current regional regulations.

Description: Metro's adopted Title 3 Water Quality and Floodplain Management program provides consistent regulations to vegetated corridors and floodplains throughout the region.

Table 5. Option 4: Baseline current regional regulations.

Resource type	Slopes less than 25%	Slopes greater than 25%
Primary Streams Draining > 100 acres	50 ft. from top of stream bank	Up to 200 ft. from top of stream bank (to break in slope)
Secondary Streams Draining 50 to 100 acres	15 ft. from top of stream bank	Up to 50 ft. from top of stream bank (to break in slope)
Wetlands	50 ft. from edge of wetland	Up to 200 ft. from top of stream bank (to break in slope)
Floodplains	Balanced cut & fill and prohibition of uncontained areas of hazardous materials as defined by DEQ	NA

NON-REGULATORY OPTIONS TO PROTECT AND RESTORE HABITAT.

Table 6. Non-regulatory options. (REVISED)

POTENTIAL FOCUS	HOW					
	Examples of existing programs	Examples of potential programs	Acquisition	Incentives	Education	Restoration
Natural areas (includes riparian and upland areas)	• *Metro Openspaces Acquisition Program.* Funded through $135 million bond measure approved by voters in 1995. Focuses on targeted natural areas and regional trails. • *Three Rivers Land Conservancy Acquisition Program.* Works to encourage donation of conservation easements to protect targeted open space in the Metro region.	• *Regional Bond Measure.* Focused on purchasing targeted Habitats of Concern and connector habitat from willing sellers and restoration.	4	4		4
		• *Regional Revolving Land Purchase Fund.* Develop a program to purchase habitat land, place development restrictions or conservation easements to protect habitat areas, and then sell remaining land for development.	4	4	4	
Watersheds	• *Oregon Watershed Enhancement Board (OWEB) General Grant Program.* Grants to carry out on the ground watershed restoration projects to restore aquatic habitat, improve water quality, and improve biodiversity. Projects include planting, culvert replacement, habitat improvements, wetland restoration, and others. • *Metro/USFWS Greenspaces Grant Program.* Provides funding for urban projects that emphasize environmental education, habitat enhancement and watershed health.	• *Regional Restoration Plan.* Develop a restoration plan for the region based on watersheds. Start with Watershed Action Plans and build from existing/ongoing efforts. Include grant program to fund restoration projects, recognition of good stewardship, and targeted education.		4	4	4
		• *Regional stormwater management fee.* Implement a regional fee on stormwater to fund watershed based restoration activities.				4
		• *Habitat Education Activities.* Focus efforts to increase awareness of connection to streams and rivers, similar to fish stencil programs.			4	
Floodplains	• *Sherwood program.* Requires SDC for development in floodplains, fee waived in flood area is donated to the city. • *Johnson Creek Willing Seller Program.* Portland program allows landowners in Johnson Creek floodplain to sell their property to the City at fair market value. After acquisition, properties are restored to natural floodplain function. Funded largely with dollars from FEMA after the 1996 flood.	• *Regional SDC Program.* Develop a regional SDC program similar to the City of Sherwood to protect and restore floodplain function to reduce development's impact on stormwater.	4	4		4
		• *Floodplain Acquisition Program.* Coordinate and facilitate expansion of a willing seller program similar to Portland's to purchase and restore land within floodplains.	4		4	4
Streamside areas	• *East Multnomah Soil & Water Conservation District grants.* Provides awards for conservation and restoration projects, ranging from $200-2,500. • *Wildlife Habitat Incentives Program (WHIP).* Implemented through NRCS to help landowners develop and improve wildlife habitat on their land. In Oregon approximately $350,000 is targeted for salmon habitat, riparian habitat, and promotion of biodiversity.	• *Regional Streamside Restoration Grant Program.* Program to target education and fund restoration projects in streamside areas. (May be part of a *Regional Restoration Plan*).			4	4
		• *Riparian Lands Tax Incentive Program.* Allows property owners to gain a full tax exemption for improving or maintaining riparian lands up to 100 ft from a stream, must include a management plan developed in coordination with ODFW. Implement with local county approval, state limits tax relief to 200 stream miles per county.		4	4	4

POTENTIAL FOCUS	HOW		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	Examples of potential programs				
Rural land	• *Environmental Quality Incentives Program (EQIP).* Provides payments through the Natural Resources Conservation Service (NRCS) to farmers and ranchers for assistance implementing conservation practices on their lands (including filter strips, manure management practices and others). Authorized by the 2002 Farm Bill, pays up to 74% of the costs of the implemented practice.	• *Urban Area Inclusion Fee.* Requires legislative changes. Captures a portion of the increased value of property (windfall) due to inclusion within the urban growth boundary. Funds could be used to purchase or restore habitat land within Metro's jurisdiction.	4		4	4
Property owners	• *Metro's Natural Gardening and Landscaping Program.* Metro offers free natural gardening seminars and workshops in spring and fall. Also includes a demonstration garden, summer garden tour, and educational materials. • *Downspout Disconnect Program.* Portland program that provides property owners with funds and technical expertise to disconnect downspouts to reduce flow into the stormsewer system.	• *Stewardship Certification Program.* Proposed by the Conservation Incentives Summit Group, this program would provide recognition to a variety of stakeholders for implementing best management practices and other practices of conservation value.		4	4	4
		• *Regional Good-Stewardship Recognition Program.* Develop a regional program to recognize property owners in high value habitat areas for good stewardship and restoration efforts. (May be part of a Regional Restoration Plan).		4	4	4
		• *Landowner Education Program.* Target landowners in regionally significant habitat areas to raise awareness of how individual activities impact fish and wildlife habitat.			4	
Businesses	• *Eco Biz Program.* City of Portland program, started to recognize auto repair and service facilities that minimize their environmental impacts. Currently being extended to landscaping business.	• *Regional Eco-Business Program.* Develop a regional program to recognize and certify good business practices. Include an educational component describing ways to minimize impact on habitat.		4	4	
Design and construction practices	• *Metro's Green Streets Handbook.* A resource for designing environmentally sound streets that can help protect streams and wildlife habitat. • *Eco-roof Program.* Portland provides sewer rate discounts to developers that build greenroofs minimizing stormwater runoff. Also provides an eco-roof floor area bonus, in which each square foot of eco-roof equals an additional three square feet of building area in the downtown. • *G-Rated Incentive Program.* Portland program that encourages innovations in residential and commercial development and redevelopment for green building design practices. Provides up to $20,000 for commercial projects and $3,000 for residential projects.	• *Regional Habitat Friendly Development Program.* Work with local partners to develop technical assistance, incentives, recognition programs, and awards for development that helps protect fish and wildlife habitat. Develop regional low impact development standards.		4	4	4
		• *Habitat-oriented Development Program.* Develop a program similar to Metro's Transit-oriented Development (TOD) Program to encourage construction of new developments or redevelopment that protects and restores fish and wildlife habitat.		4	4	4
		• *Model Wildlife Crossing Program.* Develop a grant program to construct wildlife crossing facilities in key movement corridors.		4		4

5. Definition of ESEE decisions for allow, limit or prohibit treatments

The following assumptions apply to all limit and prohibit treatments:

- No existing buildable lot would be rendered unbuildable
- Existing regulations remain in effect (local, regional, state, and federal)
- Existing legal development may be maintained and repaired
- Adverse impacts of development will be mitigated

Prohibit assumption:

- Development inside resource areas prohibited (unless prohibition removes all economic use of property)
- Horizontal expansion of existing buildings prohibited
- If development is allowed, ~~mitigation will be required~~a maximum disturbance area will be allowed

Strictly Limit assumptions

- Very little building occurs in areas covered by a strictly limit decision (primarily those parcels which are located entirely within the resource area); public facilities allowed if no options with less impact on resources are available.
- ~~Minimum~~ Maximum disturbance area allowed oriented to protect the resource, low impact development practices and best management practices
- No development in wetlands and undeveloped floodplains
- ~~Almost all~~No net loss of forest canopy and low structure vegetation within resource area ~~is retained~~
- ~~Negligible land divisions will occur~~Land divisions not allowed except to establish open space lots or tracts within land divisions or planned developments

~~Mitigation to offset adverse impacts of development~~

Moderately Limit assumptions:

- A ~~certain~~ moderate percentage of ~~buildable lots within~~ resource ~~areas are~~area is developed
- ~~Minimum~~ Maximum disturbance area allowed oriented to protect the resource, low impact development practices and best management practices to avoid adverse impacts on resource functions
- Some development in wetlands and undeveloped floodplains will occur
- Land divisions ~~larger than a certain threshold size are assumed to occur~~would provide flexibility to allow clustering, small lots, transfer of development rights to avoid adverse impacts while achieving planned densities on average
- Less forest canopy and low structure vegetation within resource area is retained compared to Strictly Limit decisions

~~Mitigation to offset adverse impacts of development~~

Lightly Limit assumptions:

- A higher percentage of ~~buildable lots~~resource area compared to Strictly Limit and Moderately Limit decisions is developed

- Low impact development practices and best management practices to avoid adverse impacts on resource functions will apply
- More wetland and undeveloped floodplain loss compared to Strictly Limit and Moderately Limit decisions
- Land divisions will occur subject to underlying zoning
- Less forest canopy and low structure vegetation within resource area is retained compared to Strictly Limit and Moderately Limit decisions.

~~Mitigation to offset adverse impacts of development~~

Allow assumptions:

- Resources not covered by existing regulations assumed to be developed over time

Criteria for evaluation of program options

In October 2000, the Metropolitan Policy Advisory Committee (MPAC) developed a vision for fish and wildlife habitat protection for the region, which was adopted by the Metro Council.

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

The Metro Council is scheduled to consider, based on the results of the evaluation, which program option, or combination of program options, will be chosen to develop a regional fish and wildlife habitat protection program. Both regulatory and non-regulatory options may be assessed with the same criteria. Possible criteria to evaluate the performance of various program options are:

Table 7. Potential cCriteria, ~~and potential~~ indicators and measures for evaluation of program options.

Criteria	Potential indicators and measures
Economic factors 1. Higher market value areas retained for development 2. Key employment areas conserved for employment 3. Reflects 2040 design hierarchy priorities 4. Promotes retention of ecosystem services 5. Promotes potential for non-use or use for recreational economic purposes 6. Economic equity	1. Acres of buildable land with high land value affected 2. Acres of buildable land with high employment value affected 3. Acres of buildable land by 2040 hierarchy affected 4. Number of functions/ecosystem services affected 5. Acres of public land with resource function located near population centers 6. Distribution of allow, limit, prohibit treatments
Social factors 1. Maintains cultural heritage and sense of place 2. Reduces impact on types/location of jobs and housing 3. Minimizes impact on individual landowner rights 4. Preserves amenity value of resources 5. Preserves resources for future generations	1. Qualitative measure 2. Number of potential housing units or jobs affected 3. Number of tax lots by zoning type affected 4. Extent of reliability of protection 5. Total resource acres protected
Environmental factors 1. Retains forest canopy cover ~~2. Protects primary riparian corridor functions~~ ~~3. Protects secondary riparian corridor functions~~ 2. Conserves existing watershed health (retains primary and secondary riparian corridor functions) 3. Promotes conservation of sensitive habitats and species 4. Promotes habitat connectivity and riparian corridor continuity 5. Promotes large habitat patches 6. Promotes restoration 7. Promotes no net loss of ecological function	1. Total acres forest cover affected 2. Total acres containing primary and secondary riparian corridor functions affected ~~3. Total acres containing secondary riparian corridor functions affected~~ 3. Acres of Habitats of Concern affected 4. Total acres in medium or high connectivity scores; maintains/enhances continuity of riparian corridors 5. Number of acres/patches in largest category affected 6. Acres of protected resource land in low structure vegetation 7. Acres of habitat land protected

Energy factors 1. Promotes compact urban form 2. Promotes retention of green infrastructure	1. Potential for displacement of land uses by protection of habitat within UGB. 2. Percent vegetative cover (or tree canopy) affected
Federal ESA: Extent to which option assists in recovery of listed species and facilitates achieving blanket "exception to take" under the MRCI limits of the 4(d) rule.	1. Protects slopes, wetlands, and areas of high habitat value 2. Maintains hydrological conditions 3. Protects area within one site potential tree height of all streams 4. Maintains & restores native vegetation along stream corridors 5. Minimizes stream crossings 6. Retains channel migration zone (primary function for *Large wood and channel dynamics*) 7. Reduces and prevents erosion and sediment run-off (primary function of *Bank stabilization, sediment, and pollution control*) 8. Includes mechanism for monitoring, enforcement, funding and implementation of protection
Federal CWA: ~~protects beneficial uses that include drinking water, cold water fisheries, industrial water supply, recreation and agricultural uses~~ Extent to which option assists in meeting state and federal water quality standards.	1. Number of primary and secondary functions maintained 2. Miles of stream within a watershed with Class I & II status protected
Funding challenges	1. Funding required to effectively carry out program elements, such as acquisition, conservation easements, education, technical assistance, incentives to landowners, and restoration 2. New authority needed (such as for the Riparian Tax Incentive) for implementation
Effectiveness for habitat protection	1. Level of certainty as assessed from experiences with compliance or voluntary actions 2. Potential use of incentive 3. Reliability of protection
Increment of additional protection	1. Example of how local standards would need to change (e.g., extent of resource covered by local protection compared to the option, level of local protection provided to the resource compared to the option)

DRAFT STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO 03-3376A FOR THE PURPOSE OF ENDORSING METRO'S DRAFT PHASE 1 ECONOMIC, SOCIAL, ENVIRONMENTAL AND ENERGY (ESEE) ANALYSIS AND DIRECTING STAFF TO CONDUCT MORE SPECIFIC ESEE ANALYSIS OF MULTIPLE FISH AND WILDLIFE PROTECTION AND RESTORATION PROGRAM OPTIONS.

Date: October 24, 2003 Prepared by: Andy Cotugno and Chris Deffebach

BACKGROUND

Policies in Metro's Regional Framework Plan and sections of the Urban Growth Management Functional Plan call for Metro to develop a regional fish and wildlife protection program. As defined in a Vision Statement that was developed in cooperation with local governments at MPAC and endorsed by MPAC and Metro Council in 2000, the overall goal of the protection program is, ..." to conserve, protect and restore a continuous ecologically viable streamside corridor... that is integrated with the urban environment." Metro is currently developing this program, following the 3-step process established by the State Land Use Planning Goal 5 administrative rule.

In the first step of this 3-step process, Metro identified regionally significant fish and wildlife habitat using the best available science, computer mapping, and fieldwork. In 2002, after review by independent committees, local governments and residents, Metro Council adopted the inventory of regionally significant fish and wildlife habitat lands.

The second step of the process is to evaluate the Economic, Social, Environmental and Energy consequences of a decision to allow, limit or prohibit conflicting uses on these regionally significant lands. Metro is conducting the ESEE analysis in two phases. The first phase is to evaluate the ESEE consequences at a regional level. This work is now complete and is presented as Exhibit A to this Resolution. The second phase of the ESEE analysis will evaluate a range of possible protection and restoration program options. The program options include a mix of regulatory and non-regulatory components. They are presented in Draft as Exhibit B to the Resolution. The evaluation of these options will respond to key questions that emerged from the Phase 1 ESEE analysis.

Based on the results of the evaluation of the program options, Metro Council is scheduled to consider where development of the fish and wildlife habitat areas should be allowed, limited or prohibited, as required in the Goal 5 administrative rule. Based on the results of the ESEE Analysis, Metro Council is scheduled to consider a direction for the development of a Fish and Wildlife Habitat Protection Program.

The Resolution has been forwarded to Metro Council by MPAC. The Resolution has also been reviewed by Metro's advisory committees including, Economic Technical Advisory Committee (ETAC), Goal 5 Technical Advisory Committee (Goal 5 TAC), Water Resources Policy Advisory Committee (WRPAC), the Independent Economic

Advisory Board (IEAB) and the Social Issues Group, Metro Technical Advisory Committee (MTAC).

Prior to Council consideration of this Resolution, staff will present a summary of public comments received at Metro Council's public hearing that was held on October 22nd for Council review and on any other comments that Metro receives after October 22nd.

This Staff Report summarizes the comments received from Metro's advisory committees on this Resolution and public comments received before October 22nd. The comments from Metro's advisory committees and the general public comments are described in attachments to this staff report. Staff identified comments from Metro's Advisory Committees as 1) those that are technical in nature or generally widely agreed upon; and 2) those that raise policy issues for Metro Council to consider.

For comments that are technical in nature or were generally widely agreed upon by the various committees, Staff has responded by preparing an "A" version of Resolution 03-3376. This "A" version includes: Revisions to the Resolution; creation of an Addendum to Exhibit A that lists those comments on the ESEE report for that staff will address in the next draft of the Report and revisions to Exhibit B of the Program Options. In summary, these revisions are:

Proposed Revisions in "A" Version of Resolution 03-3376
Staff propose modifying the Resolution language to add a whereas that refers to the Vision Statement; a revision to the 4th Resolve to reiterate Metro's policy on "taking" and a revision to the 5th Resolve to clarify the effect on existing structures and new structures.

For comments on the ESEE Report and Executive Summary, staff has noted those issues that will be addressed by adding clarification or more description in the report and those which require further consideration before addressing in the report. In the Addendum to Exhibit A staff propose to address or consider.

- Adding descriptions of the consequences on transportation and other infrastructure, security needs, redevelopment and on public and private institutions.
- Considering the value of vested property rights in determining economic priorities, and revising the economic report, prepared by Metro's consultants and included as an appendix to the full report, to address other comments raised by ETAC and the IEAB.

In Exhibit B, the Program Options, staff has proposed the following revisions:

- Replace the Non-Regulatory Table 6 with a revised Table 6 with additional descriptions of acquisition, incentive, education and restoration program examples and including an example of applying surface water management fees to restoration.
- Replace the Figure 1 Program Chart with a revised Figure 1 Program Chart that is consistent with the definitions used in the descriptions of the regulatory and non-regulatory options.

- Correct a technical error in Option 1B by changing the protection level for Class A Upland Wildlife from Moderately limit to Strictly limit so that the full range of protection levels are considered for upland wildlife.
- Revise the headings in the Habitat and urban development options to make explicit that the "other areas" category includes interim design types for the urban expansion areas and lands outside the URG but with no assigned design types.
- Simplify and clarify the assumptions that define ESEE decisions for allow, limit or prohibit treatments in this analysis.
- Clarify the criteria that refer to the Clean Water Act and the ESA.
- Add economic equity to the economic criteria
- Add a measure to consider net loss of environmental function and clarify other criteria environmental criteria

Issues for Council consideration
Comments that raise policy issues for further Metro Council consideration are summarized together. These are:

Comments that apply to all options

1. Consider simplifying and refining options to reduce confusion.
2. Eliminate program variables that would vary regulatory approaches by geographic area (e.g., inside/outside 2002 UGB).
3. Strengthen restoration element to have high importance in all of the regulatory and non-regulatory options.

Option 1

4. Consider increasing protection levels in Option 1.
5. Consider revising Options 1C to change allow decisions to lightly limit decisions in riparian areas.
6. Drop Option 1 from further evaluation since it does not explicitly reflect the economic consequences from the ESEE analysis.

Option 2

7. Consider the implication of the economic importance of Regionally Significant Industrial Areas, employment land, and corridors.
8. Consider eliminating residential land values from the land value measure and using the 2040 policy hierarchy only as the method to assess residential treatment.
9. Create a new option within the habitat and urban development category that provides stronger fish and wildlife habitat protection.

Option 3

10. Drop Option 3 from further evaluation since it does not seem to meet the Goal 5 rule or the Vision Statement and does not reflect the diversity of environmental values of the inventory.

Option 4

11. Drop Option 4 from further evaluation since it does not seem to meet the Goal 5 rule or the Vision Statement, because the region has already documented the need for more than current protection for fish and wildlife habitat and because of concern there is a lack of symmetry because prohibit is ruled out (in the resolution) and allow is not.
12. If this option remains for evaluation, call it the "baseline" rather than an option.

Step 3 of the Goal 5 process will be development of a protection program for adoption as part of Metro's Functional Plan. This step is scheduled to begin in May, with Council consideration of direction on a program option, and be completed by the end of 2004. The evaluation of program options in the ESEE analysis is designed to result in a "safe harbor" program that local jurisdictions could adopt with State approval and to offer variations to the Safe Harbor program Variations would offer an approach for local jurisdiction implementation that supports local flexibility and the opportunity to develop a riparian district plan. The Protection Program would be adopted by local governments after acknowledgement by the State and implemented within two to four years.

ANALYSIS/INFORMATION

1. **Known Opposition.** Metro has received opposition and comments on different parts of the preliminary Goal 5 ESEE analysis and the Draft Program Options for Fish and Wildlife Habitat Protection. This staff report identifies comments on this resolution received from Metro's Advisory Committees and the general public prior to October 23.
2. **Legal Antecedents.** Policies in Metro's Regional Framework Plan and Section 5 of Title 3 in Metro's Urban Growth Management Functional Plan support the development of a Fish and Wildlife Habitat Protection Program. In addition, the preliminary ESEE analysis and the evaluation of the Program Options as the ESEE analysis continues compliance with the State Land Use Planning Goal 5 administrative rule (OAR 660-023-000). Metro's adoption of the Draft Regionally Significant Fish and Wildlife Habitat Inventory and a Local Plan Analysis by Resolution No. 02-3218A formed the basis for the Preliminary ESEE analysis and development of program options that this resolution endorses.
3. **Anticipated Effects.** Approval of this resolution will allow Metro to complete the ESEE analysis as required by State Land Use Goal 5 and provide additional information necessary for Metro Council to reach a decision on where to allow, limit or prohibit development on regionally significant fish and wildlife habitat lands. With the completion of the analysis as directed by this Resolution and a Metro Council decision on an Allow/Limit/Prohibit map, the third step of the Goal 5 process, development of a protection and restoration program for adoption into Metro's Functional Plan, can begin.
4. **Budget Impacts.** The adopted budget for FY04 includes resources for staff and consultants to evaluate the program options and share the findings with the public at a level of detail defined.

RECOMMENDED ACTION

Staff requests that Metro Council endorse the preliminary ESEE findings as described in Exhibit A to the Resolution and direct staff to evaluate the program options as described in Exhibit B to the Resolution.

Attachments to the Staff Report

Metro Fish and Wildlife Protection (Goal 5) Program Summary of Public Comments for Fall 2003 Outreach Efforts, October 22, 2003

Memo to Metro Council with Goal 5/WRPAC comments

Memo to Metro Council with ETAC comments

Memo to Metro Council with MPAC comments

Summary of Issues Raised on Exhibit B by Committee with proposed staff response

Metro Fish and Wildlife Protection (Goal 5) Program

Summary of Public Comments for Fall 2003 Outreach Efforts

October 22, 2003

Metro has worked with advisory committees, participated in public events, and attended various interest group meetings throughout the region to inform the public about and get feedback on the Regional Fish and Wildlife Habitat Protection (FWHP) or "Goal 5" Program. This phase of public outreach focused on the second stage of the planning process, which has involved identifying the Economic, Social, Environmental, and Energy (ESEE) consequences of protecting or not protecting fish and wildlife habitat. The draft ESEE report was completed in Fall 2003. Public input has been received via standard printed and on-line comment forms, phone calls, and email and open letters. This report summarizes Metro's public outreach efforts to-date and what we have heard from the public about the regional FWHP program.

Metro staff utilized several different venues for announcing events and informing the public about the on-going and current activities relating to the FWHP Program. The Metro web page has been updated to reflect past, current, and future activities. Several documents are available on-line and an interactive web tool has been developed to allow individuals to search and view a specific property or area in the habitat inventory. The public comment form was also made available at the web site so that individuals can send us their thoughts electronically at their convenience. Events were announced through several venues including the printed and electronic newsletters of various groups in the region. For example, the Coalition for a Livable Future, League of Women Voters, and Homebuilders Associations (see Table 1 for a full list). Metro staff also sent a media release to all of the television and radio stations and newspapers in the region. In response, several news articles were published about Metro's FWHP Program (see Table 1).

Outreach Events

Metro has participated in eleven community events that drew approximately 4,740 participants. These events include open houses organized in coordination with the Tualatin Basin Partners, community farmers' markets and Salmon Festival, among others (refer to Table 2 for a full list). Metro staff and councilors were available at these events, mostly in a booth/table format to answer questions and listen to individuals' views on the habitat program. Maps of regionally significant habitat and informational brochures were available at these events along with public comment forms. Handouts were also distributed by Metro staff and councilors and other persons throughout the region. Approximately 1,200 of each the comment forms and the other informational brochures were handed out to the public.

Metro staff and councilors have attended over twenty meetings with various governmental and non-governmental groups throughout the region, including

neighborhood associations and watershed councils, local governments and special interest groups such as the Tualatin Riverkeepers and the Columbia Corridor Association (see Table 3 for a full list). At these meetings, Metro staff presented more detailed information on the regional approach to habitat protection, the three-step planning process, the habitat inventory (step 1), the ESEE impacts (step 2) and future steps for evaluating and adopting a habitat protection program. Questions and discussions about the FWHP program followed the presentations and addressed a wide range of perspectives on the fairness and adequacy of the program for protecting habitat and supporting a healthy economy. Additional meetings are and will be scheduled throughout October and November with interested groups.

These comments are in addition to the feedback received from Metro advisory committees that have various expertise and interests related to habitat protection (e.g. Goal 5TAC, WRPAC, ETAC, MTAC, MPAC)

Public Feedback

The following summarizes public feedback on Metro's FWHP Program. Comments have been gathered on standard comment forms, via open letters sent by mail or on-line, and by phone. A record of all the written comments received is being kept by the Metro Council Office (see Table 4 for selected items from this record).

Comment forms

Metro has received a total of 54 comment forms including 36 handed out at the outreach events and 18 submitted on-line. Overall, comments support a regional program aimed at protecting fish and wildlife habitat. Emphasis was placed on varying the level of protection based on ecological value while considering the impacts on economic development and private property rights. Six sets of questions prompted feedback on specific issues relevant to developing a program to protect regionally significant habitat. A summary of each question, or set of questions, posed on the comment form follows.

The first question asked whether habitat protection should be equal or varied based on ecological value. Most respondents support the latter approach. The majority of respondents support protecting all important habitat areas to some degree while focusing attention on the most ecologically valuable areas (including riparian and upland areas and connecting habitat areas). A few respondents emphasized the need to focus on restoring degraded areas in addition to protecting valuable ones and a few expressed concern about how ecological value is determined. A few respondents stated that existing local government protections are enough.

The second question asked about varying protection by land use (zoning) and considering habitat while planning for roads and utilities. Most respondents support habitat protection on all types of land, though some suggest considering the economic value of development

and still others emphasize flexibility and a case-by-case approach to protection. Those respondents who favor varying protection by land use are generally less supportive of regulations for residential areas. Some comments emphasize the compatibility of habitat areas and residential neighborhoods. Regarding infrastructure, respondents overwhelmingly favored considering the impacts of roads and utilities on habitat areas.

The third question asked if habitat areas that provide connections to other areas should be given priority. Most respondents supported greater protection efforts for these areas, though a few of these suggest that all habitat areas should be equally protected. A few respondents raised concerns about the impacts of this decision on private property. Others mentioned acquisition of these areas as a potential policy approach.

The fourth question addressed protecting established versus new development, allowing exceptions from development restriction, and requiring mitigation. Most respondents support protection standards on newly developed and re-developed land, while some people favor exempting already developed land from protections. Still others favor protections on all land. Respondents mostly favor mitigation, though a few expressed concerns about whether mitigation was equal to protection. In general, people favored a balanced approach of avoiding impacts when possible and mitigating losses when they occur.

The fifth question asked the public for input on the types of incentives that should be used to protect habitat. The most commonly reported suggestions include: tax incentives (e.g., reduced property taxes), grants and technical assistance for habitat protection and restoration, education efforts including school programs, community recognition and awards for habitat protection and restoration, free or reduced cost native plants and other restoration materials, help with protection costs and labor (e.g., through use of Americorps participants), and conservation easements or transfer of development rights. A couple people responded to this question with concerns about infringements on private property rights.

The sixth question addressed how the habitat protection program should be funded and personal willingness to support public financing mechanisms. Though several people expressed concerns about property rights and/or increased taxation, the majority of respondents are supportive of public financing mechanisms. Other funding mechanisms mentioned include taxes (e.g., on non-consumptive products such as binoculars and automobiles), fees on development, pollution or stormwater management, voluntary contributions and entrance fees at parks.

Phone calls

To date, Metro staff have received around 50 phone calls about the FWHP Program over the past few months. In general, callers request information about the program or ask questions to clarify their understanding of the program including the steps taken so far as well as future directions. Many callers request information about the criteria underlying

the habitat inventory generally, in addition to specific details about how a particular property is classified and why. Callers who own regionally significant habitat inquire about what that means for their property. Though a few callers have been upset, most callers simply want to learn more about the program.

Open letters

Metro Council and planners have received approximately 16 letters via regular mail, email or fax about the FWHP program. These letters are mostly supportive of a regional habitat protection program. Only one letter expressed concern about the potential private property impacts, given that the majority of his land is classified as regionally significant habitat. A few letters are critical of Metro efforts and express concerns that Metro is not doing enough to protect the region's resources. A variety of regulatory and non-regulatory approaches are called for in these letters, and the need for both protection and restoration is noted.

Friends and Advocates of Urban Natural Areas (FAUNA) postcards

The Friends and Advocates of Urban Natural Areas (FAUNA) have distributed pre-addressed postcards to be sent to Metro Council and the Tualatin Basin partners in support of the Fish and Wildlife Habitat protection program. At present, 1,261 postcards have been sent to Metro Council and another 164 to the Tualatin Partners. Only two of these postcards express concerns about property rights and are less supportive of a habitat protection program. The following are major themes expressed in the postcards that support a regional habitat protection program: a desire and need for additional regulations to protect watershed and habitat resources; the need to pursue responsible development and stop reckless development; the importance of habitat areas for environmental health and neighborhood livability; the positive influence protected natural areas have on property rights; the long timeframe involved in recovering resource health relative to the short timeframe of degrading resources; and, the desire and need to protect habitat resources to maintain the character of our region and for the benefit of future generations.

Summary

Based on the feedback received to-date, the public appears generally supportive of protecting fish and wildlife habitat in the region both inside and outside the urban growth boundary and including regulatory and non-regulatory measures. The majority of the critical feedback received has been through phone calls from concerned citizens who worry about the impacts of Metro's habitat protection program on the use of their property or who oppose all habitat protection based on private property rights or anti-tax sentiments. Other critical feedback suggests that Metro is not currently doing enough to protection fish and wildlife habitat.

Table 1: Event Promotion Strategies and Media Coverage, Sept. and Oct. 2003

Newsletters	Publication Date(s)
Metro councilor newsletters (varies from 50-500 per councilor)	Sept. and Oct. 2003
Metro e-news (about 5,500 recipients)	emailed from Metro 9-9-03, 9-30-03
Greenscene (about 22,500 copies)	in fall 2003 edition
Washington County newsletter	Various times: Aug., Sept. and Oct. 2003
Tualatin Basin city newsletters	Various times: Aug., Sept. and Oct. 2003
Audubon Warbler	Sept. 2003
Home Builders' Association (HBA) Newsletter	Sept. 2003
League of Women Voters newsletter	Sept. 2003
Chamber of Commerce Newsletters	Various times: Aug., Sept. and Oct. 2003
E-news Submissions	
Coalition for Livable Future weekly member list-serve	submitted information 8-11-03
Earth Share Oregon listserve-19 regional member groups	submitted information 8-11-03
1000 Friends of Oregon periodic email updates	submitted information 8-11-03
The Dirt weekly e-news	submitted information 9-5-03
Women on Water weekly e-news	submitted information 9-5-03
Community Non-profit Resource Group e-news	submitted information 9-5-03
XPAC weekly e-news	submitted information 9-5-03
HBA Blast Facts bi-weekly e-news	submitted information 9-17-03
Media coverage	
Forest Grove News Times article about G5 generally	09/03/03
Oregonian editorial (Mike Houck) relates open spaces and G5	09/01/03
Forest Grove News Times article promotes Sept. 9 open house	09/03/03
Oregonian article (Laura Oppenheimer) describes current G5 work and offers a list of events	09/08/03
Portland Tribune article (Ben Jacklet) describes G5 work	09/16/03
Hillsboro Argus editorial (Councilor McLain) invites comment and participation in remaining events and hearings	09/25/03
Hillsboro Argus article (Doug Browning) about the Sept. 13 Washington County Public Affairs Forum meeting	10/14/03
Hillsboro Argus article directing people to web sites and staff contacts to learn more about habitat protection	10/14/03
Daily Journal of Commerce article (Aimee Curl) following up on stakeholder meeting with CREEC (Commercial Real Estate Economic Coalition) and other developer interests (10-14-03)	10/15/03
*Hillsboro Argus editorial (Councilor McLain) explaining Metro's habitat protection efforts	10/15/03
*planned column	

Table 2: Sept. and Oct. 2003 Community Events around the Region
(11 events, 4,740 attendees)

Event and location	# of attendees
Tualatin Basin Partners Open House - Forest Grove	150
Tualatin Basin Partners Open House - Beaverton	125
Alberta Street Fair - NE Portland	65
Tualatin Basin Partners Open House - Sherwood	35
Lake Oswego Farmers' Market	50
Springwater Festival, A Johnson Creek Celebration - Gresham	20
Hillsdale Farmers' Market	40
Metro Hazardous Waste Collection Event - Damascus	215
Clackamas Town Center Court Information Table	25
Metro Salmon Festival - Oxbow Park	4,000
Lents Harvest Festival – SE Portland	15

Table 3: Sept. and Oct. 2003 Stakeholder Meetings
(22 meetings, 567 attendees)

Washington County CPO #8	12
Forest Grove Rotary	50
Tualatin Chamber	25
Columbia Corridor Association, Environment/Land Use Committee (Sept. and Oct. meetings, 15 each)	30
Johnson Creek Watershed Council	25
Sexton Mountain Neighborhood Association	20
Westside Economic Alliance, Land Use Committee	25
Portland Metropolitan Area Realtors	25
Oregon Trout	5
Gresham Planning Commission	25
Friends of Trees	15
Oak Lodge (Clackamas County) CPO	30
Columbia Slough Watershed Council	25
American Planning Association, Oregon Chapter Conference	50
Wilsonville Chamber	30
Tualatin Riverkeepers	20
North Clackamas Chamber	25
Washington County CPO #1	20
Gresham Chamber	40
Washington County Public Affairs Forum	45
Commercial Real Estate Economic Coalition (CREEC)	90
Clackamas County Salmon Coordinating Committee	20
Clackamas County Central Point-Leland Rd.-New Era CPO	5

NOTE: Stakeholder and committee meetings will continue through October and into November. Additional stakeholder meetings are being scheduled with the East County Cities, West Linn Chamber of Commerce, and Forest Grove Chamber of Commerce, among other organizations.

Table 4: Selected Items from Legal Record for Metro's Fish and Wildlife Habitat (Goal 5) Program

DOC. DATE	DOCUMENT DESCRIPTION	TO/FROM	PAGE
10/21/2003	Letter supporting fish & wildlife protection	TO: Council FROM: John Ferguson, Deep River Geotechnical Services	
10/20/2003	Letter supporting wildlife & watershed protection	TO: Council FROM: Patricia Sims	
10/15/2003	Email supporting protection of watersheds	TO: Metro FROM: Greg Schifsky	
10/03/03	Email letter expressing support for protecting riparian areas including regulations, education, & incentives.	TO: habitat@metro.dst.or.us FROM: Chris Ling	
10/03/03	Email to Hennings: Thanks for presentation at Tualatin Riverkeepers meeting. Expresses desire for a program that supports and protects restoration activities.	TO: Lori Hennings FROM: Barb Fitzgerald	
10/1/2003	Letter in support of protecting watershed areas.	TO: Metro Council FROM: Jeffrey Cleven, MD	
09/30/03	Email: Thanks for valuable presentation to watershed council.	TO: Chris Deffebach FROM: Jay Mower, Coordinator of Columbia Slough Watershed Council.	
9/26/2003	Letter in support of regulations & environmental standards for keeping watersheds healthy	TO: Metro Council FROM: Mary McGilvra, Architect/Landscape Designer	
09/25/03	Letter expressing concern about what will happen to private land, much of which is classified as habitat.	TO: Brian Newman FROM: Sam Sabbo	
09/25/03	Email inquiry about Goal 5 program: (1) progress to-date and next steps; (2) detailed map of property. Paul Ketcham responded to inquiries.	TO: habitat@metro.dst.or.us FROM: Pete Kirby	
9/24/2003	Letter received in support of Fish and Wildlife Habitat Protection Program	TO: Metro Council FROM: Gerard & Rita van Deene	
9/19/2003	Letter in support of stronger standards for streamside development	TO: Metro Council FROM: Matthew Hein	
9/17/2003	Letter in support of Metro's upcoming Fish and Wildlife protection program	TO: David Bragdon FROM: Mark Riesmeyer	
9/15/2003	Letter in support of Fish and Wildlife Protection Program	TO: Metro Council FROM: Burke Strobel	
09/10/03	Inquiry about criteria used to map environmental features that support healthy streams and fish and wildlife habitat. Metro staff responded to these inquiries in follow-up emails and phone conversations.	TO: Metro Habitat Protection Program (habitat@metro-region.org) FROM: Steven Edelman	

09/10/03	Criticizes Metro for allowing development, especially in terms of clear cutting trees for new developments. If eliminate trees, eliminate wildlife. Also, traffic from UGB law is not wildlife friendly. Too much traffic already. Need to stop development.	TO: Metro Habitat Protection Program (habitat@metro-region.org) FROM: Dale Rank	
8/5/2003	Letter received: Metro Council Work Session in support of a Goal 5 regulatory program	TO: Metro Council FROM: Ed Labinowicz – Gresham Butte Neighborhood Association	
7/23/2003	Email re Fish and Wildlife Habitat Action Alert; Brownfields Conference in Portland	TO: Rooney Barker FROM: Teresa Huntsinger	
7/15/2003	Letter re Program Options for Fish and Wildlife Program	TO: Metro Council FROM: Ron Carley, Board President, Coalition for a Livable Future, and Jim Labbe, Urban Conservationist, Audubon Society of Portland	
7/15/2003	Letter re Draft Options for Regional Fish and Wildlife Habitat Protection Program	TO: Metro Council FROM: Susan Marshall, Executive Director, Tualatin Riverkeepers	

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
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METRO

From: Andy Cotugno
Chris Deffebach

Subject: Goal 5 TAC and WRPAC comments on Resolution 03-3376

Date: October 18, 2003

The Goal 5 Technical Advisory Committee (TAC) and the Water Resources Policy Advisory Committee (WRPAC) met together on October 17, 2003 to prepare comments for staff and Metro Council consideration on Resolution 03-3376. The purpose of the resolution is to endorse Metro's Goal 5 Draft Phase 1 Economic, Social, Environmental and Energy analysis and to direct staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options. This memo summarizes the comments of Goal 5 TAC/WRPAC.

The Goal 5 TAC has been meeting monthly to advise Metro staff on the Regional Fish and Wildlife Habitat Protection Program since 1998. Andy Cotugno serves as chair of this Committee. The Water Resources Policy Advisory Committee is one of the Council's standing committees. Councilor Hosticka currently serves as chair. Since September, the two committees have been meeting jointly to review the Fish and Wildlife Habitat Protection Work with Councilor Hosticka as chair.

The joint committee voted on, or identified comments on, the following items in Exhibit B of the Resolution.

1. The Joint Committee voted 15 – 3 to recommend that Metro not analyze different options for areas outside the December 2002 Urban Growth Boundary and to drop the geographic areas variation to program options from Figure 1: Program Option Chart.

2. The Joint Committee voted 12 – 2 in favor of creating a new option that would provide stronger fish and wildlife habitat protection in Option 2, (Habitat and Urban Development Based) (with no "allow" decisions for any areas).

3. The Joint Committee commented in general, without voting, that restoration should have high importance in, and be an integral part of, all of the regulatory and non-regulatory options.

4. The Joint Committee recommended generally, without voting, that the criteria evaluate (1) whether each option results in any "net loss" of environmental function and, (2) the effect of each option on riparian continuity. The joint committee discussed how to evaluate "no net loss" environmental function and considered eliminating all "allow" decisions on the Riparian Habitat Class 3 and in the Riparian Impact Areas in Option 1c (Habitat Based Options) to preserve riparian continuity (because an "allow" decision does not provide for imposing a mitigation requirement to offset disruption of environmental function).

5. The Joint Committee commented that Option 3 (Streamside habitat approach)) does not seem to meet the Goal 5 Rule or the Vision Statement and is not related to the characteristics of the inventory. The Committee made similar comments about Option 4 (Baseline current regional regulations), and some committee members believed that Option 4 should not be listed as an "option," but rather as the baseline to be analyzed for comparison purposes only.

Three committee members and staff distributed written comments to the committee. Other than the points above, the written comments were not discussed further.

M E M O R A N D U M

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METRO

To: Metro Council

From: Chris Deffebach

Subject: ETAC Comments on Resolution 03-3376

Date: October 22, 2003

The Economic Technical Advisory Committee was formed in 2002 to advise Metro staff on economic consequences from a decision to allow, limit or prohibit conflicting uses on the fish and wildlife habitat lands in the ESEE analysis. ETAC was created to:

1. Review the consultants proposed methodology for conducting the economic analysis
2. Assess materials sent to the independent economic peer review panel and responses from the peer review panel
3. Analyze the consultant's draft work products based on the methodology
4. Advise about the economic integration into the overall economic social environmental and energy consequences document and
5. Review and make recommendations about economic considerations in regard to the draft programs to protect important resources.

The Advisory Committee has been meeting every other month, on average since June of 2002 to complete these tasks.

On October 20, ETAC presented comments about the integration of the economic analysis in the ESEE and on the draft program options as presented in Resolution 03-3376. This resolution endorses Metro's Goal 5 Draft Phase 1 Economic, Social, Environmental and Energy analysis and directs staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options. The ETAC comments are summarized below. The committee did not formally take votes.

The economic analysis is being reviewed by the Northwest Power Planning Commissions' Independent Economic Advisory Board (IEAB). The IEAB presented their comments at the ETAC meeting and these are summarized here.

Comments on the Economic Priority Methodology:

1. The methodology for ranking economic priority of lands is, while not perfect, the best that they could develop. Its value lies in using three different measures of economic development values of the lands—2040 policy, land value and employment density—which each capture different aspects of economic value.

2. The ESEE report needs to recognize that the dividing points between high, medium and low economic development value and environmental value are, and will always be, coarse. More description of the effects that drawing the dividing line in different points could make should be added to the report. More description is needed on how and why the markers are set for high medium and low for both the environmental and economic ranking in the ESEE report.

3. The component summary map shows those areas that score "high" by any one of the three measures, "medium" by any one of the three measures and "low" by all measures. This approach to defining the "high" category needs to be explained better in the report.

4. The economic priority ranking method still has limitations, which need to be recognized in the report. For example, the value of public investment in land for economic purposes, such as investment in Port facilities, is underrepresented under the land values measure, though Port industrial properties are included in the high economic rank for policy purposes. The measures of economic value do not reflect the multiplier effect of jobs, other than the industrial areas, which get a high score based on the policy criteria. More information about these values can be found in the Port/City Study of the River Industrial area and this reference should be added to the literature review.

5. Changing the component summary categories to include only Regionally Significant Industrial Areas and not all industrial areas does not reflect the priority the committee discussed for industrial areas. Industrial areas only score high based on 2040 policy, not on land value or employment density. ETAC did not recommend using only Regionally Significant Industrial areas and commented that the RSIA overlay creates complications for intermodal facilities, which are half on RSIA areas and half on other industrial lands.

6. Table 4-1 in the ESEE Report that shows the relationship between ecosystem services and the fish and wildlife habitat functions undervalues the ecosystem service functions of some areas such as steep slopes (for landslides) and small headwaters (for water quality). (Note that IEAB comments that ecosystem service value appears to be overstated in some of the tables in the ESEE Report).

IEAB Comment Summary

The following summarizes the IEAB memo that was submitted as a summary of all IEAB member comments.

1. Add discussion on the economic costs of not expanding the UGB.

2. Add discussion of economic value of open space.
3. Expand discussion of economic equity.
4. Define terms and use terms consistently.
5. Consider jobs ranking methodology.
6. Review report for:
   a. bias in presentation of economic effects and ecosystem services
   b. ensure that value judgments are distinguished from quantifiable statements
   c. conflict between industrial development and riparian protection is fully described
   d. 2040 growth concept is referred to in appropriate places
   e. key economic factors are addressed
   f. substitutability of land is sufficiently discussed

Comments on Exhibit B, the Program Options

1. The committee supports continued evaluation of Option 2 (Habitat and Urban Development) because it reflects the findings in the ESEE Report by taking the economic consequences into consideration.

2. The committee did not see the value of continuing evaluation of any of the other options because the other options do not appear to flow from what has been learned in the first phase of the ESEE analysis. Option 1 should be dropped because it does not take the economic analysis into consideration; Option 3 should be dropped because it does not reflect what we learned about the ecological diversity of the environmental values in the resource sites when the resource inventory was created; Option 4 should be dropped because the region already has documented the need for more protection than we have today, as evidenced by the commitment to the Goal 5 work program.

3. The committee supports expansion of the range of options in Option 2 (Habitat and Urban Development) to include options that provide more regulatory protection of the fish and wildlife habitat areas.

Other Comments on Exhibit B:

1. The description of Option 2 Table 2 should add a fifth box that can better describe the urban expansion areas, rather than referring to them as "rural zoning" in the fourth column.

2. Add economic equity as a criterion for further evaluation to the list of Criteria in Table 7 of Exhibit B. The only equity criterion listed is intergenerational equity, under the Social Factors.

3. Clarify the direction of the indicators, or measures in Table 7. For example, rather than say the number of acres affected, indicate if they are "retained" or "protected".

4. Clarify how employment areas will be preserved in Table 7 criteria and measures, as to preserving existing employment or preserving the capacity for additional employment areas.

5. The role of incentives and other non-regulatory approaches need a good, thorough examination in the program options. The analysis should build off of the incentives work that was done last year by Metro Parks and Greenspaces.

Comments on the Resolves in the Resolution

1. The resolution lacks symmetry by concluding not to study a 100% " prohibit" option but remaining silent on whether to continue a 100% "allow" option.

M E M O R A N D U M

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METRO

To: Metro Council

From: Chris Deffebach
Andy Cotugno

Subject: MPAC Action on Resolution 03-3376

Date: October 24, 2003

On October 22, 2003 MPAC reviewed Metro Resolution 03-3376. This resolution calls for endorsing Metro's Goal 5 Draft Phase 1 Economic, Social, Environmental and Energy Analysis and directing staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options. After review and discussion, MPAC voted to forward the Resolution to Metro Council for their consideration along with the MTAC comments and an additional request that Metro consider changing the "allow" designations to "lightly limit" in the riparian resources and impact areas in Option 1c in Exhibit B.

The following summarizes the MTAC comments.

MTAC endorsed Resolution 03-3376 on October 15, 2003 with a vote of 21 yes and 2 no. MTAC recommended the following changes to the Resolution for your consideration. Metro staff will use your comments on these items, along with comments from other advisory committees, to revise the Resolution, Exhibit A, Exhibit B and the Staff Report for Metro Council consideration. These are summarized below.

Resolution language
MTAC recommended the following changes to the Resolution language for MPAC consideration:

1. Add a whereas to the resolution that refers to the vision statement that was developed by MPAC and endorsed by Metro Council in 2002 and serves as the overall goal for the Regional Fish and Wildlife Habitat Protection Program.

2. Replace the 4th Resolve with new language that reiterates Metro Council's previous policy on taking issue:

The Metro Council concludes, based on the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would demonstrably convert a buildable lot or parcel into an unbuildable lot or parcel without compensation to a willing seller would have exceptionally detrimental social effects, and could also have detrimental environmental, economic, and energy effects. The Metro Council therefore concludes that, balancing such effects against any resulting positive environmental, social, economic, and energy effects, the Program to Achieve Goal 5 that Metro develops shall include a provision to reduce or remove the fish and wildlife habitat protection that would otherwise apply to such a lot or parcel so as not to render it unbuildable."

3. Edit the 5th Resolve to clarify the uses affected and not affected by the program. The Resolve would read:

   The Metro Council concludes, following the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would require property owners to discontinue a use or remove structures on their properties for which they have received land use authorization would have exceptionally detrimental social and economic effects, and could also have detrimental environmental and energy effects, and that, balancing such effects against any resulting positive environmental social economic and energy effects, the Program to Achieve goal 5 that Metro develops shall not require property owners to discontinue use or remove structures on their properties for which it was allowed, but expansion to existing structures into the resource may be affected.

Exhibit A, the ESEE Report and Executive Summary

MTAC recommended the following comments be incorporated into the Exhibit A of the Resolution, in the ESEE Report and Executive Summary. These comments, combined with other comments that Metro receives on Exhibit A, will constitute an Addendum to Exhibit A. Metro Council will consider this addendum when considering the Resolution.

a. Address the effect of a decision to allow, limit or prohibit conflicting uses in fish and wildlife areas on transportation facilities
b. Address the effect of a decision to allow, limit or prohibit conflicting uses in fish and wildlife areas on other infrastructure
c. Address the effect of a decision to allow, limit or prohibit conflicting uses in fish and wildlife areas on the ability to provide security for public infrastructure that is located in these fish and wildlife habitat areas.
d. Address the social and economic consequences of a decision to allow, limit or prohibit confliction uses on public and private institutions that are located in fish and wildlife habitat areas.
e. Consider the value of vested property rights in determining economic priorities.

f. Even when consideration of multiple trade-offs result in giving a priority to conflicting uses, clarify that the avoid, minimize, mitigate standard should be applied
g. Confirm that the effect on redevelopment from a decision to allow, limit or prohibit conflicting uses is adequately covered.

Exhibit B Fish and Wildlife Habitat Protection and Restoration Program Options, Program Options Report (dated October 1, 2003)
MTAC recommended the following changes to the descriptions of the program options for further ESEE analysis and to the criteria that are used to evaluate these options for MPAC consideration.

4. Substitute a new page 5, Program Option Chart that changes high, medium and low to most, moderate, least for Options 1a, b and c and revises the descriptions of the non-regulatory examples. A copy of the new page 5 Program Option Chart is attached.

5. Substitute the revised description of non-regulatory examples on two pages for the old page 9. The revised description of non-regulatory options deletes references to high, medium and low. The revised description also sorts the examples into those that are currently in use and those that have potential application for use in the incentive, education, and acquisition and restoration categories. The revised description of non-regulatory options is attached.

6. Add a non-regulatory example that would apply surface water management fees to support restoration.

7. In the second regulatory approach option that is based on habitat and urban development value, High Urban Development Value is defined to include Primary 2040 components, high employment value or high land value. Primary 2040 components include Regional Centers, Central City and Regionally Significant Industrial Areas. MTAC has asked MPAC to consider policy implication of the economic importance of regionally significant industrial areas, employment land and corridors.

8. In Table 7 of Exhibit B, Criteria and potential indicators and measures for the evaluation of program options, expand the description of the clean water criteria to add a reference to meeting state water quality standards, especially temperature.

9. Include reference to the MRC rule in the ESEE and in Table 7, Criteria and potential indicators and measures for the evaluation of program options. And clarify that the criteria would not evaluate just blanket protection, but the extent that the program would provide blanket exception to take or assist in the recovery under the 4d rule.

10. Consider simplifying and refining the options to reduce confusion.

11. Consider treating residential land consistently in the program options instead of varying treatment as would result in Options 2 where land value of all lands is used to assess economic priority. Under this measure, higher-valued residential land receives lower levels of protection than lower-valued residential land.

12. Option 1, Habitat Based, may need to be stronger.

13. Mitigation as a tool to restore land is lost with any "allow" designation. Consider revising Option 1/ b/c to eliminate allow designations.

14. The Tualatin Basin Approach follows a somewhat different methodology in their ESEE analysis.

Staff Report to Resolution 03-3376

MTAC recommended MPAC consideration of the following items for elaboration in the Staff Report for Resolution 03-3376:

15. Recognize new case law regarding takings that result from the recent Coast Range Conifers case.

16. Expand the description of a riparian district plan and site specific variations to the standard Regional Protection Approach that would be available to jurisdictions.

17. Expand on the ESA evaluation criteria to define how much the protection plan could assist with local ESA compliance, not just for the blanket exception to take provision of the 4d rule and describe the NMFS rule.

FIGURE 1: PROGRAM OPTION CHART

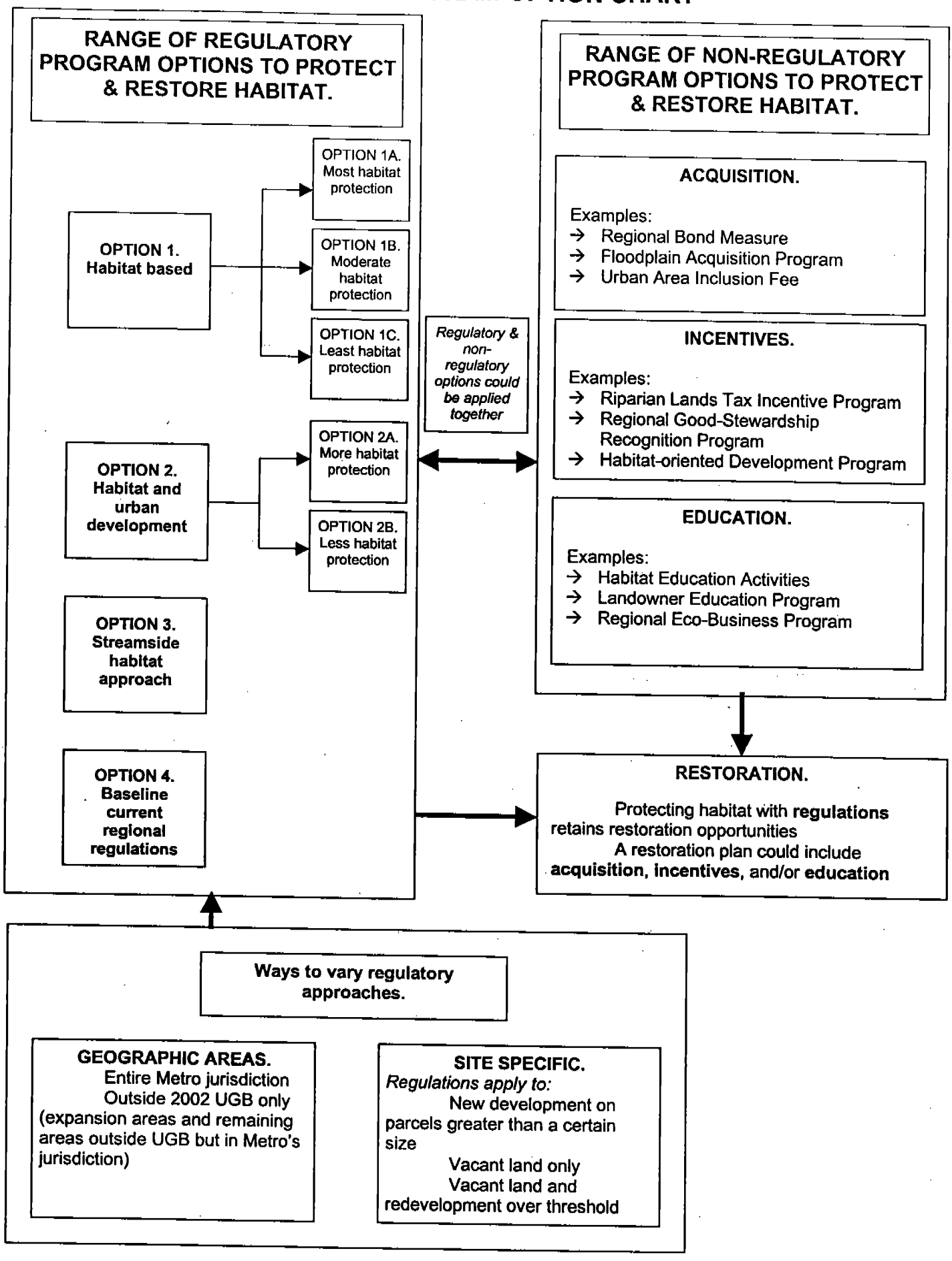

Table 6. Non-regulatory options.

HOW	
Examples of existing programs	**Examples of potential programs**
• *Metro Openspaces Acquisition Program.* Funded through $135 million bond measure approved by voters in 1995. Focuses on targeted natural areas and regional trails. • *Three Rivers Land Conservancy Acquisition Program.* Works to encourage donation of conservation easements to protect targeted open space in the Metro region.	• *Regional Bond Measure.* Focused on purchasing targeted Habitats of Concern and connector habitat from willing sellers and restoration. • *Regional Revolving Land Purchase Fund.* Develop a program to purchase habitat land, place development restrictions or conservation easements to protect habitat areas, and then sell remaining land for development.
• *Oregon Watershed Enhancement Board (OWEB) General Grant Program.* Grants to carry out on the ground watershed restoration projects to restore aquatic habitat, improve water quality, and improve biodiversity. Projects include planting, culvert replacement, habitat improvements, wetland restoration, and others. • *Metro/USFWS Greenspaces Grant Program.* Provides funding for urban projects that emphasize environmental education, habitat enhancement and watershed health.	• *Regional Restoration Plan.* Develop a restoration plan for the region based on watersheds. Start with Watershed Action Plans and build from existing/ongoing efforts. Include grant program to fund restoration projects, recognition of good stewardship activities, and targeted education. • *Habitat Education Activities.* Focus efforts to increase awareness of connection to streams and rivers, similar to fish stencil programs.
• *Sherwood program.* Requires SDC for development in floodplains, fee waived in flood area is donated to the city. • *Johnson Creek Willing Seller Program.* Portland program allows landowners in Johnson Creek floodplain to sell their property to the City at fair market value. After acquisition, properties are restored to natural floodplain function. Funded largely with dollars from FEMA after the 1996 flood.	• *Regional SDC Program.* Develop a regional SDC program similar to the City of Sherwood to protect and restore floodplain function to reduce development's impact on stormwater. • *Floodplain Acquisition Program.* Coordinate and facilitate expansion of a willing seller program similar to Portland's to purchase and restore land within floodplains.
• *East Multnomah Soil & Water Conservation District grants.* Provides awards for conservation and restoration projects, ranging from $200-2,500. • *Wildlife Habitat Incentives Program (WHIP).* Implemented through NRCS to help landowners develop and improve wildlife habitat on their land. In Oregon approximately $350,000 is targeted for salmon habitat, riparian habitat, and promotion of biodiversity.	• *Regional Streamside Restoration Grant Program.* Program to target education and fund restoration projects in streamside areas. (May be part of a *Regional Restoration Plan*). • *Riparian Lands Tax Incentive Program.* Allows property owners to gain a full tax exemption for improving or maintaining riparian lands up to 100 ft from a stream, must include a management plan developed in coordination with ODFW. Implement with local county approval, state limits tax relief to 200 stream miles per county.
• *Environmental Quality Incentives Program (EQIP).* Provides payments through the Natural Resources Conservation Service (NRCS) to farmers and ranchers for assistance implementing conservation practices on their lands (including filter strips, manure management practices and others). Authorized by the 2002 Farm Bill, pays up to 74% of the costs of the implemented practice.	• *Urban Area Inclusion Fee.* Requires legislative changes. Captures a portion of the increased value of property (windfall) due to inclusion within the urban growth boundary. Funds could be used to purchase or restore habitat land within Metro's jurisdiction.
• *Metro's Natural Gardening and Landscaping Program.* Metro offers free natural gardening seminars and workshops in spring and fall. Also includes a demonstration garden, summer garden tour, and educational materials. • *Downspout Disconnect Program.* Portland program	• *Stewardship Certification Program.* Proposed by the Conservation Incentives Summit Group, this program would provide recognition to a variety of stakeholders for implementing best management practices and other practices of conservation value.

HOW	
Examples of existing programs	**Examples of potential programs**
that provides property owners with funds and technical expertise to disconnect downspouts to reduce flow into the stormsewer system.	• *Regional Good-Stewardship Recognition Program.* Develop a regional program to recognize property owners in high value habitat areas for good stewardship and restoration efforts. (May be part of a Regional Restoration Plan). • *Landowner Education Program.* Target landowners in regionally significant habitat areas to raise awareness of how individual activities impact fish and wildlife habitat.
• *Eco Biz Program.* City of Portland program, started to recognize auto repair and service facilities that minimize their environmental impacts. Currently being extended to landscaping business.	• *Regional Eco-Business Program.* Develop a regional program to recognize and certify good business practices. Include an educational component describing ways to minimize impact on habitat.
• *Metro's Green Streets Handbook.* A resource for designing environmentally sound streets that can help protect streams and wildlife habitat. • *Eco-roof Program.* Portland provides sewer rate discounts to developers that build greenroofs minimizing stormwater runoff. Also provides an eco-roof floor area bonus, in which each square foot of eco-roof equals an additional three square feet of building area in the downtown. • *G-Rated Incentive Program.* Portland program that encourages innovations in residential and commercial development and redevelopment for green building design practices. Provides up to $20,000 for commercial projects and $3,000 for residential projects.	• *Regional Habitat Friendly Development Program.* Work with local partners to develop technical assistance, incentives, recognition programs, and awards for development that helps protect fish and wildlife habitat. Develop regional low impact development standards. • *Habitat-oriented Development Program.* Develop a program similar to Metro's Transit-oriented Development (TOD) Program to encourage construction of new developments or redevelopment that protects and restores fish and wildlife habitat. • *Model Wildlife Crossing Program.* Develop a grant program to construct wildlife crossing facilities in key movement corridors.

Exhibit B: Comments on program options

Reviewer	Topic	Comment	Response
MPAC	Option 1C	Where an "allow" decision is applied to a resource, change lightly limit	Issue for Council consideration
MTAC	Program Option Chart	Accept proposed staff changes	Staff has proposed revision in "A" version
	Non-regulatory examples	Accept proposed staff changes	Staff has proposed revision in "A" version
	Non-regulatory examples	Add an example that would apply surface water management fees to support restoration	Staff has proposed revision in "A" version
	All options	Consider simplifying and refining options to reduce confusion	Issue for Council consideration
	Option 1	Consider increasing protection levels; mitigation as a tool to restore land is lost with allow decision. Consider revising Options 1b & 1c to eliminate allow decisions.	Issue for Council consideration
	Option 2	Consider implication of economic importance of regionally significant industrial areas, employment land, and corridors	Issue for Council consideration
	Option 2	Consider treating residential land the same. Currently higher valued residential land receives lower levels of protection than lower-valued residential land.	Issue for Council consideration
	Definition of ALP	Clarify that the avoid, minimize, mitigate standard should be applied even when a priority is given to conflicting uses	Issue for Council consideration
	Criteria and Indicators	Expand description of clean water criterion to add a reference to meeting state water quality standards, especially temperature	Staff has proposed revision in "A" version
	Criteria and Indicators	Include reference to MRCI limits in 4(d) rule and clarify that criterion would evaluate the extent the program would assist in salmon recovery	Staff has proposed revision in "A" version
G5TAC/ WRPAC	Geographic areas variation	Recommends that Metro not analyze different options for areas outside December 2002 UGB and drop geographic areas variation from program options.	Issue for Council consideration
	Option 2	Recommends that Metro create a new option that would provide stronger fish and wildlife habitat protection that does not include "allow"	Issue for Council consideration
	Restoration	Restoration should be an integral part of regulatory and non-regulatory options	Issue for Council consideration
	Evaluation criteria	Add the following criteria: 1. does an option result in any "net loss" of environmental function 2. effect of each option on riparian continuity	Staff has proposed revision in "A" version
	Option 3	Does not seem to meet Goal 5 rule or Vision Statement and is not related to inventory	Issue for Council consideration

	Option 4	Same comment as Option 3 and some committee members thought it should be described as "baseline" rather than an option	Issue for Council consideration
ETAC	Option 2	Committee supports expansion of range of options within Option 2 to include one that provides more protection to fish and wildlife habitat areas.	Issue for Council consideration
	Option 2	Separate the urban expansion areas rather than including them as rural zoning.	Staff has proposed revision in "A" version
	Options 1, 3, & 4	Committee does not support continued evaluation of these options. Option 1 does not consider economic analysis; Option 3 does not reflect diversity of environmental values; Option 4 is unnecessary because the region has already documented need for more than current protection.	Issue for Council consideration
	All options	Lack of symmetry because prohibit is ruled out but allow is not.	Issue for Council consideration
	Table 7	Add economic equity as a criterion	Staff has proposed revision in "A" version
	Table 7	Further clarification is needed on indicators	Staff will address
	Non-regulatory approaches	Conduct a through examination of options and use Incentives work done by Parks and Greenspaces Dept.	Staff will address