

# A G E N D A

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



**METRO**

## Agenda

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: October 30, 2003  
DAY: Thursday  
TIME: 5:00 PM  
PLACE: Washington County Chamber  
155 N. First, Hillsboro, Oregon

### CALL TO ORDER AND ROLL CALL

#### 1. INTRODUCTIONS

#### 2. CITIZEN COMMUNICATIONS

#### 3. CONSENT AGENDA

3.1 Consideration of Minutes for the October 23, 2003 Metro Council Regular Meeting.

#### 4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 03-1021**, For the purpose of Amending Title 4 of the Urban Growth Management Functional Plan to improve its protection of industrial land and to make corrections.

*Title changed*  
4.2 **Ordinance No. ~~03~~-1022**, For the purpose of *Amending* adopting a Map of Regionally Significant Industrial Areas in compliance with Subsection J of Section 3.07.420 of Title ~~4~~ (Industrial and other employments areas) of the Urban Growth Management Functional Plan.

#### 5. RESOLUTIONS

5.1 **Resolution No. 03-3376A**, For the Purpose of Endorsing Metro's Draft Goal 5 Hosticka Phase 1 Economic Social Environmental and Energy (ESEE) Analysis and Directing Staff to Conduct More specific ESEE Analysis of Multiple Fish and Wildlife Habitat Protection and Restoration Program Options.

#### 6. CHIEF OPERATING OFFICER COMMUNICATION

#### 7. COUNCILOR COMMUNICATION

## ADJOURN

### Cable Schedule for October 30, 2003 Meeting (PCA)

	Sunday 11/2	Monday 11/3	Tuesday 11/4	Wednesday 11/5	Thursday 10/30	Friday 10/31	Saturday 11/1
<b>CHANNEL 11</b> (Community Access Network) (most of Portland area)							
<b>CHANNEL 30</b> (TVTV) (Washington County, Lake Oswego)	7 p.m.		6 a.m.	4 p.m.			7 p.m.
<b>CHANNEL 30</b> (CityNet 30) (most of City of Portland)		2 p.m.					
<b>CHANNEL 30</b> Willamette Falls Television (West Linn, Rivergrove, Lake Oswego)							
<b>CHANNEL 23/18</b> Willamette Falls Television (23- Oregon City, West Linn, Gladstone; 18- Clear Creek)							
<b>CHANNEL 23</b> Milwaukie Public Television (Milwaukie)							

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

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

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4.1 **Ordinance No. 03-1021**, For the purpose of Amending Title 4 of the Urban Growth Management Functional Plan to improve its protection of industrial land and to make corrections.

4.2 **Ordinance No. 03-1022**, For the purpose of Amending the Employment and Industrial Areas Map to Add Regionally Significant Industrial Areas in compliance with Subsection J of Section 3.07.420 of Title 4 (Industrial and other employments areas) of the Urban Growth Management Functional Plan.

#### 5. RESOLUTIONS

5.1 **Resolution No. 03-3376A**, For the Purpose of Endorsing Metro's Draft Goal 5 Hosticka Phase 1 Economic Social Environmental and Energy (ESEE) Analysis and Directing Staff to Conduct More specific ESEE Analysis of Multiple Fish and Wildlife Habitat Protection and Restoration Program Options.

#### 6. CHIEF OPERATING OFFICER COMMUNICATION

#### 7. COUNCILOR COMMUNICATION

Agenda Item Number 3.1

Consideration of Minutes of the October 23, 2003 Regular Council meetings.

Metro Council Meeting  
Thursday, October 30, 2003  
Washington County Chamber

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 23, 2003  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. CONSENT AGENDA

3.1 Consideration of minutes of the October 16, 2003 Regular Council Meetings.

3.2 **Resolution No. 03-3377**, For the Purpose of Authorizing the Issuance of Request For Proposal 04-1085-HR, Metro Agent of Record and Consultant for Employee Health and Welfare Plan.

Motion:

Councilor Park moved to adopt the meeting minutes of the October 16, 2003, Regular Metro Council meeting and Resolution No. 03-3377.

Vote:

Councilors Burkholder, McLain, Park, Hosticka, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

### 4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 03-1023**, For the Purpose of Amending Provisions of Metro Code Chapter 6.01 Relating to the Metropolitan Exposition-Recreation Commission.

Council President Bragdon assigned Ordinance No. 03-1023 to Council. He spoke to the ordinance. There will be public hearings on November 6<sup>th</sup> and November 20<sup>th</sup>. Councilor Burkholder suggested reconvening the Oregon Convention Center Advisory Group to discuss this ordinance.

### 5. RESOLUTIONS

5.1 **Resolution No. 03-3373**, For the Purpose of Endorsing the Recommendations of the Powell/Foster Corridor Transportation Plan.

Motion:	Councilor Monroe moved to adopt Resolution No. 03-3373.
Seconded:	Councilor McLain seconded the motion

**Councilor Monroe** said the Metro Council had already had a presentation on this plan. He said this had been a lengthy process to discuss which corridors should be studied. He has suggested Powell/Foster Corridor be studied. Staff concurred. With the expansion of the Urban Growth Boundary into the Damascus/Pleasant Valley area, this corridor study became even more important. He spoke to congestion issues in the area as well as the lack of pedestrian and bicycle access. He talked about what was included in the corridor transportation plan. He urged support.

Councilor Park asked that Andy Cotugno, Planning Director, to speak to the Regional Transportation Plan. Mr. Cotugno spoke to the Sunrise Corridor and acknowledgement of the Regional Transportation Plan.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Councilor McLain thanked the staff for all of their hard work and said she would be supporting this resolution. Councilor Monroe echoed Councilor McLain's comments and talked about public input for this project.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Burkholder, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5.2     **Resolution No. 03-3376**, For the Purpose of Endorsing Metro's Draft Goal 5 Phase 1 Economic Social Environmental and Energy (ESEE) Analysis and Directing Staff to Conduct More Specific ESEE Analysis of Multiple Fish and Wildlife Habitat Protection and Restoration Program Options.

Motion:	Councilor Hosticka moved to adopt Resolution No. 03-3376.
Seconded:	Councilor Newman seconded the motion

Councilor Hosticka said this marks the end of the second step in a three-step process. He talked about the history of the program. The resolution completes the technical analysis. He spoke to future steps. He noted that types of input this resolution had received. Council President Bragdon said they would have a public hearing today and again next week in Washington County at 5:00 p.m.

Chris Deffebach, Planning Department, gave a power point presentation on this issue (a copy of which is included in the meeting record). Councilor Hosticka asked about notification that has been issued to the public. Ms. Deffebach addressed this issue.

Council President Bragdon opened a public hearing.

JoAnn Bowman, Vice President, Coalition for a Livable Future, 3145 NE 15<sup>th</sup>, Portland, OR 97212 spoke to what was the mission of the Coalition. She raised concerns about equity and how the Metro Fish and Wildlife Habitat Protection Plan would be developed. It should not matter where you live in the region whether or not citizens have access to quality wildlife habitat areas and whether or not you should have access to fish. She also raised the issue of environmental

justice. There were many areas within our region where policy decisions that have been made in the past have had a significant impact on the natural resources and human resources in the areas that were available for individuals. She thought there should be some criteria that was based on what had been the environmental justice impact on these local communities as the Council was deliberating about the appropriate protection plan and regulations. Councilor Burkholder asked how she would take that environmental justice concern and applying it to the program.

Mary Kyle McCurdy, 1000 Friends of Oregon, 534 SW 3<sup>rd</sup> Ave, Portland, OR 97201 recommended that Metro remove from further consideration the ways to vary the regulatory approaches by limiting the application of what ever option Council chose to areas outside the 2002 Urban Growth Boundary (UGB) or to certain types of sites such as parcels greater than a certain size or vacant lands only. Metro undertook this regional wildlife and fish habitat protection effort in part because of their recognition that streams and habitats crossed political boundaries and weave the region together. Varying the application by whether the land was outside the 2002 UGB or was vacant, there was not relationship to those resources or their functioning. Metro's inventory already accounts for whether the habitat or watershed was degraded or of higher quality and the program options allow you to weigh the environmental economic social and energy consequences of prohibiting, limiting or allowing a use on those lands. There was no need to vary that based on criteria that have nothing to do with the resource at issue. To do so would result in a program that does not protect and restore fish and wildlife habitat. In the interest of further simplifying this process 1000 Friends would recommend that Metro remove that at this point.

Sam Chase, Community Development Network, 2627 NE Martin Luther King Blvd., Portland, OR 97212 thanked the Council for taking leadership on this issue. As Metro evaluated the impacts of protection, he suggested this should not impact affordable housing. He said that when he was a developer he found he could make fish and wildlife protection work while developing affordable housing. He talked about renovation of the area so there was integration of the natural landscape in the yards. There was a market to make affordable housing work and integrate with the natural environment.

Jim Labbe, Audubon Society of Portland, 5151 NW Cornell Rd., Portland, OR 97210, noted that there would be many here today who chose not to testify but supported his remarks (about 15 people stood). He focused his comments on draft program options. He suggested applying the conditions outside the 2002 Urban Growth Boundary expansion areas. They supported the committee's recommendations on a stronger Option 2. He urged the Council to consider Option 4 only in terms of analysis.

Gail Snyder, Friends of Forest Park, PO Box 10934, Portland, OR 97296, supported Mr. Labbe's remarks and read her remarks into the record (a copy of which is found in the meeting record).

Tom Wolf, Trout Unlimited, 22875 NW Chestnut, Hillsboro, OR 97124 said he believed we needed a stronger Option 2. He also suggested in Option 1, the term allow be removed and include lightly limit in its place. On Option 4, he suggested eliminating Option 4 and using it for analysis purposes only.

Dick Shook, 4815 SE Casa del Rey Dr., Milwaukie, OR 97222 summarized his written testimony (a copy of which is included in the meeting record).

Steve Mullinax, 4648 SW 39<sup>th</sup> Dr., Portland, OR 97221 supported strong wildlife and fish protection. He and his neighbors had donated many hours to habitat restoration protection. They

valued being in support of a network of watershed protection. He urged mix regulatory and non-regulatory approach to recognize the value of the watershed (a copy of his testimony is included in the meeting record).

Lynn Herring, 1090 Chandler Rd., Lake Oswego, OR 97034 said she was in support of the overall goal of protection. She supported the Audubon Society testimony (a copy of which is included in the meeting record). She reminded the Council of the responsibilities of being a property owner and the need to protect the natural environment.

Allison Zimman, 4301 NE Mason, Portland, OR 97218 read her testimony into the record (a copy of which is found in the meeting record).

Catherine Johnson, 6111 SW Lesser Way, Portland, OR 97219 did not testify.

Bob Sallinger, Audubon Society of Portland, 5151 NW Cornell Rd., Portland, OR 97221 read his testimony into the record. (a copy of which is included in the meeting record).

Donna Mattrazzo, Sauvie Island Conservancy, 14300 NW Sauvie Island Rd. Portland, OR 97231 read her testimony into the record (a copy of which is included in the meeting record). She spoke to legacy.

Ron Carley, 1227 SE Tolman, Portland, OR 97202 did not testify.

Jennifer Thompson, US Fish and Wildlife Service, 2600 SE 98<sup>th</sup> Suite 100 Portland, OR 98266 read her testimony into the record and noted that they had already submitted detailed written testimony. They supported the Metro Technical Advisory Committee (MTAC) recommendations. They also supported strong non-regulatory elements. Councilor Burkholder asked how our activities affected the impact on the Endangers Species Act (ESA) and what met the federal government's requirements. Ms. Thompson said her recommendations were probably closely aligned with the government's but there needed to be additional input from other entities. Councilor Hosticka said we don't have a definitive statement about what will meet ESA. Ms. Thompson said she didn't feel that she was in a position to respond to his question.

Lee Leighton, Westlake Consultants, 1515 SW Sequoia Pkwy Suite 150 Tigard, OR 97224 acknowledged the efforts of the Metro staff in helping answer questions. He summarized his written remarks (a copy of which is found in the meeting record).

Michael Sestril, Lewis and Clark College, 0615 SW Palatine Rd., Portland, OR 97219 echoed Mr. Leighton's comments. He spoke to developing their master plans for Lewis and Clark College and the effects on the areas of their campus. He spoke to impact and regulatory issues and the ability to develop future plans for the campus. Councilor Park asked about economic impact and whether they considered themselves regionally significant. Mr. Leighton spoke to involvement of higher education institutions in the region. It was important to consider higher education institutions in the mix. They were supportive of the process but they also wanted to provide technical critiques that may have an important impact on the results. Mr. Sestril talked about educational institutions and the social value provided by these institutions. Council President Bragdon said the issue was to fit educational institutions into the framework. Mr. Leighton said there were certain adjustment that ought to be applied or overlaid that would be reflected in the qualitative analysis and the mapping (a copy of his testimony was included in the meeting record).

Donna Edgar, East Columbia Neighborhood Association, 510 NE S. Shore Rd., Portland OR 97211 said she had not received notice and expressed concern that her area had been left out. She wanted on the mailing list. Councilor Burkholder said he had met with a delegation of the association a year and a half ago.

Jane Toma, East Columbia Neighborhood Association, 820 NE S. Shore Rd, Portland OR 97211 said she was the land use chair of the association. She represented her neighbors. They felt they would suffer economically from the planned protection. She said she was a good steward of her property but according to the healthy stream proposal she would lose part of her property. She suggested economic reimbursement proportionate to the property impact.

Jeff Uebel, Johnson Creek Watershed Council, 8300 SE McLoughlin Blvd., Portland, OR 97202 summarized his testimony (a copy of which is included in the meeting record). He also submitted a new plan of action brochure and Johnson Creek Watershed Action Plan (a copy of which is included in the meeting record).

Ellen Eaton, East County Neighborhood Association, 618 NE Faloma Rd., Portland OR 97211 said there were many in her neighborhood that did not get notified of the public hearing. She wanted to make sure the Council was aware of this. Goal 5 was of great concern because of the number of wetlands and the wildlife corridors in their neighborhood. They were close to the airport, to the I-5 widening project and to the Portland International Racetrack. She said there were many conflicting uses in this area.

Dave Yakymi, East Columbia Neighborhood Association, 850 NE Faloma Rd., Portland OR 97211 did not testify.

Paula Casner, East Columbia Neighborhood Association, 618 NE Faloma Rd., Portland OR 97211 did not testify.

Andrew Bowman, Defenders of Wildlife 2570 NE 32<sup>nd</sup> Ave, Portland, OR 97212, said they were very interested in the plan that would be put in place. He commended Metro on the inventory and the ESEE analysis. He felt these efforts could become a national model. He said the programs needed to be easy to understand and that the incentive programs needed to be adequately funded. Defenders of Wildlife would be happy to work with Metro staff. Councilor Burkholder asked about protection. Mr. Bowman responded to his question.

Earl Moore, 18415 SE Wilmot, Milwaukie OR 97267 said he was born by Boardman Creek. He spoke to a fish friendly culvert that was a disaster on Boardman Creek. He detailed some of the problems with the culvert and the culverts downstream. He said he had photos to prove his comments. The politicians had declared this area a high priority wetland but then they overruled their own decision. Councilor Park asked for clarification on his testimony. Mr. Moore said he was in support of protecting the historic stream run, the creek and was in favor of the fish runs. By cleaning up the dams, he didn't think he would have a problem with flooding. Councilor McLain thanked Mr. Moore. Councilor Newman clarified his remarks and said he would look at the property.

Diane White, 1225 E Historic Columbia River Hwy, Troutdale OR 97060 talked about her property that could be potentially regulated. She lived on the Sandy River. She asked if they would be buying her land. Much of her land had already been taken from her by the State. She spoke to issues of takings. She recommended that those who were passionate about this protection should compensate the effected property owners.

Glenn White, 1225 E Historic Columbia River Hwy, Troutdale OR 97060 talked about the effects on people who had not developed their property yet. He spoke to being a landowner and the limitation on his land. He suggested ways to protect fish and wildlife. He felt it was unfair for the groups that were advocating protection, to dictate protection on his property. He suggested street drains to improve water quality. He suggested limiting pesticides to improve the water quality. He also suggested education as a tool. Councilor McLain thanked Mr. & Mrs. White for testifying. She said they were still researching tools to protect, but no decisions were being made right now.

Jeffrey Gottfried, Native Fish Society, Educational Recreation Adventures 7040 SW 84<sup>th</sup> Ave., Portland, OR 97223 spoke to Metro's overall goal for fish and wildlife protection. They supported Metro's goal. Option 1 was the only one that had a chance of accomplishing this goal. Option 1 protected upland areas. This water must be dealt with before it got to the creeks.

Lise Glancy, Port of Portland, 121 NW Everett, Portland OR 97208 acknowledged Metro staff for their excellent work. She had submitted written testimony and summarized that testimony (a copy of which is included in the record). They felt Option 2A would be the best from a regulatory perspective. She recommended some additional tools. She spoke to industrial areas, which they felt were inconsistent with ESEE.

Martha Johnston, 2604 NE 13<sup>th</sup> Ave Portland OR 97232 East Columbia Neighborhood Association said once they had found out about the public hearing they had received great response from Metro's staff. They had not been notified but had testified in July 2002 at Metro. She spoke to value adjustments (a copy of her testimony was included in the meeting record).

Anthony Fazio, Fazio Properties, 8433 NE 13<sup>th</sup> Portland OR 97211 did not testify.

Council President Bragdon closed the public hearing and announced that this resolution would be held over until October 30, 2003 for final consideration.

Councilor Newman asked about deadline for substantive amendments to the resolution. Council President Bragdon suggested having them ready by Tuesday afternoon during work session. Councilor McLain suggested that we clarified that we were not the healthy steams group with a one-sheet summary. She also suggested putting Exhibit A and B on the website.

#### **6. CHIEF OPERATING OFFICER COMMUNICATION**

There were none.

#### **7. COUNCILOR COMMUNICATION**

Councilor McLain invited everyone to the Agricultural Symposium on October 31<sup>st</sup> at 8:30 a.m. at the Holiday Inn in Wilsonville. Council will be meeting in Hillsboro at the Washington County Chamber at 5:00 p.m. on October 30<sup>th</sup> to continue the Goal 5 public hearing.

#### **8. ADJOURN**

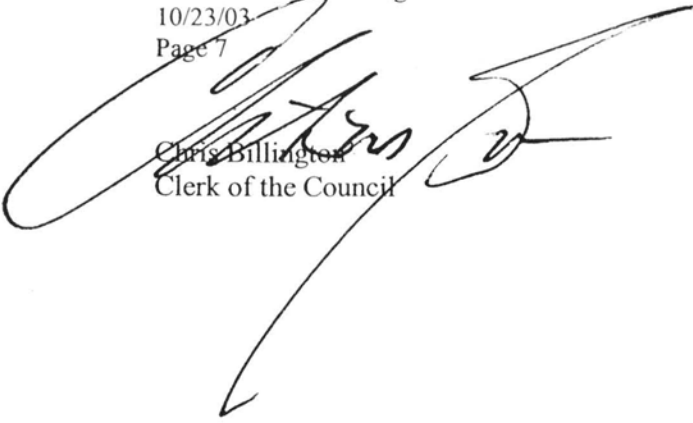
There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:10 p.m.

Prepared by

Metro Council Meeting

10/23/03

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Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 23,  
2003**

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	10/16/03	Metro Council Minutes of the October 16, 2003 Council Meeting	102303c-01
5.1	Email	10/21/03	To Metro Council From: Doug Klutz Re: Powell Foster Corridor Recommendations	102303c-02
5.2	Brochure	No date	To: Metro Council From: Jeff Uebel, Johnson Creek Watershed Council Re: A New Plan of Action Restoring and Protecting Johnson Creek Brochure	102303c-03
5.2	Action Plan	No date	To: Metro Council From: Jeff Uebel, Johnson Creek Watershed Council Re: Johnson Creek Watershed Action Plan An Adaptive Approach	102303c-04
5.2	Written Testimony	102303	To: Metro Council From: Karen Ashford Re: Property Owner near Marylhurst supporting strong protection for fish and wildlife – Goal 5 testimony	102303c-05
5.2	Letters and pictures	10/23/03	To: Metro Council From: Earl Moore Re: Supporting letters and pictures concerning Boardman Creek – Goal 5 testimony	102303c-06
5.2	Letter	10/23/03	To: Metro Council From: Kemper McMaster, US Dept of the Interior Fish and Wildlife Service Re: Goal 5	102303c-07
5.2	Letter	1/23/03	To: Metro Council From: Lisa Glancy, Port of Portland Re: Draft ESEE Analysis for Goal 5	102303c-08
5.2	Letter	10/23/03	To: Metro Council From: Gil Kelley, City of Portland Bureau of Planning Re: Goal 5	102303c-09
5.2	Letter	10/23/03	To: Metro Council From: Steve Mullinax Re: Goal 5 protection on Fanno Creek	102303c-10
5.2	Letter	10/23/03	To: Metro Council From: Richard Shook Re: Goal 5	102303c-11
5.2	Letter	10/23/03	To: Metro Council From: Diane White Re: Goal 5	102303c-12
5.2	Letter	10/23/03	To: Metro Council From: Glen White Re: Goal 5	102303c-13
5.2	Letter/Article	10/23/03	To: Metro Council From: Michael Sestril Re: Goal 5 and 2040 Plan for Lewis and Clark College	102303c-14
5.2	Written Testimony	10/22/03	To: Metro Council From: Donna Matrazzo Re: Goal 5 protection of Sauvie Island	102303c-15
5.2	Written	1023/03	To: Metro Council From: Jeff Uebel,	102303c-16

	Testimony		Johnson Creek Watershed Council Re: Goal 5 protection	
5.2	Written Testimony	10/23/03	To: Metro Council From: Lynn Herring Re: Goal 5	102303c-17
5.2	Written Testimony	10/23/03	To: Metro Council From: Gail Snyder, Friends of Forest Park Re: Goal 5	102303-18
5.2	Written Testimony	10/23/03	To: Metro Council From: Alissa Zimman, Audubon Society of Portland Re: Goal 5	102303c-19
5.2	Power Point Presentation	10/23/03	To: Metro Council From: Chris Deffebach, Planning Department Re: Metro Fish and Wildlife Habitat Protection Power Point Presentation	102303c-20

**Ordinance No. 03-1021**, For the purpose of Amending Title 4 of the Urban Growth Management Functional Plan to improve its protection of industrial land and to make corrections.

***First Reading***

Metro Council Meeting  
Thursday, October 30, 2003  
Washington County Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE 4 ) Ordinance No. 03-1021  
OF THE URBAN GROWTH MANAGEMENT )  
FUNCTIONAL PLAN TO IMPROVE ITS ) Introduced by Michael J. Jordan, Chief Operating  
PROTECTION OF INDUSTRIAL LAND AND ) Officer with the concurrence of David Bragdon,  
TO MAKE CORRECTIONS ) Council President

WHEREAS, by Ordinance No. 02-969B on December 5, 2002, the Metro Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP) in order to increase the capacity of Industrial Areas for industrial uses and to encourage non-industrial uses to locate in Centers and other 2040 Growth Concept design types; and

WHEREAS, the purpose section of Title 4 declared the Council's intention to consider amendments to the title as part of Metro's current periodic review; and

WHEREAS, local governments and others have asked for clarification of some of the provisions of Title 4 to aid in its implementation and to correct certain provisions in the title; now, therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Title 4 (Industrial and Other Employment Areas) of the UGMFP, is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance, to improve the implementation of Title 4 by cities and counties of the region.
2. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how these amendments comply with the Regional Framework Plan and state planning laws.
3. The Chief Operating Officer shall submit this ordinance and its exhibits to the Land Conservation and Development Commission no later than June 30, 2004, as part of Metro's completion of Task 2 of periodic review pursuant to LCDC's Partial Approval and Remand Order 03-WKTASK-001524 dated July 7, 2003.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
David Bragdon, Council President

ATTEST:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## Exhibit A to Ordinance No. 03-1021

### TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

#### 3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, the plan seeks to protect the supply of sites for employment by limiting ~~incompatible uses within~~ the types and scale of non-industrial uses in Industrial and Employment Areas. To protect the capacity and efficiency of the region's transportation system for movement of goods and services and to promote the creation of jobs in centers, the plan encourages efficient patterns and mixes of uses within designated Centers and discourages certain kinds of commercial retail development outside Centers. It is the purpose of Title 4 to achieve these policies. Given the need for flexibility in planning for future industrial and commercial development, Metro will consider amendments to this title in order to make the title consistent with new policies on economic development adopted evaluate this title, using performance measures and indicators established pursuant to Title 9, as part of its periodic review analysis of the urban growth boundary pursuant to ORS 197.299.

#### 3.07.420 Protection of Regionally Significant Industrial Areas

- A. Regionally Significant Industrial Areas are those areas that offer the best opportunities for family-wage industrial jobs. Each city and county with land use planning authority over areas shown on the ~~Generalized Map of Regionally Significant Industrial Areas adopted in Employment and Industrial Areas Map, amended by Ordinance No. 02-969 03-1022~~ shall derive specific plan designation and zoning district boundaries of the areas from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in subsections C, D and E of this section and the need of individual cities and counties to achieve a mix of types of employment uses.
- B. Each city and county with land use planning authority over an area designated by Metro on the 2040 Growth Concept Map, as amended by Ordinance No. 02-969B, as a Regionally Significant Industrial Area shall, as part of compliance with Section 3.07.1120 of the Urban Growth Management Functional Plan, derive plan designation and zoning district boundaries of the areas from the Growth Concept Map.
- C. After determining boundaries of Regionally Significant Industrial Areas pursuant to subsections A and B, the city or county shall adopt implementing ordinances that limit development in the areas to industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters in compliance with subsection E of this section, utilities, and those non-industrial uses necessary to serve the needs of businesses and employees of the areas. Ordinances shall not may allow financial, insurance, real estate or other professional office uses in a building authorized by final land use approval prior to July 7, 2004, but not in a building or an expansion authorized after that date unless they are accessory to an industrial or other permitted use. Within the boundaries of a public use airport subject to a master plan, ordinances may also allow customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public.

D. Notwithstanding subsection C, a city or county shall not approve:

1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project; or
2. Commercial retail uses that would occupy more than five percent of the net developable portion of all contiguous land within that portion of any Regionally Significant Industrial Areas subject to its land use planning jurisdiction. Retail sales of products of industrial uses or uses accessory to industrial uses need not be counted as part of the five percent so long as the sales take place in a building whose principal occupant is a use authorized by subsection C.

E. As provided in subsection C of this section, a city or county may approve an office for industrial research and development or a large corporate headquarters if:

1. The office is in the same Regionally Significant Industrial Area as industrial uses operated by the company that would be the principal occupant of the office; or
- ~~2.~~ The office is served by public or private transit; and
- ~~23.~~ If the office is for a corporate headquarters, it will accommodate for the initial occupant at least 1,000 employees.

F. A city or county may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels less than 50 acres may be divided into any number of smaller lots or parcels;
2. Lots or parcels larger than 50 acres ~~or larger~~ may be divided into smaller lots and parcels so long as the resulting division yields the maximum number of lots or parcels of at least 50 acres;
3. Notwithstanding paragraphs ~~2, 3 and 1 and 2~~ of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
  - a. To provide public facilities and services;
  - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use;
  - d. To reconfigure the pattern of lots and parcels pursuant to subsection G of this section; or
  - e. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

- G. A city or county may allow reconfiguration of lots or parcels less than 50 acres in area if the reconfiguration would be more conducive to a permitted use and would result in no net increase in the total number of lots and parcels. Lots or parcels larger than 50 acres or greater in area may also be reconfigured so long as the resulting area of any such lot or parcel would not be less than 50 acres.
- H. Notwithstanding subsections C and D of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection F of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to December 31, 2003.
- I. ~~By December 31, 2003, Metro shall, following consultation with cities and counties, adopt a map of Regionally Significant Industrial Areas with specific boundaries derived from the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969, taking into account the location of existing uses that would not conform to the limitations of non-industrial uses in subsections C, D and E of this section and the need of individual cities and counties to achieve a mix of types of employment uses. Each city and county with land use planning authority over the area a Regionally Significant Industrial Area shown on the Employment and Industrial Areas Map amended by Ordinance No. 03-1022 shall use the map in the application of the provisions of this section until the city or county adopts plan designations and zoning district boundaries of the area as provided by subsection A of this section. If the city or county adopts a map that depicts boundaries of a Regionally Significant Industrial Area that are different from those on the Employment and Industrial Areas map as provided by subsection A of this section, the city or county shall use its map in the application of the provisions of this section.~~

### 3.07.430 Protection of Industrial Areas

- A. In Industrial Areas mapped pursuant to Metro Code section 3.07.130 that are not Regionally Significant Industrial Areas, cities and counties shall limit new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Industrial Areas.
- B. In an Industrial Area, a city or county shall not approve:
1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project; or
  2. Commercial retail uses that would occupy more than ten percent of the net developable portion of the area or any adjacent Industrial Area. Retail sales of products of industrial uses or uses accessory to industrial uses need not be counted as part of the ten percent so long as the sales take place in a building whose principal occupant is a use authorized by subsection C of Section 3.07.420.
- C. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace floor area and 10 percent more land area.

### 3.07.440 Protection of Employment Areas

- A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code Section 3.07.130, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.
- B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.
- D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:
  - 1. The ordinance authorized those uses on January 1, 2003;
  - 2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and
  - 3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.
- E. A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:
  - 1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
  - 2. Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.

## STAFF REPORT

*FOR THE PURPOSE OF AMENDING TITLE  
4 OF THE URBAN GROWTH MANAGEMENT  
FUNCTIONAL PLAN TO IMPROVE ITS  
PROTECTION OF INDUSTRIAL  
LAND AND TO MAKE CORRECTIONS*

ORDINANCE NO. 03-1021

*FOR THE PURPOSE OF AMENDING THE  
EMPLOYMENT AND INDUSTRIAL AREAS MAP  
TO ADD REGIONALLY SIGNIFICANT  
INDUSTRIAL AREAS IN COMPLIANCE WITH  
SUBSECTION J OF SECTION 3.07.420 OF TITLE  
4 (INDUSTRIAL AND OTHER EMPLOYMENT AREAS)  
OF THE URBAN GROWTH MANAGEMENT  
FUNCTIONAL PLAN*

ORDINANCE NO. 03-1022

Introduced by Michael Jordon, Chief Operating  
Officer with the concurrence of David Bragdon,  
Council President

**Date: October 22, 2003**

**Prepared by: Mary Weber**

### BACKGROUND

The Metro Council adopted new measures to protect and maintain the supply of industrial land for future industrial uses. Ordinance 02-969B, adopted on December 5, 2002, amended the Title 4 Industrial and Other Employment Areas regulations in order to increase the capacity of industrial areas for industrial uses and to encourage non-industrial uses to locate in Centers and other 2040 design type areas. Also in this ordinance the Metro Council created a new 2040 design type entitled Regionally Significant Industrial Areas (RSIA). The Metro Council adopted a generalized map of RSIA's depicting certain industrial areas that lay within the urban growth boundary (UGB). The new Title 4 language requires that the Metro Council delineate specific boundaries for the RSIA's derived from the generalized map by December 31, 2003. Together these two ordinances, Title 4 regulations, Ordinance 03-1021 and mapping of the RSIA's, Ordinance 03-1022, address the State requirements to show how the region is using its industrial lands efficiently.

The new Title 4 regulations specifically limit the amount and square footage of retail and office uses that might otherwise find industrial locations suitable for business. The 2002-2022 Urban Growth Report: An Employment Land Need Analysis (UGR) estimates that approximately 2,800 acres of the supply/need vacant industrial land is developed for non-industrial uses. The UGR assumes a potential savings of 1,400 acres of industrial land from implementing the new measures.

As reported in the UGR, the total vacant industrial land need is 9,366 net acres. The industrial land need estimate assumes that 2,800 acres of the industrial land is consumed by non-industrial uses.

	Net Vacant Acres
Demand	9,366
Supply	3,681
Deficit (Net need)	5,685
RSIA Policy Savings	1,400
Adjusted Deficit	4,285
2002 Decision	2,317
<b>Deficit</b>	<b>1,968</b>

Staff has been working with local governments to identify Title 4 Industrial lands as RSIA's for the pre-2002 UGB area. As part of this process, local governments identified several implementation issues that they asked Metro to address. Several local governments were reluctant to work with Metro on mapping the RSIA's until the code issues were addressed. Primarily, the issues had to do with clarification of the code. The issues are:

- clarification of what are accessory uses and whether they are counted as part of the 5% commercial
- retail cap;
- clarification of how to treat airport facilities
- how to calculate the retail sales cap for RSIA's that cross multiple jurisdictions
- locating corporate headquarters of industrial uses in a location different than the main manufacturing facility
- reuse of office buildings in industrial zones and three implementation issues, (1) creating non-conforming uses, (2) financing and (3) enforcement, and;
- do large parcels (50 acres) stay large parcels forever, or can they be subdivided over time with conditions

Staff also took this opportunity to do some housekeeping changes to Title 4 code. The recommended code changes are contained in proposed Ordinance 03-1021.

Metro staff, after consultation with cities, counties and other interests, developed a set of factors to consider in the identification of RSIA's. These factors reflect the locational and siting characteristics from Metro Council Resolution No. 03-3341A. As directed by Title 4, Metro staff worked with cities and counties in the region to apply the factors to designated Industrial Areas within their jurisdictions. Several local governments, Portland, Gresham, Wilsonville and Clackamas County, submitted recommended Industrial Areas for consideration as RSIA's. Striving for region-wide consistency, Metro staff also applied the factors to areas in cities and counties that chose not to submit candidate areas. The factors are:

- Distribution - Area serves as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.
- Services - Availability and access to specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire and emergency response services
- Access - Within 3 miles of I-5, I-205, I-84 (within the UGB), State Route 224 (within the UGB)
- Proximity - Located within close proximity of existing like uses
- Use - Predominantly industrial uses

#### Ordinance 03-1021 – Code Changes

Staff has worked with local governments to resolve most of the implementation issues. The recommended changes to the Title 4 code represents this work. Two issues remain unresolved to the satisfaction of some local governments and that is the issue of subdivision of 50+ acre parcels overtime and reuse of new industrial office buildings. The Metro Council stated that these two issues are policy issues not clarification issues and that at the next periodic review cycle the Metro Council would evaluate Title 4. Included in this staff report as attachment 1 are written comments from local government regarding the code language.

### Ordinance 03-1022 – Mapping RSIA's

Staff conducted a general assessment of the areas on the *Potentially Regionally Significant Industrial Area* map (included as attachment 2) and found that the following areas meet the factors and are also lands that meet the general site and location criteria for industrial uses.

- Areas 1 – Hillsboro industrial area, south of Highway 26
- Areas 2, 3-4, 5 and 6 – Northwest Industrial Area, Rivergate, Swan Island and Columbia Corridor
- Area 12 - Clackamas distribution area around Hwy 212/224
- Area 14 - Brooklyn Yards

As part of the analysis staff also presented to the Metro Council areas to be considered in the future for designation as RSIA's:

- Area 9, Wilsonville industrial area
- Area 10, Tualatin industrial area
- Area 7, Troutdale industrial area

These areas, as they exist today, are local industrial districts. In the case of Wilsonville and Tualatin, if additional lands were added to the UGB for industrial uses and the I-5/99W connector improved truck access to I-5 then these areas would be appropriate for designation as RSIA's. In regard to Troutdale, the uses are local in nature and there is no opportunity to expand the industrial area or connect it to the Columbia South Shore industrial area. However, if the Reynolds Metals site were to redevelopment as an intermodal facility, much of the area would redevelop into uses supporting an intermodal facility. If this were the case then the Troutdale industrial area would also be appropriate for designation as a RSIA.

The Metro Council at their worksession on October 21 directed staff to include the local government recommendations, Metro staff recommendations and also add to the map accompanying the Ordinance 03-1022, Area 7 in Troutdale, Area 10 in Tualatin and Area 9 in Wilsonville and a portion of Area 15, the "Brickyards site" in Gresham from the *Potentially Regionally Significant Industrial Area* map. The Metro Council draft Title 4 map that includes the recommended RSIA's is attachment 3.

To better estimate the savings gained in efficiency from the Title 4 regulations, Metro staff recommends taking additional time to calculate the savings. This analysis will be completed prior to the Metro Council's UGB decision in June, 2004.

### **Known Opposition**

A number of local jurisdictions have concerns regarding the perceived loss of flexibility from the adopted RSIA regulations. Staff was able to work with local staff to resolve several of the implementation issues. However, there are two outstanding issues that were not resolved. The issues are:

- Reuse of new industrial office building by non-industrial uses
- Subdivision over time of parcels that are 50 acres or larger

### **Legal Antecedents**

Title 4 is part of the adopted and acknowledged Growth Management Functional Plan. Authority to amend the 2040 Growth Concept map comes from ORS 268.380 and ORS 268.390(5). The authority to amend the Employment and Industrial Areas Map comes from Ordinance No. 969B.

### **Anticipated Effects**

Adoption of Ordinance 03-1022 will result in fulfilling the requirements in Metro code section 3.07.420I, which requires Metro to adopt a map of Regionally Significant Industrial Areas with specific boundaries that is derived from the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969B.

Adoption of Ordinance 03-1021 resolves several implementation issues and gives local governments clearer instructions as to the Metro Council's intent.

The effective date of the new Title 4 regulations is March 5, 2004. Local governments have one year to adopt a local map and make changes to their codes. Local government compliance is anticipated for March 5, 2005.

#### **Budget Impacts**

The new regulations go into effect in March of 2004. Metro Council regularly budgets for planning staff to work with local government on compliance issues. Additional excise tax will be needed for Data Resource Center research services to establish the amount of commercial retail development that exists in the Title 4 RSIA's and Industrial areas. This analysis is needed so that Metro can give guidance to local governments about the amount of commercial retail development that may be allowed on the vacant industrial lands in these areas. Sections 3.07.420D(2) and 3.07.430B(2) of the Metro code limits commercial retail uses to five or ten percent of the net developable portion of all contiguous RSIA's and Industrial areas. It will be necessary to establish a "base line" from which to evaluate proposals

#### **RECOMMENDED ACTION**

Adopt Ordinances 03-1021 and 03-1022.

#### **Attachments**

Attachment 1 - Local government comments on the Title 4 code

Attachment 2 - Potentially Regionally Significant Industrial Areas map (02-969B)

Attachment 3 - Draft Title 4 map

Attachment 4 - October 21, 2003 memorandum titled An Assessment of Potential Regional Significant Industrial Areas

Attachment 5 - June 30, 2003 memorandum to MTAC regarding factors for identifying RSIA's

Attachment 6 - July 29, 2003 memorandum summarizing the results of the meetings held with local jurisdictions



## Community & Economic Development Department

### Community Planning Comprehensive Planning • Transportation Planning Community Revitalization

**TO:** Marci La Berge, Associate Regional Planner, Metro

**FROM:** John Pettis, Associate Planner, City of Gresham

**RE:** Title 4 RSIA Standards

**DATE:** July 7, 2003

The purpose of this memo is to express a number of concerns that the City of Gresham has about the Metro Title 4 standards for Regionally Significant Industrial Areas. We believe the current standards could hamper the City in its efforts to bring family wage jobs and high value economic development to the region.

With the adoption of Ordinance 02-969B last December, Metro Council adopted standards to protect Regionally Significant Industrial Areas (RSIA) and other employment lands from incompatible land uses and land divisions. It is our understanding that by December 2003, Metro will be adopting a map that will show the RSIA's to which the standards would apply. In addition, Metro staff indicated at the June 13 Title 4 Workshop that they are open to suggestions that would "fine tune" the RSIA standards. The City appreciates the opportunity to provide input.

While we do support the effort to prevent industrial zoned lands from certain uses (e.g., "big box" stores) that would degrade the potential for the highest forms of economic development, the RSIA standards do seem to be overly prescriptive and restrictive. They do not offer jurisdictions enough flexibility to meet the individual economic development objectives within a framework of regional goals. Moreover, we have not been provided information on any research that was done concerning current industrial development trends. For example, the traditional distinctions between offices, research and development, manufacturing and certain forms of commercial development are becoming increasingly blurred. Regional standards need to reflect these trends if they are to be effective and if our region is to be economically competitive with other regions.

In particular, our concerns/questions are the following:

1. Section 3.07.420 D of Ordinance No. 02-969B states: *"Notwithstanding subsection C, a city or county shall not approve: 1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are*

*part of the same development project, or 2. Commercial retail uses that would occupy more than five percent of the net developable portion of all contiguous Regionally Significant Industrial Areas."*

Does "retail sales area" refer to only the sales floor area of a store and not the area devoted to storage, offices, etc.? Also, we need clarification about the meaning of the "same development project." For example, does this standard apply to each parcel? A development under a single building permit? All development within a geographic area under the same ownership? How will this standard work over time if a vacant industrial parcel that is originally part of an industrial subdivision with 20,000 sq. ft. of commercial development and is then divided, sold and developed independently, does it then qualify for the maximum 20,000 sq. ft. of commercial development? Finally, upon what research were these specific commercial limitations based on? Why was the overall commercial development cap in RSIA's set at 5%? The City wholeheartedly recognizes and supports the need to prevent retail/commercial encroachment upon productive industrial lands. However, we would like the flexibility to carry out the overall goal in a way that works best for our jurisdiction.

2. Section 3.07.420 E states: *"As provided in subsection C of this section, a city or county may approve an office for industrial research and development or a large corporate headquarters if: 1. The office is served by public or private transit; and 2. If the office is for a corporate headquarters, it will accommodate, for the initial occupant, at least 1,000 employees."*

We do not understand why research and development (R&D) uses are being treated differently from manufacturing uses. In today's "knowledge based" economy they are becoming inseparable and are found to coexist in a synergistic relationship (such as in the biotech sector) in many of the successful industrial areas of the country. Often R&D and manufacturing are part of the same business, either in the same building or in separate buildings. Also, we question the validity of the 1,000 employee threshold. Again we ask, where is the research that justifies this particular number? Why should we reject a corporate headquarters in our industrial areas with 800 or 500 employees?

Also, the transit requirement puts suburban communities such as Gresham at a disadvantage for attracting R&D. Gresham's future industrial expansion area, Springwater, will not have the potential ridership levels to justify the extension of public transit lines for many years. This provision will prevent R&D firms and manufacturers with R&D office buildings from locating in Springwater.

Finally, we feel that Title 4 needs to broaden its scope of the kinds of offices allowed in the RSIA's, beyond just R&D and corporate office headquarters. For example, one of Gresham's largest employers is the U.S. Bancorp loan processing center which is located at N.E. 181<sup>st</sup> Ave. and Sandy Blvd. It employs 1,600 people and is located near some of our major manufacturers such as Boeing of Portland and Boyd's Coffee. Designating this area as RSIA would make it a non-conforming use and place severe

restrictions on any expansion and could prevent rebuilding the facility in the event of a fire, etc. Such offices cannot locate in our mixed-use centers because of a lack of adequately sized sites. Creating a disincentive (non-conforming use status) for the loan center to continue business in Gresham could result in a significant negative impact on the City's property tax base/revenues and a loss of many jobs.

3. Section 3.07.420 F states: *"A city or county may allow division of lots or parcels into smaller lots or parcels as follows: 1. Lots or parcels less than 50 acres may be divided into any number of smaller lots or parcels; 2. Lots or parcels 50 acres or larger may be divided into smaller lots or parcels so long as the resulting division yields the maximum number of lots or parcels of at least 50 acres."* Following the above subsections, subsection #3 offers some exceptions for subdividing 50 acre+ parcels into smaller lots. These relate to providing public facilities, protecting environmental areas, separating a non-conforming use from permitted uses, reconfiguring lots, and creating a lot for financing purposes ("mortgage lot") for master planned developments.

We realize that there is a lack of 50 acre and larger vacant industrial zoned parcels in the region and that the above requirements are meant to preserve such parcels for large scale industrial uses. However, again we are concerned about the lack of flexibility that may prevent jurisdictions from accommodating changes in trends and the next wave of industrial development.

An example of the need for flexibility, is the Southshore Corporate Center which was recently developed in Gresham and Portland along the I-84/Columbia River south shore industrial corridor. It is a master planned industrial business park with a variety of manufacturing and distribution uses. There are 21 lots with lot areas varying between 5 and 17 acres. Had the area been designated RSIA, this development would not have happened because the original property was larger than 50 acres and would not have been dividable into more than two or three lots. The small and midsize industrial companies that are in this park may represent the future of industrial development in Oregon, especially if the growth of "home grown" companies replace the trend of larger companies relocating from other states. We would like to see the Title 4 standards allow for master planned developments such as Southshore that have separately owned lots down to five acres in size.

#### RECENT SOUTHSORE CORPORATE PARK RECRUITMENTS SINCE 2000:

**Danner Profile:** Distribution and customer service center

- 70 employees, 55,000 sq ft facility

**Staples Profile:** Filling center for Office Supply orders

- 200 employees, 200,000 sq ft facility

**Fuji Film Profile:** Film processing center

- 100 employees, 30,000 sq ft facility

**Synetics Profile:** Specializes in airflow products for the semiconductor industry and Robotics

- 200 employees, 133,000 sq ft facility

**Kinco International Profile:** Distributor of industrial and safety work gloves

- 35 employees, 60,000 sq ft facility

**NIR Inc. Profile:** Specializes in manufacturing point of purchase display units

- 25 employees, 96,000 sq ft facility

**Innovion Profile:** Provides the most extensive and highest quality foundry ion implant services to the world's leading semiconductor manufacturers

- 63 employees, 55,000 sq ft facility

4. Finally, we have a question regarding the benefits local jurisdictions might receive from having an RSIA designation. The 6/30/03 memo from Mary Weber to MTAC seems to leave open the possibility of transportation projects proposed within RSIA's of receiving priority over projects in other industrial/employment areas during the MTIP process. The memo also states that industrial areas outside of RSIA's would qualify for priority MTIP allocations. We are concerned that as currently adopted, Metro Title 4 will provide disadvantages to industrial development in the City of Gresham and Springwater (to be annexed into Gresham). We would appreciate additional information on the advantages that will be provided to the region through implementation of Title 4.

We encourage Metro, in concert with the region's jurisdictions and representatives from the industrial development community, to redraft the Title 4 provisions in a way that offers more flexibility to respond to changing economic conditions. As a starting point, there should be a thorough economic trends study and analysis of how industrial development has changed in recent years in the nation, state and region. Just as such an economic trends analysis is required of local jurisdictions by Statewide Planning Goal 9 (Economic Development) as a basis for their economic development policies and standards, it should also be the foundation of the Metro Title 4 standards. Only by doing this kind of preliminary research can one be sure that the standards will be responding to reality rather than misconceptions.

We also would like to see the standards be a less prescriptive "one size fits all" approach to one that is more performance oriented and tied to the Purposes and Intent section of Title 4. The latter approach would offer a range of options to comply. Jurisdictions would then be able to choose those options that are compatible with their particular economic development program and context within the region.

We look forward to working with Metro on this issue. We feel that until the above trends analysis is done and Title 4 is reworked to offer more flexibility, etc., it would be premature to designate RSIA's. Thank you for this opportunity to state our position.

TO: MPAC

FROM: Wink Brooks, Planning Director  
City of Hillsboro

DATE: July 23, 2003

RE: Title 4/Mapping of Regionally Significant Industrial Areas (RSIAs) and  
associated restrictions

City of Hillsboro staff has had several discussions about the new Title 4 language adopted by the Metro Council last December as part of the overall UGB expansion package. At first blush, we thought it would not be too difficult to identify potential RSIAs and started delineating properties in the City's northern industrial area. However, as we studied an aerial photograph of this area more closely, it became apparent that there was already significant parcelization in this vicinity, which is largely developed. In addition, where industrially zoned lands appear to be vacant, the vacant portions are being held, or have already been planned, for future expansion of existing industries on those sites. These circumstances led us to examine the new Title 4 restrictions more closely, and we became concerned that the additional standards and requirements could have a negative impact on the future of the City's well-established and thriving industrial base.

1. For example, Section 3.07.420 (F) states that:

*"A city or county may allow division of lots or parcels into smaller lots or parcels as follows: 1. Lots or parcels less than 50 acres may be divided into any number of smaller lots or parcels; 2. Lots or parcels 50 acres or larger may be divided into smaller lots or parcels so long as the resulting division yields the maximum number of lots or parcels of at least 50 acres."*

Our concern is that this standard may be overly prescriptive and have the result of turning away economic development that might otherwise be attracted to these areas. There are other ways to ensure a supply of large industrial lots, and yet still maintain needed flexibility, that have not been fully considered by Metro and warrant a closer look. A "real world" example of Hillsboro's method of retaining large industrial lots over time, while at the same time allowing development of small and medium industrial uses, is described on the following page.

### Hillsboro Special Industrial District Zoning

The overlay zone applied to the City's industrial sanctuary, M-P (SID) (Special Industrial District) has provided for both the preservation of large lots and the flexibility to accommodate small and medium size uses all in proximity to one another. This overlay district includes a 30-acre minimum lot size, but makes provision for staged development creating lots smaller than 30 acres (down to a minimum of one-acre) when certain conditions have been met, while retaining at least one 30 acre site for a single major industrial user. The 30 acre minimum lot size was a condition imposed by Metro in 1986 as part of UGB amendments approved at that time.

In our experience, this overlay district has been very effective in facilitating the development of the integrated mix of large primary industries and smaller support industries, as shown on the attached map. The application of the staged development requirements over time allowed the City to retain at least one 30-acre lot, which is located in the Westmark industrial park north of Hwy 26. There are no special use restrictions in the SID overlay, other than the requirement that all development be consistent with the provisions of the M-P Industrial Park zone, which allows traditional light industrial uses, offices, and an array of complementary commercial support services that are limited in scale to serve the needs of the employees of the surrounding industrial uses.

An analysis of approximately 1600 acres in Hillsboro's northern industrial area (see attached map) reveals an average lot size of 10.24 acres. The larger primary high tech industrial businesses in this area are surrounded by dozens of smaller supportive and related uses that provide the critical mass and synergy required to maintain and foster continued growth in the westside high tech cluster. It is likely that the successful growth and evolution of one of the most vibrant high tech centers in the country could not have occurred had restrictions, such as those imposed by the new Title 4 language, been in place over the last 20 years.

2. The City also has concerns about the language in Section 3.07.420 (E):

*"As provided in subsection C of this section, a city or county may approve an office for industrial research and development or a large corporate headquarters if: 1. The office is served by public or private transit; and 2. If the office is for a corporate headquarters, it will accommodate, for the initial occupant, at least 1,000 employees."*

The provision of public transit in the region's outlying industrial areas is substandard, and no plans/funding to extend transit to these areas are in place. The requirement to provide private transit might not be too onerous to some businesses, but others might be inclined to look at sites elsewhere without this restriction. We also share the City of Gresham's concerns, as stated in a memo to MTAC, dated July 7, 2003, about the validity of limiting corporate headquarters to those with a minimum of 1,000 employees. What research or reasoning supports that number? We assert that it is erroneous to assume that a company shopping for a new corporate

headquarters site to house 800 employees will automatically look for higher priced land in a center when informed they cannot locate in our industrial areas.

We cannot force businesses to locate in centers in the Metro region by precluding them from our industrial areas. Hillsboro is home to a regional center and two town centers, and fully supports development of centers throughout the region, but we are by no means convinced that there is a cause and effect relationship between stimulating development in centers by imposing the overly strict Title 4 restrictions on industrial lands. Incentives may be necessary to encourage location of businesses in centers that may otherwise locate in industrial areas. Regulating businesses out of industrial areas does not assure that these businesses would automatically locate in centers. Options throughout the nation and world abound.

We further concur with Gresham that Title 4 overly restricts the types of offices that can locate in RSIA's and could have a dampening effect on expansion of existing businesses. We also agree with Gresham's argument regarding the trend toward an increasing blurring of traditional distinctions between offices, research and development, manufacturing and certain forms of commercial development. For example, Intel has an approved master plan for a 90-acre site in the Westmark industrial park north of Hwy 26 (in the special industrial district overlay) that includes a research and development campus that would employ approximately 7,000 to 8,000 people at much higher than traditional manufacturing wages. The site also includes three buildings for general office uses. The scale of these buildings would not be compatible in our centers. Other types of office uses may also not be appropriate for centers, and would not locate in those anyway due to higher land costs. Do we really want to turn away all of these types of economic development opportunities when our unemployment rates are consistently among the highest in the nation?

There are many other concerns that the City has with the Title 4 language that have come to light as we tried to identify areas on the map that we wanted to designate as RSIA's. We are willing to work with Metro and our jurisdictional partners to revise Title 4 to provide the flexibility we believe is needed to prevent the potential stagnation and further decline of the region's economy. We urge Metro to delay adopting a map of RSIA's until thorough research on the impacts of the new Title 4 restrictions has been conducted and local jurisdictions have opportunity to reconsider the language.

Thank you for the opportunity to comment on this important process that is critical to the economic well being of our community and the region as a whole.



# City of Tualatin

18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Main 503.692.2000  
TDD 503.692.0574

August 11, 2003

Metro Council President David Bragdon  
Metro  
600 NE Grand Avenue  
Portland, Oregon 97232

RE: Regionally Significant Industrial Areas

Dear Council President Bragdon:

Thank you for the opportunity to comment on the new Title 4, Regionally Significant Industrial Areas design type concept map and standards. I appreciate the opportunity to explore the effects of the new standards on Tualatin and garner input from the industrial property owners of the City.

After review, discussion with staff and input from property owners, the City of Tualatin questions why any of the land in Tualatin should bear the Regionally Significant Industrial Area design type. Our reasons are as follows:

1. Over the past year and a half, the City of Tualatin has been working with industrial property owners to retain industrial land for industrial uses based on local circumstances. The first Plan Text Amendment (PTA) addressing this is PTA-02-07. City Council approved this PTA on November 25, 2002. This PTA requires a greater separation between service and cardlock fueling stations; requires these stations to be set back from SW 124<sup>th</sup> and SW Pacific Highway; and eliminates certain commercial uses from industrial lands.

Additionally, Tualatin Council passed PTA-02-10 on March 24, 2003. This PTA restricts or eliminates certain commercial uses in industrial areas, creates a special commercial setback on two arterial streets and creates two commercial service overlay districts where auto-oriented commercial uses already exist and may continue to exist without being considered a non-conforming use.

Last, PTA-03-03, currently under development, would limit commercial uses as defined by Tualatin in the "Quarry Sector" of Tualatin. This is located in the northwest corner of the city, near Pacific Highway and SW 124<sup>th</sup> Avenue. The City Council will review this PTA on October 13, 2003.

With all three of these PTAs, citizen involvement was critical to the formation and adoption of the code language. This input has helped to shape the new code language in a way that meets the City's and industrial property owners' needs. Only through this collaborative process has the City of Tualatin been able to implement more protective standards on industrial lands.

2. On July 17, 2003, City staff held an open house with industrial property owners to discuss the RSIA design type. Of the 250 industrial property owners notified of the open house, thirteen people attended; an additional six people who could not attend called staff to discuss this issue. None wanted the RSIA designation on their property.

First, the property owners felt that the time frame in which to provide comments back to Metro regarding the first round of applying this designation was too short to understand all the ramifications of the design type. The attendees agreed that more outreach was necessary to the 250 industrial property owners in Tualatin. Second, the attendees felt the RSIA standards did not allow enough flexibility to recognize what jurisdictions are already doing to protect industrial lands. Third, the RSIA language could ultimately prevent an industrial operation from having a little retail show room if the five percent limit of commercial areas were to be met. The attendees identified this small retail area as a key component of their businesses and did not want to see it threatened. Additionally, the attendees voiced concern that there is no agreed upon definition of 'Industrial'. The nature of industrial development has changed markedly over the past decade and many jobs that appear as a typical office job are really industrial in nature. Last, the attendees felt that the language did not acknowledge the current market forces and the demand for land.

3. The City Council discussed RSIA at its July 14, 2003 and August 4, 2003 work sessions. While the Tualatin City Council recognizes the potential problem associated with the loss of industrial lands to non-industrial uses, the Council remains skeptical that the new Title 4 regulations will protect industrial lands in a way that works at the local level for job creation. The Council continues to wonder what the benefit of RSIA designation is for the City of Tualatin. Additionally, the Council asserts that the degree of public involvement Tualatin put into its efforts on industrial land issues is lacking in the Metro process.

Tualatin staff presented maps to the City Council showing the extent of Tualatin's industrial lands, areas where the designation should not apply for various reasons (i.e. industrial business parks, urban renewal blocks, commercial service overlays, etc.) and the overlay of wetlands and greenways over the industrial area. The wetlands and greenways divide many industrial lots into smaller pieces, making larger scale development harder to accomplish. This fracturing of industrial lands by wetlands and greenways does not appear to lend the area to being a RSIA.

4. Tualatin staff presented the RSIA language to the Tualatin Planning Advisory Committee (TPAC) on July 10, 2003 for its consideration. TPAC raised several questions: What impact do wetlands have on designation? How much commercial use is there now? What benefits does Tualatin get from this designation? Can the Metro Council apply more conditions to these lands in the future above what is currently in Title 4? Ultimately, TPAC did not see the local benefit of RSIA.
5. Last, City of Tualatin staff has concerns about the proposed language, many of which were voiced by other interested parties. Staff is concerned about the lack of flexibility in the Metro language and disregard of local efforts to protect industrial lands. The management of the commercial inventory in RSIA's will be extremely difficult as RSIA's cross jurisdictional boundaries. Staff believes that there has been insufficient time for adequate public outreach and to explain the new design type to those who could be affected by it. More public outreach is needed to educate the industrial property owners in Tualatin on the new standards and to learn of their position on this new design type. The 1,000-employee cut-off point for headquarters also seems arbitrarily selected. Last, staff desires a clear definition of what is meant by "Industrial" prior to considering the RSIA designation for any lands in the region.

Staff also has concerns about the development of the standards themselves. In 2002, MTAC crafted the new Title 4 standards as a kind of placeholder, knowing that the language must be revisited and refined prior to adopting a map identifying specific areas as RSIA. This has not yet been done.

While the City of Tualatin understands the need to establish regulations to protect industrial lands, the City has already developed standards that address industrial lands. The additional Metro requirements do not adequately address the local situation and establishes limitations that do not work with the local or regional market. Thank you for the opportunity to comment on the RSIA design type and its application to the City of Tualatin.

Regards,



Mayor Lou Ogden

c: City of Tualatin Council  
Steve Wheeler, City Manager  
Doug Rux, Community Development Director  
Stacy Hopkins, Associate Planner  
Mary Weber, Metro



# City of Tualatin

18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Main 503.692.2000  
TDD 503.692.0574

August 20, 2003

Ms. Mary Weber  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

RE: August 14, 2003 RSIA meeting with Tualatin

Dear Ms. Weber:

Thank you for coming to Tualatin last week to discuss the Regionally Significant Industrial Areas (RSIA) design type and language with the City of Tualatin. I found the discussion beneficial as it clarified some vague points of the Title 4 RSIA language. I hope you and Dick Benner found the discussion enlightening on Tualatin's model for addressing industrial land development. I look forward to reviewing the Title 4 language again once it is edited based on discussions with jurisdictions in the Metro area.

As indicated at the meeting, Tualatin has a few questions it would like to have Metro respond to in writing. First, the City wants to know exactly what the benefit of designating lands as RSIA is for the City. After much thought and conversation on RSIA, City staff and City Council are still uncertain of the benefits to the City of designating lands as RSIA given our existing land use regulations. Second, the City wants to know if the Metro Council can or could designate lands as RSIA without a local jurisdiction's consent.

Last, during our conversation last Thursday, the subject of substantial compliance arose. As I described at the meeting, Tualatin's Code is already quite strict on the uses allowed on industrial lands. The City has taken great efforts to develop an industrial lands program that is appropriate for the City, our industrial landowners and companies and Tualatin's unique circumstances. The City of Tualatin would like to see Metro evaluate and possibly adopt a substantial compliance clause in the Title 4 language.

Thank you again for the opportunity to discuss RSIA with you. I look forward to continuing this conversation in the upcoming months.

Regards,

A handwritten signature in black ink, appearing to read 'Doug Rux', written over a horizontal line.

Doug Rux, AICP  
Community Development Director

Cc: Dick Benner, Metro  
Steve Wheeler, City Manager  
Stacy Hopkins, Associate Planner



PORT OF PORTLAND

MEMORANDUM

TO: ANDY COTUGNO, LYDIA NEILL, MARY WEBER AND DICK BENNER  
FROM: BRIAN CAMPBELL, SUSIE LAHSENE, PORT OF PORTLAND PLANNING STAFF  
SUBJECT: TITLE 4 IDENTIFIED ISSUES AND POTENTIAL SOLUTIONS  
DATE: 8/29/2003

Following is a list of issues we see as problematic with the existing Title 4 language, and some potential ideas for solutions. Most of these issues are the result of a rather quick adoption process last fall, and upon reflection and further review of how they would actually work, it is evident that the language does need some adjustment. That being said, it is important for Metro staff and Councilors to understand that Port staff is 100% behind the concepts imbedded in Title 4. It is extremely critical that the region protect its valuable supply of industrial land.

Overarching recommendation - Metro staff has been talking to a number of jurisdictions around the region about ideas for fixes to Title 4. In addition to this process, we believe it will be absolutely critical to the workability of Title 4 for Metro staff to also take the lead in negotiating solutions among key players in the debates over language. That cannot be done at MTAC, or especially MPAC. It must be done in a small group setting, with an exchange of information on revision ideas and how they will actually work. Our suggestion is that Metro organizes a set of meetings in September to ensure timely resolution of this issue.

Issues & Recommendations

**3.07.420 Section C.**

Definition of Industrial Use. Until GMELS can put a more definitive answer to this perennial question, should Metro attempt to supply its own answer for the decision in December? Since all jurisdictions have latitude in Title 4 to answer it within their own code, we're not sure that it's a problem for the RSIA exercise, or that Metro needs to answer it at this point. Perhaps Metro could, at a minimum, put together a compendium of what is and isn't allowed in each jurisdiction's code to help inform the discussion.

Airports are not generally an industrial use, although they are presumed to be an important component of RSIA's. This issue needs to be addressed by acknowledging airports, and the array of accessory uses that normally go with them, as a specifically allowed use within RSIA's. We will suggest specific language on how best to do this.

#### **Section E.**

1000 employee corporate office requirement. From our discussions with real estate professionals and others it is clear that there is a great deal of misunderstanding about how this provision would actually work. Metro should clarify exactly which kind of corporate offices this applies to in order to ensure that the debate is focused on any real issues, rather than on perceptions.

#### **Section F.**

Application of the 50 acre minimum provision to both vacant and developed land. The original stated need for the changes to Title 4 had to do with preserving large blocks of land for development. Some version of this certainly needs to apply to vacant or low value improvement land. However, areas that already have industrial development are very difficult to re-develop with industrial uses under the best of circumstances, usually needing large subsidies to remain industrial. They have already been platted for the existing use, so most areas would not be subject to this provision in any case, but adding this provision to any existing industrially developed property seems like another large impediment to continuing the property in industrial use. We recommend eliminating this provision for existing industrially developed parcels.

After the remnant parcels less than 50 acres are sold, there is no provision for allowing additional property to be subdivided below 50 acres. We see this as a practical problem that needs to be discussed among jurisdictions that have some history with industrial land divisions. We think it is not unreasonable, for instance, to allow an ownership to further divide one of the remaining 50 acre parcels after the other remnants are sold in order to allow a number of smaller industrial support firms to co-locate with larger firms. Existing city or county ordinances need to be looked at closely to see whether any can serve as a model, or whether a different approach is warranted.

#### **Section G.**

The first sentence appears to be unnecessary, since the ordinance already allows the division of lots less than 50 acres in size. The second sentence may present practical problems to a jurisdiction trying to accommodate a number of smaller industrial users, or trying to create appropriately sized lots for the industries that are developing. It may be better to have an "escape" provision that allows a jurisdiction to require a developer to master plan a large piece of property and preserve an appropriate number of larger parcels, depending on the overall size and configuration of the property in question. This might be the same solution as the one for Section F.

# MEMORANDUM

**TO:** Andy Cotugno, Metro

**FROM:** Rich Faith, City of Troutdale

**DATE:** October 22, 2002

**TOPIC:** Comments and Suggestions Regarding Proposed Title 4 Amendments - Regionally Significant Industrial Lands

The following redline version of the proposed Title 4 amendments reflects my suggested changes to the proposal. My rationale for these changes is given in italics.

## **Title 4 – Industrial and Other Employment Areas DRAFT**

### **3.07.420 Protection of Regionally Significant Industrial Areas**

- A. Regionally Significant Industrial Areas are areas with site characteristics relatively rare in the region that render them especially suitable for industrial use. Each city and county with land use planning authority over areas shown on the 2040 Growth Concept Map as Regionally Significant Industrial Areas shall derive plan designation and zoning district boundaries of the areas from the general locations on the 2040 Growth Concept Map.
- B. Each city and county with land use planning authority an area designated by Metro on the 2040 Growth Concept Map as Regional Significant Industrial Area shall as part of compliance with the concept planning requirements of section 3.07.1120 of the Urban Growth Management Functional Plan, derive plan designation and zoning district boundaries of the areas from the general locations on the 2040 Growth Concept Map.
- C. After determining boundaries of Regionally Significant Industrial Areas pursuant to subsection A and B, the city or county shall adopt implementing ordinances to limit development in the areas to industrial uses, uses accessory to industrial uses, and those non-industrial uses necessary to serve the needs of businesses and employees of the area, unless approved as a conditional use or through a public hearing process. For purposes of this Title, research and development companies, experimental and testing laboratories, and trade or commercial schools shall be regarded as industrial uses.

*(It seems that exceptions to the rule are often necessary. It is impossible to anticipate uses that may come along that are a legitimate need in these areas but are not industrial in nature, nor accessory to industrial uses, nor necessary to serve the needs of businesses and employees of the area. Uses that fall into this category should only be allowed through a public hearing process such as a conditional use.*

*So that there is no doubt that research and development activities, etc. are permitted with regionally significant industrial areas, I propose adding language that specifically states this.)*

- D. Notwithstanding subsection C of this section, a city or county shall not approve the following as an outright permitted use:

*(If a larger scale commercial use is compatible with, or complementary to, a regionally significant industrial area, then local jurisdictions should have the opportunity to allow these by conditional use or similar public hearing process. The conditional use process alone acts as an obstacle to discourage many proposals that are not suitable or appropriate for the area in question.)*

1. A commercial retail use with more than 20,000 square feet of gross leasable area in a single building or in multiple buildings ~~within close physical proximity that are part of the same development project~~;

*(I'm merely trying to give more specificity to what I think is meant by "within close physical proximity".)*

2. Commercial retail uses with a total of more than 20,000 square feet of gross leasable area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way; or
3. Commercial retail uses that would occupy more than five percent of the net developable portion of the area.

- E. Notwithstanding subsection C of this section, a city or county may approve as an outright permitted use a commercial office use that is not accessory to industrial uses in the area if:

- ~~1. The office is for research and development and is served by public or private transit; or~~

*(This becomes unnecessary in light of my suggested change to 3.07.420C.)*

2. ~~The~~ office is for an owner-occupied corporate headquarters on a lot or parcel of at least 25 acres, is subject to a master plan that sets forth plans for long-term use of the tract, and is served by public or private transit.

F. A city or county may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels 20 acres or smaller may be divided into smaller lots or parcels without limitation on the size of resulting lots or parcels.
2. Lots or parcels 50 acres or larger shall be subject to a 50-acre minimum lot size.
3. Lots or parcels larger than 20 acres, but smaller than 50 acres shall be subject to a ~~15~~10-acre minimum lot size.

*(The way this was written it makes it impossible to divide lots between 20 and 30 acres in size. Lots less than 20 acres can be divided; lots 30 to 50 acres in size can be divided with a 15-acre minimum lot size; but those between 20 and 30 acres in size are stuck unless the 15-acre minimum is reduced to 10 acres. It's out of fairness to any 20-30 acre parcels that I suggest this change.)*

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels for the following purposes:
  - a. To facilitate provision of public facilities and services to an industrial use;
  - b. To protect a natural resource;
  - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for industrial use; or
  - d. To reconfigure the pattern of lots and parcels pursuant to subsection F of this section.

G. A city or county may allow reconfiguration of lots or parcels less than 50 acres in area if the reconfiguration is more conducive to industrial use and results in no net increase in the total number of lots and parcels over the number prior to reconfiguration. Lots or parcels 50 acres or greater in area may also be reconfigured so long as the resulting area of any such lot or parcel is not less than 50 acres.

H. Notwithstanding subsections C and D of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 10 percent more floorspace.

### 3.07.430 Protection of Industrial Areas

- A. In Industrial Areas mapped pursuant to Metro Code section 3.07.130 that are not Regionally Significant Industrial Areas, cities and counties shall limit new and expanded non-industrial uses to those appropriate in type and size to serve the needs of businesses and employees in the Industrial Areas.
- B. In an Industrial Area, a city or county shall not ~~approve~~ allow as an outright permitted use:

*(My rationale is the same as that given under 3.07420D.)*

- 1. A commercial retail use with more than 60,000 square feet of gross leasable area in a single building or in multiple buildings ~~within close physical proximity~~ that are part of the same development project;

*(Same comment as given under 3.07.420D1.)*

- 2. Commercial retail uses with a total of more than 60,000 square feet of gross leasable area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way;

- 3. ~~Schools, churches or those institutional and community services uses intended to serve people who do not work or reside in the Area.~~

*(There may be instances when institutional and community service uses have a legitimate need to be within industrial areas. I do not think they should be prohibited.)*

### 3.07.440 Protection of Employment Areas

- A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code section 3.07.130, cities and counties shall limit new and expanded commercial retail uses to those appropriate in size to serve the needs of businesses, employees and residents of the Employment Areas.
- B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use as an outright permitted use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of gross leasable area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize individual commercial

retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.

D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:

1. The ordinance authorized those uses on January 1, 2003;
2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and
3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area.

~~E. A city or county may authorize new commercial retail uses in Employment Areas if the uses:~~

- ~~1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and~~
- ~~2. Meet the Maximum Permitted Parking—Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.~~

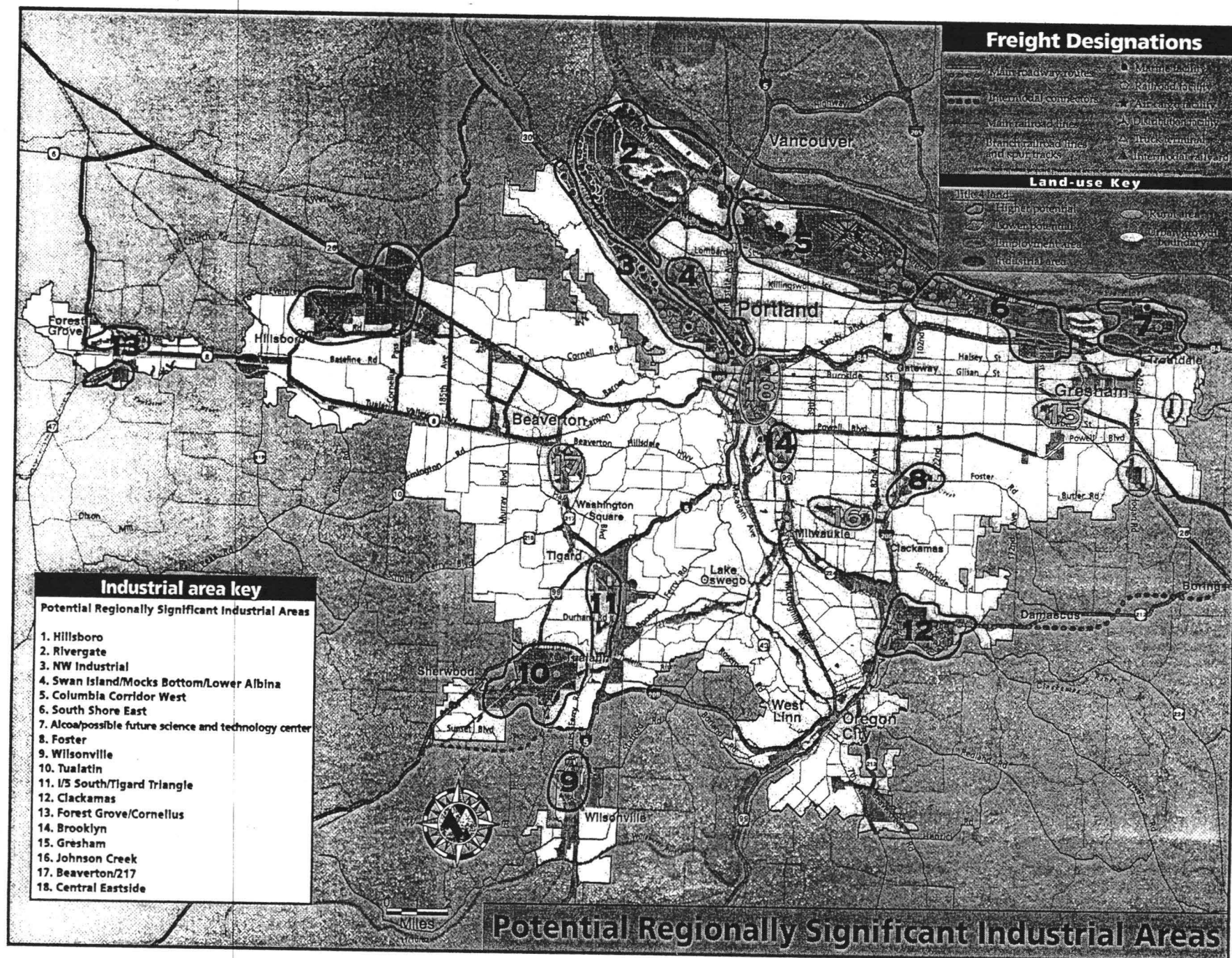
*(This strikes me as an administrative nightmare to try to apply. I'd rather see it deleted.)*

### 3.07.460 Government Offices

A. Cities and counties shall encourage the siting of government offices and other appropriate government facilities in Centers and Station Communities by taking action pursuant to section 3.07.620 to eliminate or reduce unnecessary physical and regulatory barriers to development and expansion of government offices in Centers and Station Communities.







~~B. Cities and counties shall discourage the siting of government offices outside Centers and Station Communities by requiring a demonstration by the applicant government agency that sites within Centers cannot reasonably accommodate the proposed office due to characteristics of the office other than parking for employees.~~

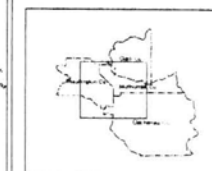
*(There are many legitimate purposes for siting government offices outside centers and stations areas. I do not think it is reasonable or necessary to require this. Subsection A should be adequate to address this issue.)*



## Ordinance #03-1022

DRAFT 10/21/2003

-  Title 4 Employment Land
-  Title 4 Industrial Land
-  Title 4 Regionally Significant Industrial Area 2002 Decision
-  Local Government Proposed RSIA
-  Other Sites Under Consideration by Metro Council
-  Staff Proposed RSIA



Location Map

[illegible]



METRO

Date: October 21, 2003

To: Richard Benner, Interim Regional Planning Director

From: Mary Weber, Community Development Manager

Re: ***An Assessment of Potential Regionally Significant Industrial Areas***

### **Background**

The Metro Council amended Title 4 to afford a higher level of protection to Regionally Significant Industrial Areas (RSIAs) than to Industrial Areas in general. The Metro Council took this action based upon information the Metro Council received about industrial land during the periodic review analysis and hearings process – principally the Regional Industrial Lands Study (RILS) and Metro's own "Urban Growth Report: An Employment Land Need Analysis" (UGR-Jobs). The information showed that much industrial capacity had been absorbed by the economic expansion of the mid-1990s. It also showed that much of the remaining capacity was constrained: divided into parcels too small for the growth industries of the future; converted to non-industrial use; regulated to protect wetlands or floodplains and; inadequately served by water, sewer or transportation facilities.

The Metro Council aimed its amendments of Title 4 at conversion of industrial land to non-industrial uses. In the UGR-Jobs (page 31), the Council noted both positive and negative effects of this conversion. On the positive side, conversion (1) allows commercial uses to provide retail services to industrial employees and reduce trips; (2) provides opportunities for infill and redevelopment of aging industrial areas; and (3) allows flexibility of use that may provide the margin for industrial profitability. On the negative side, conversion (1) increases the cost of land for industrial use; (2) introduces uses that generate conflicts with industrial practices; and (3) may force relocation of industrial uses to less suitable sites. The Metro Council hopes to take advantage of the positive consequences of conversion in Industrial Areas and prevent the negative consequences in RSIs.

### **Which lands should be designated RSIA?**

There is guidance from the Regional Framework Plan, the Regional Transportation Plan, Title 4 of the Urban Growth Management Functional Plan, Periodic Review Ordinance No. 02-969B, Metro Council Resolution No. 03-3341A, the UGR-Jobs, MetroScope and the factors the Metro staff developed in consultation with cities and counties to help identify RSIs.

1. Regional Framework Plan : Policies 1.4.1 and 1.4.2 of the Regional Framework Plan (RFP) speak of RSIs as those areas ***"with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs."*** The RFP leaves a more specific determination of RSIs to implementation of Title 4 by the Metro Council and local governments.

2. Regional Transportation Plan: Policy 15.0 states as Objectives (a) ***“Provide high-quality access between freight transportation corridors and the region’s freight intermodal facilities and industrial sanctuaries...”***; and (b) ***“Coordinate public policies to reduce or eliminate conflicts between current and future land uses, transportation uses and freight mobility needs, including those relating to: Land use changes/encroachments on industrial lands; and Transportation and/or land use actions or policies that reduce accessibility to terminal facilities or reduce the efficiency of the freight system.”*** The policy recognizes the critical relationship between freight transportation and conflicting land uses. Although the Regional Transportation Plan (RTP) does not define “industrial sanctuary”, it seems clear that the policy contemplates industrial areas in which commercial or residential uses do not dominate the transportation system.
3. Title 4: Title 4 also draws attention to the relationship between industrial land and the transportation system. One purpose of Title 4 is: ***“To protect the capacity and efficiency of the region’s transportation system for movement of goods and services....”***
4. Ordinance No. 969B, UGR-Jobs, MetroScope: By adoption of the UGR-Jobs and the Generalized Map of RSIA’s, the Council made clear that ***RSIA’s are to be derived from those lands designated as Industrial Areas on the 2040 Growth Concept map***, and that not all Industrial Areas should be designated RSIA. The UGR-Jobs speaks of some industrial areas that are in the midst of transition to mixed-use areas (page 31). MetroScope modeling identified areas of industrial job loss during the planning period. In general the gains are the areas identified as having greater potential as RSIA’s. These areas are the large industrial areas comprised of the Columbia South Shore Industrial Area, the Portland Harbor, the Clackamas Industrial District, the Tualatin/Wilsonville Industrial District and the Hillsboro Industrial District. While conversely, industrial losses (identified as having lower potential) are likely to occur in the Central City, Eastside Industrial area, Highway 217 corridor and Vancouver CBD. Maps from the MetroScope analyses are attached.

The UGR-jobs offers further guidance. The UGR-Jobs translates the regional economic forecast into demand for industrial land for particular building types: tech/flex, warehouse/ distribution and general industrial. These building types and the industries that occupy them need sites with certain locational and siting characteristics. The UGR-Jobs finds that sites with these characteristics are in very short supply in the urban growth boundary (UGB).

If these are the industries likely to add family-wage industrial jobs in the future, and sites with the locational and siting characteristics they need are in short supply, then land in Industrial Areas with these characteristics are logical candidates for designation as RSIA. Moreover, if the region is looking for sites with these characteristics outside the UGB, state planning law may require Metro to designate areas inside the UGB with these characteristics as RSIA’s.

5. Resolution No. 03-3341A: The Metro Council, considering information from industry representatives, industrial land brokers and studies on clustering, directed the Metro

staff to study for possible inclusion in the UGB land that is ***(1) close to freeway interchanges; (2) relatively flat; and (3) near existing industrial areas.***

This information indicated that the warehouse and distribution industry needed sites with the following characteristics:

- Freeway access within 3-5 miles of an interchange
- Large enough areas to accommodate of number of uses
- Slopes less 5 percent
- Highway routes are key: I-5, I-84 and I-205
- Highway 26 is not desirable due to congestion

General industrial site characteristics are:

- Freeway access within 3 miles of an interchange
- Net parcel sizes between 1-5 acres and 10-20 acres
- Location near other firms (labor pool)
- Stable soils and flat sites
- Manufacturing sites greater that 20 acres must have slopes less that 2 to 3 percent
- Manufacturing sites between 1-5 acres, slopes no more than 5 to 10 percent

For tech flex industrial uses the location and site characteristics are:

- Net parcel size greater than 10 acres
- Availability of specialized utilities
- Stable soils
- Proximity to existing high tech companies and suppliers
- Access to airport no more than 45 minutes mid-day (passengers)
- Some rolling topography but slope not more than 5 percent

6. Factors: The Metro staff, after consultation with cities, counties and other interests, developed a set of factors to consider in the identification of RSIA's. These factors reflect the locational and siting characteristics from Metro Council Resolution No. 03-3341A. As directed by Title 4, Metro staff worked with cities and counties in the region to apply the factors to designated Industrial Areas within their jurisdictions. Some cities and counties submitted candidate RSIA's to Metro based upon the factors. Striving for region-wide consistency, Metro staff also applied the factors to areas in cities and counties that chose not to submit candidate areas. The factors are:

- Distribution - Area serves as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.
- Services - Availability and access to specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire and emergency response services
- Access - Within 3 miles of I-5, I-205, I-84 (within the UGB), State Route 224 (within the UGB)
- Proximity - Located within close proximity of existing like uses
- Use - Predominantly industrial uses

#### **Reasons not to designate an industrial area as a RSIA**

Not all industrial areas need additional restrictions that come with the RSIA designation. Here are a few examples of reasons why an industrial area should not be designated as a RSIA.

- The industrial site/area is bordered on several sides by residential uses. In this case it is unlikely that the area will expand or be maintained over time because of the conflicts with residential uses.
- Existing non-conforming uses make it unlikely that the conflict between uses will diminish and that over time the area might be better zoned for employment uses.
- Flexibility of employment uses on the site is important for redevelopment to occur.

What follows is an analysis by area of the industrial land and how the characteristics of the area fit the RSIA factors. A map of each area is attached to this memorandum. The specific land data was derived from the 2000 vacant land supply. This is the inventory used for the 2002-2022 periodic review of the urban growth boundary.

#### **Areas appropriate for RSIA designation**

A general assessment of the areas on the *Potentially Regionally Significant Industrial Area* map indicate that the following areas meet the factors and are also lands that meet the general site and location criteria for industrial uses.

- Areas 1 – Hillsboro industrial area, south of Highway 26
- Areas 2, 3-4, 5 and 6 – Northwest Industrial Area, Rivergate, Swan Island and Columbia Corridor
- Area 12 - Clackamas distribution area around Highway 212/224
- Area 14 - Brooklyn Yards

#### **Areas to consider for RSIA designation in the future**

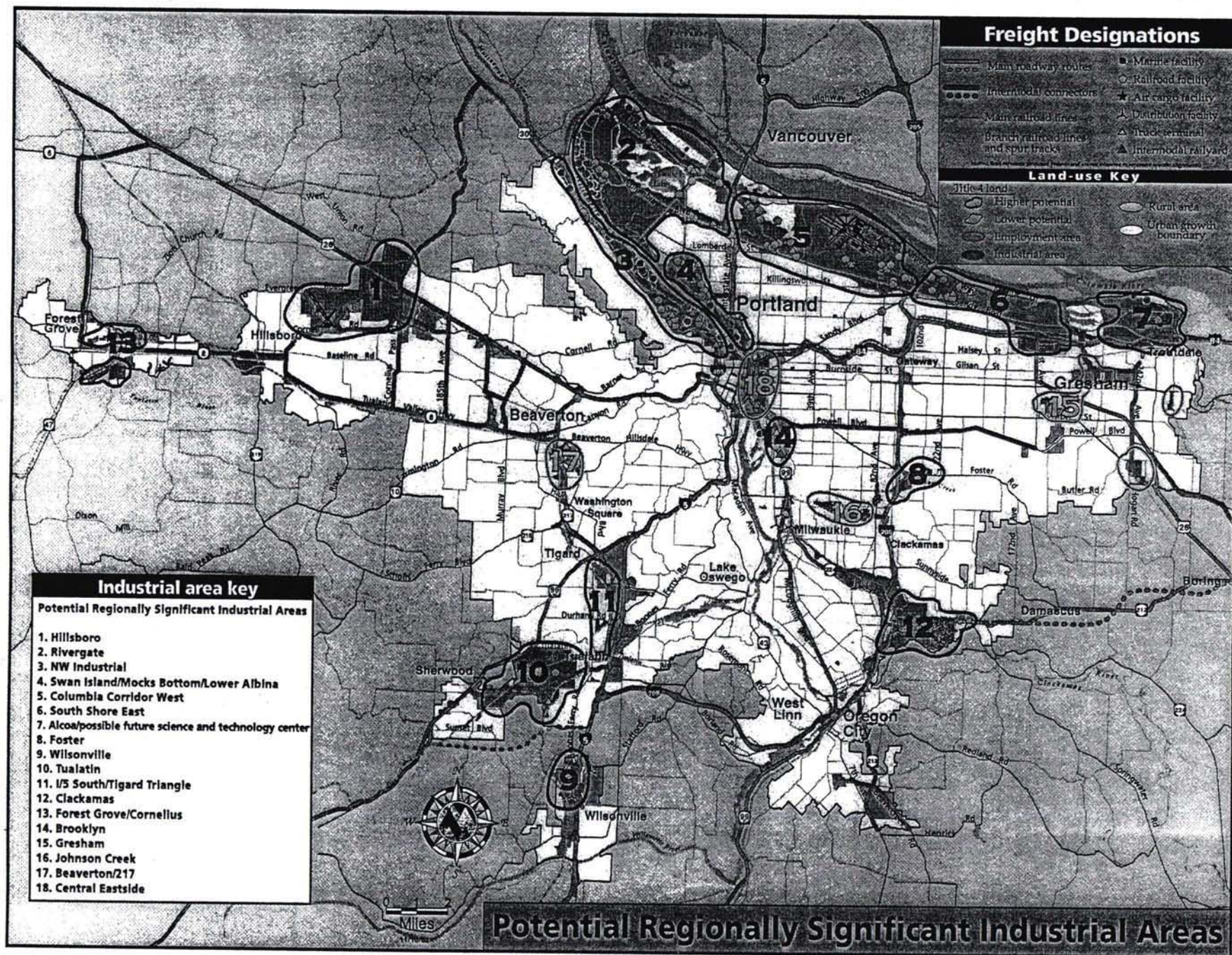
The areas may be appropriate for designation as RSIA's in the future:

- Area 9, Wilsonville industrial area
- Area 10, Tualatin industrial area
- Area 7, Troutdale industrial area

These areas as they exist today are local industrial districts. In the case of Wilsonville and Tualatin, if additional lands were added to the UGB for industrial uses and the I-5/99W connector improved truck access to I-5 then these areas would be appropriate for designation as RSIA's. In regard to Troutdale, the uses are local in nature and there is no opportunity to expand the industrial area or connect it to the Columbia South Shore industrial area. However, if the Reynolds Metals site were to redevelopment as an intermodal facility, much of the area would redevelop to uses supporting an intermodal facility. If this were the case then the Troutdale industrial area would also be appropriate for designation as a RSIA.

#### **Area Assessments**

The acreage information is from the 2000 vacant land inventory. The buildable acres is displayed with the 2000 inventory. Local government submittals and area maps are attached. Also attached are the Standardized Zoning map for the region and the Title 4 Industrial Land with Slopes and Floodplain map.



 1/4 Mile Buffer of  
Title 4 Industrial Land

Industrial

Multi Family

Mixed Use

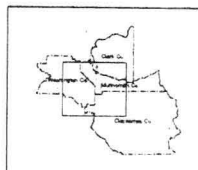
### Parks & Open Spaces

 Rural

Single Family



1 inch square 1 1/2 inch



Location Map



METRO  
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TEL (503) 797-1742 FAX (503) 797-1808

## **Area 1- Hillsboro Industrial Area**

### **General Description**

Area 1 encompasses the City of Hillsboro's hi-tech industrial area. At the center of the area is the Hillsboro airport.

### **Factor Analysis**

#### **Distribution**

- The area does not serve as a regional warehouse or distribution area. The industrial area is within 3 miles of a Highway interchange but Highway 26 suffers from congestion that increases travel time to I-5, I-84 and Portland International Airport. Rail service is not available.

#### **Services**

- The industrial portion to the south of Highway 26 has access to specialty gases and triple redundant power from the PGE Sunset Substation. It is unlikely that these specialized utilities will be available to land to the north of Highway 26 because of the expense of extending these services north.

#### **Access**

- Within 3 miles of Highway 26 and within minutes from the Hillsboro airport.

#### **Proximity**

- The industrial area is part of the Hi-Tech Sunset Corridor.

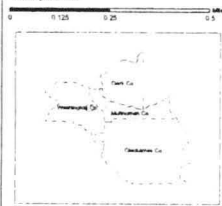
#### **Use**

- The uses are predominately industrial with the exception of the commercial services associated with the Hillsboro airport. The industrial area to the north of Highway 26 forms the northern edge of the UGB and to the east is residential development.

### **Summary**

This industrial area consists of flat land with slopes less than 10 percent and no floodplain. Very little of the area has environment constraints. The area to south of Highway 26 has access to some of the most sophisticated utilities in the country that are required by hi-tech firms. Intel operates two large facilities, one at Ronler Acres and the other at Jones Farm.

Staff recommends that the industrial lands to the south of Highway 26 be considered as Regionally Significant. If the Council were to add new industrial land adjacent to the industrial area to the north of Highway 26, then this area might also be considered as Regionally Significant Industrial Land.

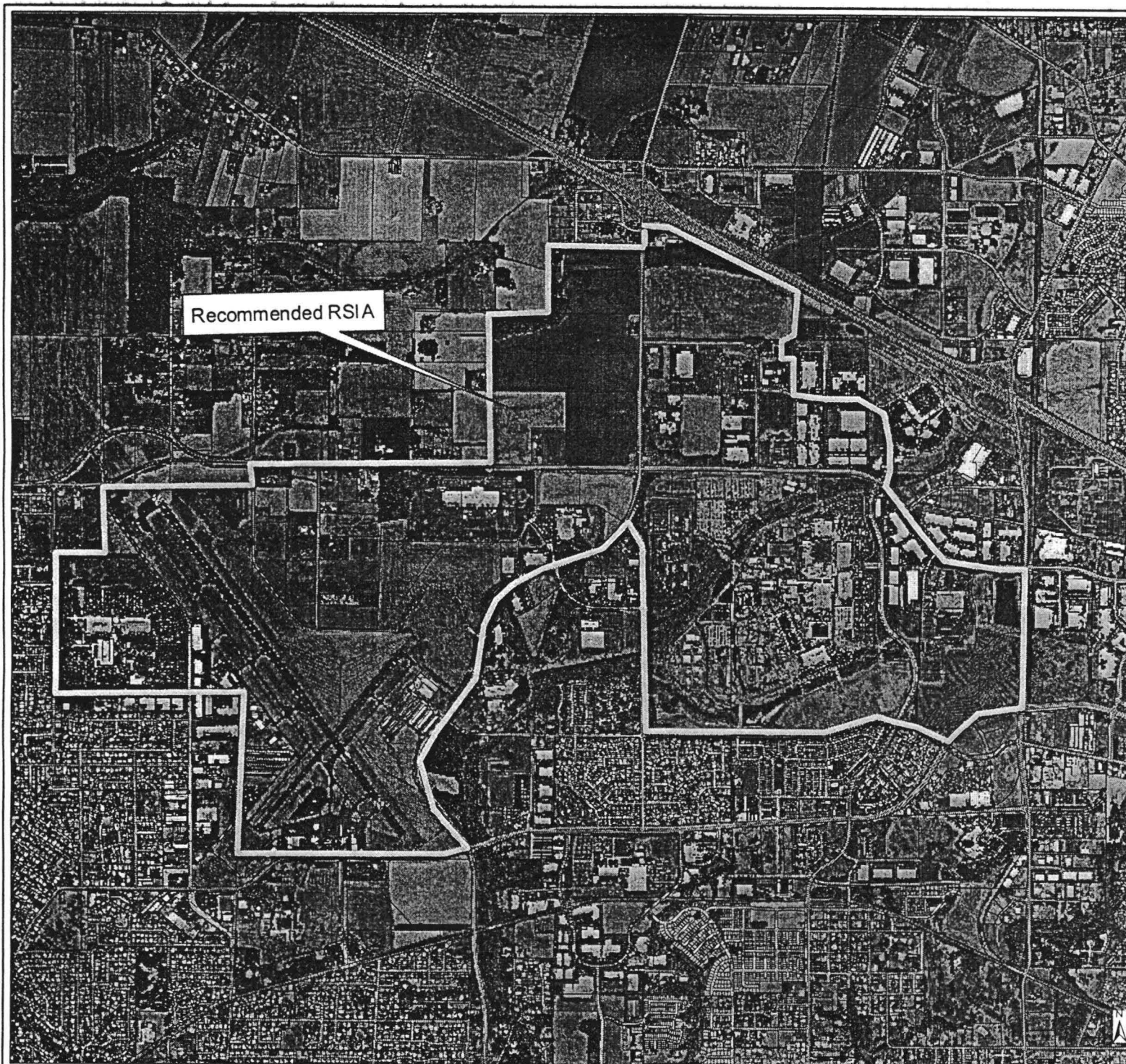
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Location Map



METROLIA

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R L I S

REGIONAL LAND INFORMATION SYSTEM

# Draft RSIA Boundary Recommendation

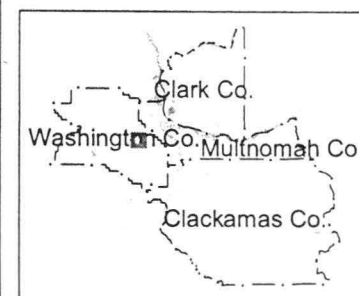
Study Area 1-Hillsboro

- Urban growth boundary
- Taxlots

WARNING: some maps combine data layers of differing map accuracies, e.g. flood plains can be laid on tax lots. When this occurs, the map is not reliable to correctly show data at the tax lot level.

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1 inch equals 0.46 miles



Location Map

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600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736  
TEL (503) 797-1742 FAX (503) 797-1909  
drc@metrodata.org www.metro-region.org

## **Areas 2 – Northwest industrial Area, 3 & 4- Rivergate and Swan Island, 5 and 6 - Columbia Corridor to Gresham, 14- Brooklyn Yards - Portland**

### **General Description**

The City of Portland prepared a matrix that categorized the recommended factors and provided specific parameters for how they would apply to RSIA's, other industrial and mixed employment areas. The analysis included, location, area size, location advantages, industry mix, site sizes, facility types, neighbor sensitivity and infrastructure. The areas proposed by the city consist primarily of the Portland Harbor and Columbia Corridor industrial districts and makes up 94 percent of the industrial land designated in Portland's *Comprehensive Plan*.

### **Factor Analysis**

#### **Distribution**

- The areas are located at the main hub of Oregon's freight transportation system, where the shipping channels, main rail lines and yards, freeways, Olympic Pipeline, and Portland International Airport converge.

#### **Services**

- May serve special power, water, sewer, and Telco needs.

#### **Access**

- Most sites are within 1 mile of regional truck system.

#### **Proximity**

- The areas are predominantly surrounded by industrial uses. Areas have a very small percentage of residential uses nearby.

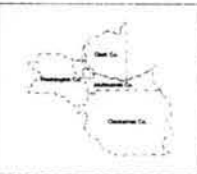
#### **Use**

- These areas make up the largest concentration of manufacturing and distribution facilities in the state.

### **Summary**

The City of Portland is recommending approximately 12,500 gross acres in these areas for designation as RSIA's. Detailed information on the City's analysis is attached.

Metro staff generally concurs with the City's recommendation. Staff recommends that the Metro Expo Center property in the Columbia Corridor RSIA not be designated as a RSIA. The RSIA designation creates another conflict with the industrial zoning that recognizes the Expo Center as a non-conforming use. As more research about job land is undertaken, Metro should reexamine these areas to determine if all of these lands should be designated as RSIA's. Staff also recommends extending the RSIA designation to connect to the Gresham portion of the RSIA.



### Location Map



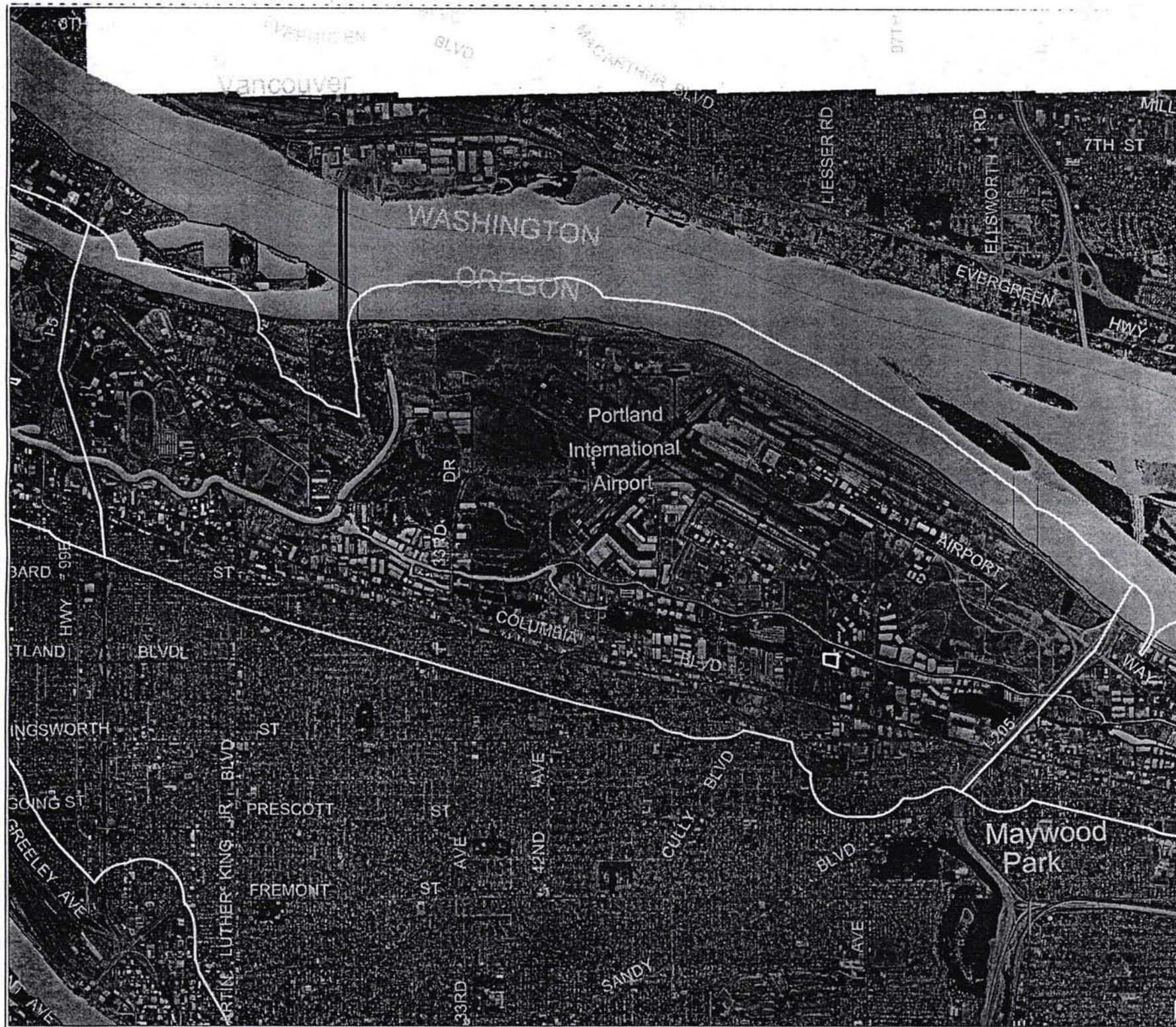
2000

**SALE OF LAND**

WILLIAM J. HARRIS, JR., REALTOR 100 N. W. 1st St., Miami, Fla.	FOR LANS. CHILDREN'S HOSPITAL
Call Office 781-1111	AND 781-1111
OR 781-1111 at home	FAX 781-1111

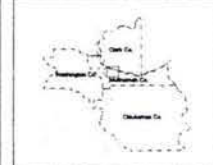


# Study Area 5



Map data is derived from a variety of sources, including aerial photography, satellite imagery, and ground-based surveys. The map is not intended to be used for navigation or other purposes requiring precise location information. The map is provided as a general reference only.

Scale: 1 inch equals 0.2 miles



Map data is derived from a variety of sources, including aerial photography, satellite imagery, and ground-based surveys. The map is not intended to be used for navigation or other purposes requiring precise location information. The map is provided as a general reference only.

# Draft RSIA Boundary Recommendation

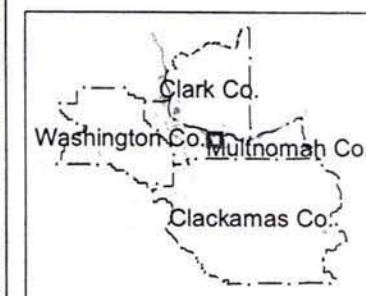
## East Area 6

-  Taxlots
-  Urban growth boundary
-  Streets

WARNING: some maps combine data layers of differing map accuracies, e.g. flood plains can be laid on tax lots. When this occurs the map is not reliable to correctly show data at the tax lot level.

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Portland Recommendation

Gresham Recommendation

Metro Staff  
Recommendation

## **Area 6 - Gresham Portion – Columbia Corridor**

### **General Description**

The area under consideration is in North Gresham between the railroad tracks and Marine Drive just east of 185<sup>th</sup>. Gresham shares a portion of this study area with the City of Portland.

### **Factor Analysis**

#### **Distribution**

- Rail access to the area.

#### **Services**

- Basic services are available.

#### **Access**

- The area is within 3 miles of I-84.

#### **Proximity**

- The area is adjacent to industrial lands in Portland. To the east the area is bordered by residential uses and Fairview Lake and Blue Lake.

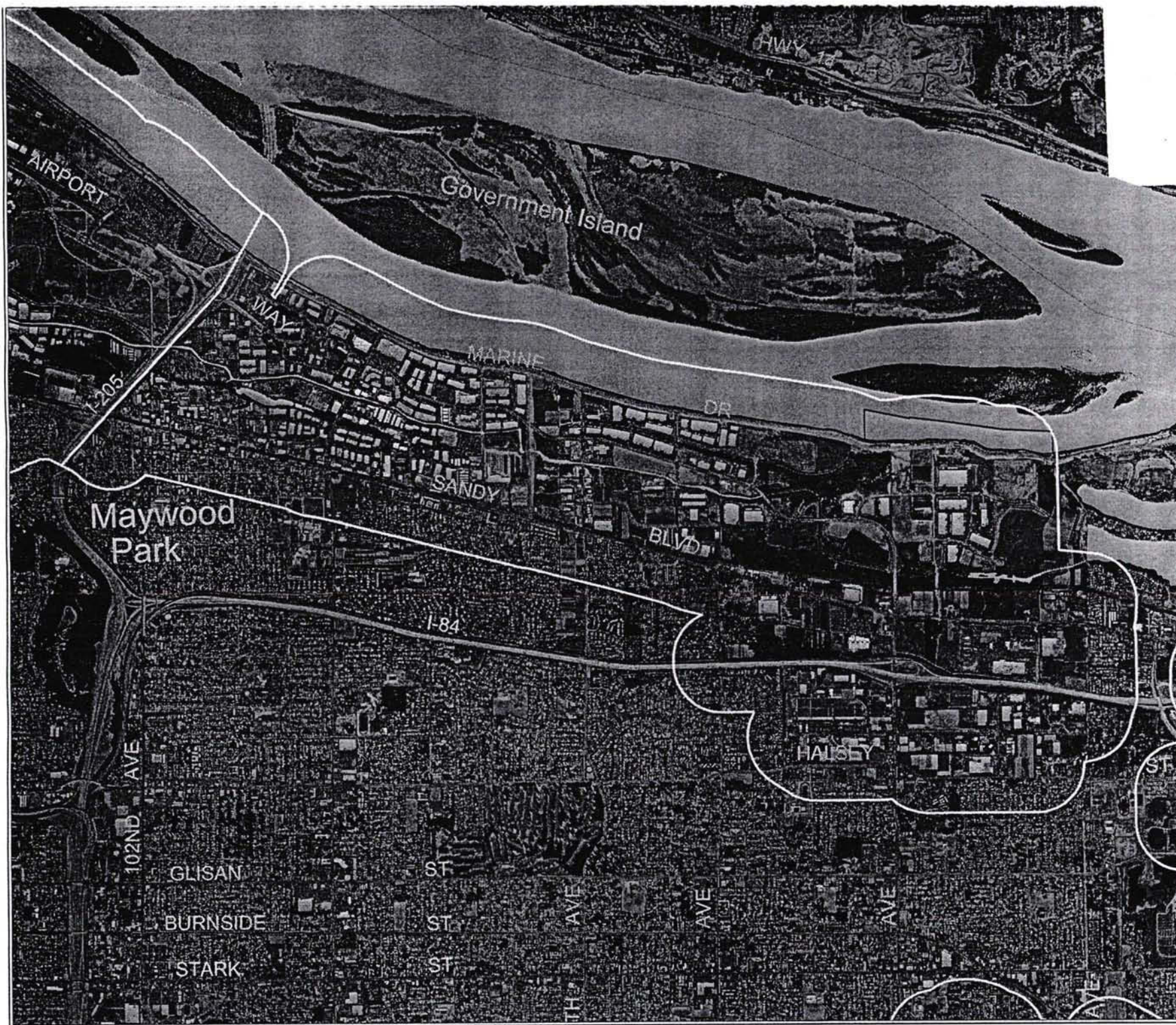
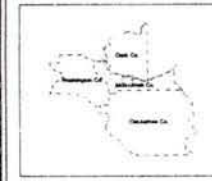
#### **Use**

- The majority of the area is zoned heavy industrial with a small section of light industrial.

### **Summary**

Gresham recommends that this area be considered for RSIA designation based on its industrial zoning and adjacent industrial uses. The land north of Marine Drive is not recommended because it is envisioned for future mixed-use commercial and recreational waterfront development.

Metro staff recommends accepting the City's recommendation but also including the area south of the railroad to I-84 and east of Airport Way to 201<sup>st</sup>. See attached map.

[illegible]

### Location Map



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 info@maestro.us or us www.maestro-us.org



## MEMORANDUM

### COMMUNITY PLANNING DIVISION

Long Range • Transportation • Development

To: Mary Weber - Metro  
From: Rebecca Ocken  
Re: Proposed RSIA Site  
Date: October 9, 2003  
Cc: Ed Gallagher, John Pettis, Terry Vanderkooy – City of Gresham

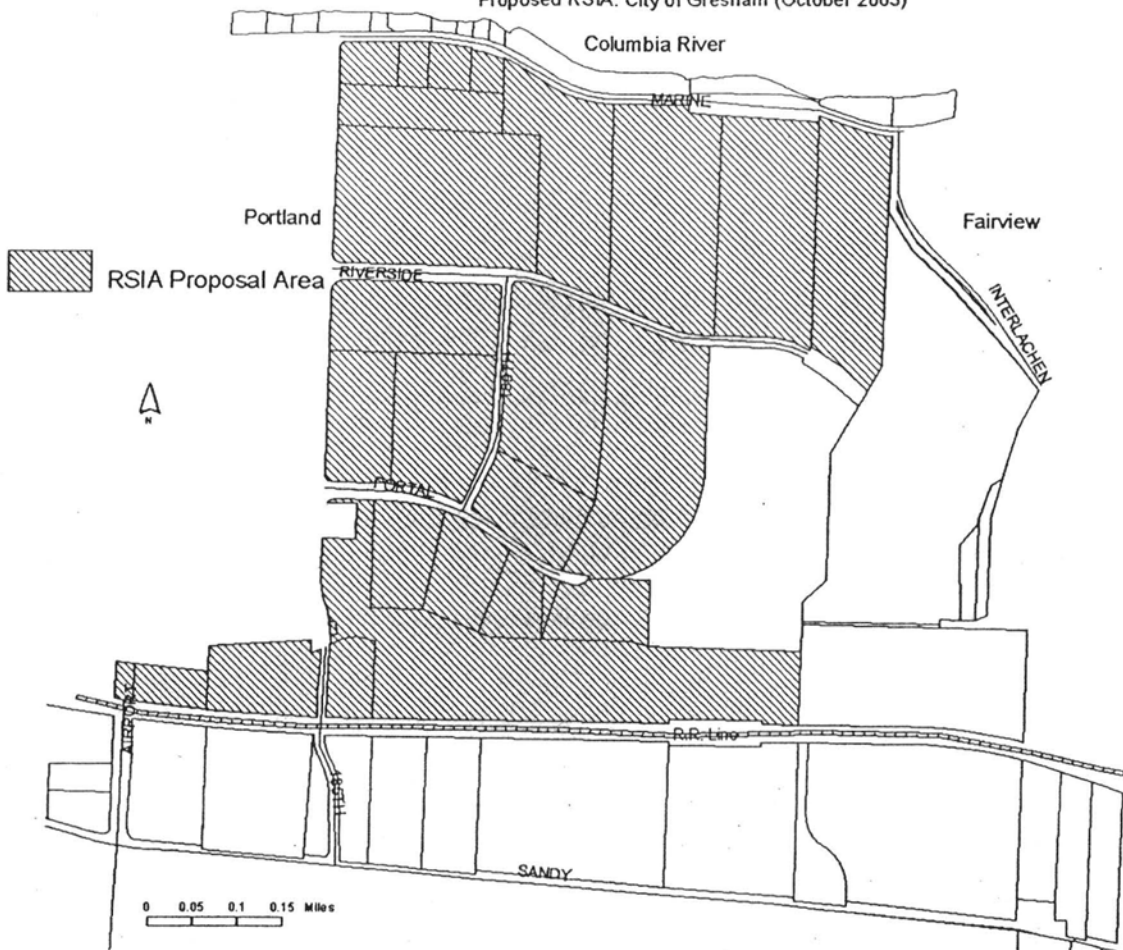
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As requested, attached is a map of the area the City of Gresham is proposing for RSIA designation. The area for your consideration is in north Gresham between the railroad tracks and Marine Drive just east of 185<sup>th</sup>. A majority of the land is currently zoned heavy industrial with a small section of light industrial. The South Shore Corporate Park is located here.

We have chosen to exclude from our RSIA proposal the land north of Marine Drive. This land is envisioned for future mixed use commercial and recreational waterfront development.

If you have any questions, please don't hesitate to contact John Pettis at (503) 618-2778.

Proposed RSIA: City of Gresham (October 2003)



## **Area 7 – Troutdale Industrial Area**

### **General Description**

The Troutdale industrial area is bordered on the south by I-84, the Sandy River to the east, the Willamette River to the north and residential uses and Blue Lake and Fairview Lake to the west. While the area seems quite large, the dominate land uses are the Reynolds Aluminum Plant, the Troutdale airport and a Morse Bros. aggregate based productions operation. There is also a Glacier Northwest Redi-mix concrete site and a Swift Transportation truck facility in the area. The remaining uses include machine sales and service, engine repair and sheet metal fabrication.

### **Factor Analysis**

#### **Distribution**

- This area plays only a minor role for distribution. The Troutdale airport is a general aviation facility.

#### **Services**

- Significant electrical power associated with aluminum plant. Rail is available.

#### **Access**

- The area is within 3 miles of I-84.

#### **Proximity**

- This area is large in size but is isolated from the Columbia Corridor industrial area with natural areas and residential uses serving as a barrier to possible integration with other industrial districts.

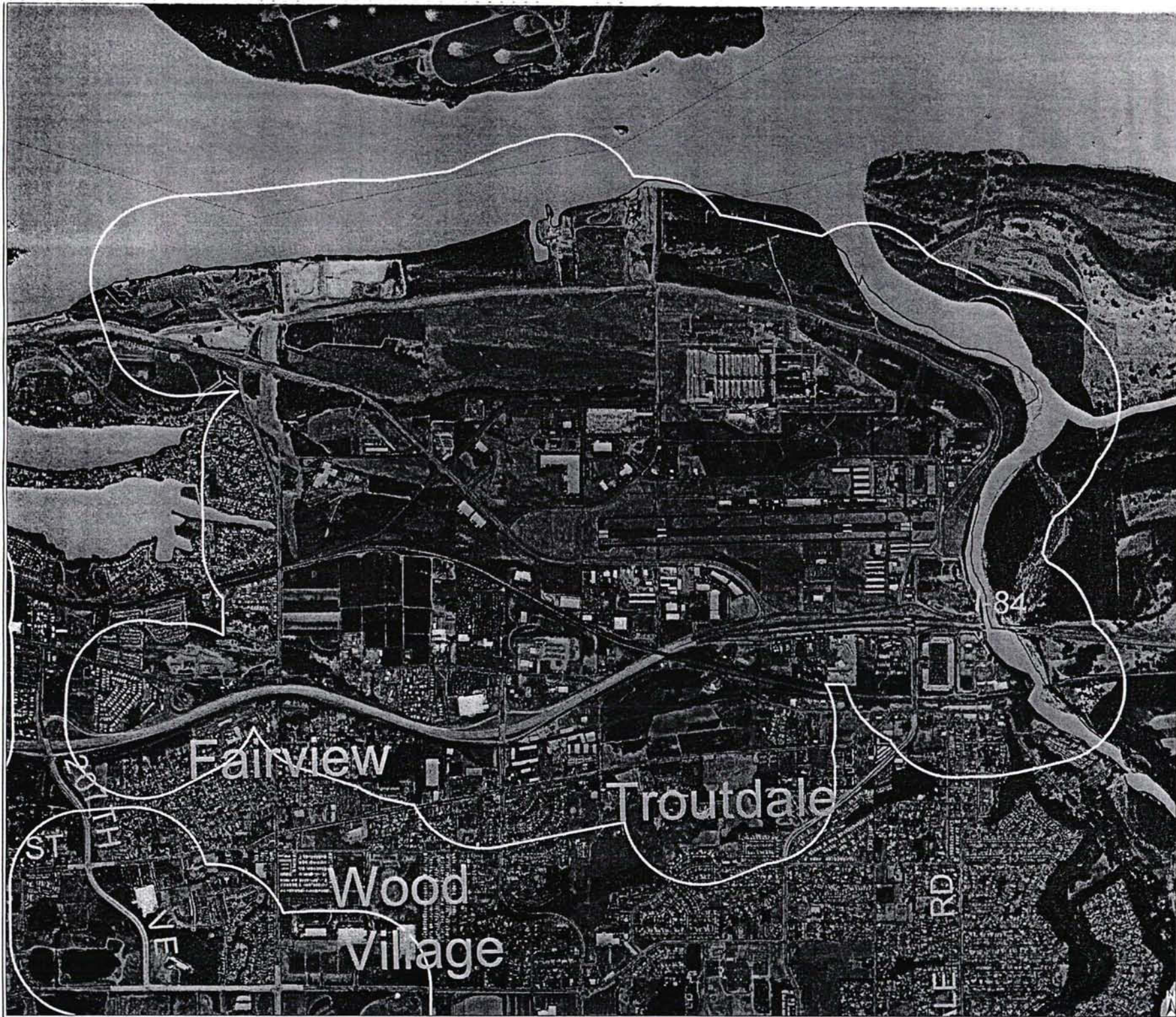
#### **Use**

- The uses are predominantly industrial uses but most of the area is very old with open storage yards, unimproved streets and wooden structures.

### **Summary**

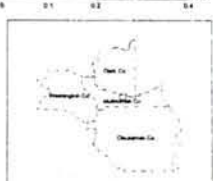
This is an older industrial area that has significant potential for redevelopment. There are some uses that would likely not relocate; they are the Morse Bros. facility and a ship repair yard. If the Reynolds property were to redevelop as an intermodal facility, many of the smaller older uses surrounding the plant would likely be redeveloped to support uses for the new facility. The same is true if the area is redeveloped as mixed commercial. At this time, it is not appropriate to designate this area as a RSIA. If in the future the site were to redevelop into an intermodal facility, this industrial area would better fit the region's policies.

# Study Area 7



UNIVERSITY OF MICHIGAN LIBRARY  
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 FAX: 734 763 7001  
 WWW: WWW.LIBRARY.UMICH.EDU

1:50,000 Scale 1:1 Mile



Location Map



North

UNIVERSITY OF MICHIGAN LIBRARY  
 300 N ZEEB RD  
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 FAX: 734 763 7001  
 WWW: WWW.LIBRARY.UMICH.EDU

## **Area 8 – Lents/Foster Road**

### **General Description**

This older industrial area is anchored at the west end by the Lents Town Center and goes northeast along Foster Road.

### **Factor Analysis**

#### **Distribution**

- The area does not support the major transportation facilities such as the marine terminals or airports.

#### **Services**

- No specialized services are available

#### **Access**

- The area is within 3 miles of I-84, but the access route is congested.

#### **Proximity**

- The area is surrounded by residential uses.

#### **Use**

- A regional paper recycling facility is located in this area but there are no other regional facilities, only local industrial uses and pre-existing commercial uses.

### **Summary**

This is a very old industrial area with everything from a Smurfit paper recycling facility, to an auto junkyard and small engine repair facilities. Interspersed with the industrial uses are commercial uses. The area is surrounded by residential uses and the land is within the Johnson Creek floodplain. This area is of local significance as a jobs center, but is not appropriate as a RSIA.

## **Area 9 - Wilsonville Area**

### **General Description**

The areas under consideration for potential designation as RSIA's consist of parcels flanking I-5 and are north of the Willamette River. Wilsonville's analysis involved the development of a two-tiered system for evaluating industrial land. According to their analysis, Tier 1 lands are undeveloped parcels, of a size to permit reasonable industrial use, served by public facilities (with the possible exception of transportation facilities) and adjacent to other industrial campuses. Tier 2 areas are comprised of enclaves of existing industrial developments within the City and has land use approval including positive findings for concurrency.

### **Factor Analysis**

#### **Distribution**

- The industrial area is a distribution point for Rite Aid; Coca Cola, and a regional trucking operation. Wilsonville is a good distribution point but access is congested.

#### **Services**

- Basic services are available.

#### **Access**

- This area is within 3 miles of I-5. Interchange access is limited and congested.

#### **Proximity**

- The Tier 1 area recommended by the City is within close proximity to industrial uses and is adjacent to industrial campuses. The industrial area on the west side of I-5 is the edge of the UGB. Opportunities for this area to growth are limited to expansions of the UGB.

#### **Use**

- The Tier 1 land recommended by the City is adjacent to industrial uses. The industrial area on the west side includes distribution facilities, small local manufacturing firms, local services and is the headquarters for Hollywood Video.

### **Summary**

The City of Wilsonville recommends that Tier 1 lands be designated as RSIA's due to their status as large, undeveloped parcels that are served by public facilities as well as the presence of adjacent industrial uses. They do not recommend Tier 2 lands for RSIA designation as these parcels are already developed and have some existing commercial uses. Tier 2 lands primarily consist of Planned Unit Developments. The City's submittal is attached. Staff does not concur with the City's recommendation. These industrial areas are not appropriate for designation as RSIA's.

If the character and size of the west Wilsonville industrial area did not change, staff would agree that this area is appropriate for designation as a RSIA. The Council in 2002 added approximately 350 acres to the north end of Wilsonville for industrial purposes. There are more exception lands north and west of this industrial area. If the Council were to add more industrial land to the UGB in this area, it would very much change the status of this industrial district. Along with more land, better access to I-5 and a connection to the Tualatin industrial areas, this area would be appropriate for designation as a RSIA.



## **WILSONVILLE'S REGIONALLY SIGNIFICANT INDUSTRIAL AREA ANALYSIS**

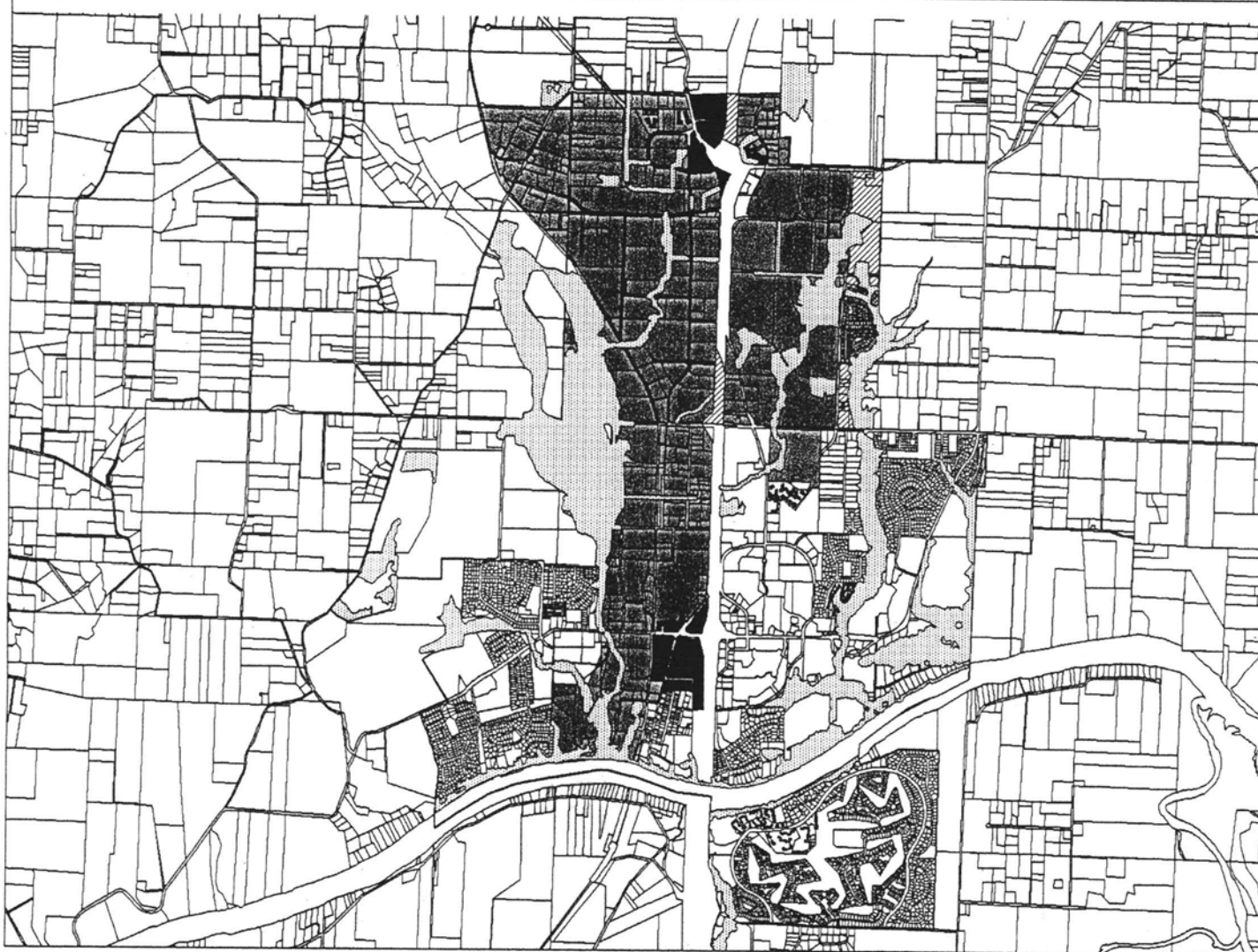
Per Exhibit F to Metro Ordinance No. 02-969B (Revisions to Title 4 of the Urban Growth Management Functional Plan), the City of Wilsonville has analyzed the requirements of Title 4 in regards to the City responsibility to identify lands that could be considered Regionally Significant Industrial Areas (RSIA). The City has developed a two-tier system for evaluating potential RSIA:

**Tier 1** areas are undeveloped parcels, of a size to permit reasonable industrial use, served by public facilities (with the possible exception of transportation facilities), and adjacent to other industrial campuses. Required revisions to the City's Development Code would provide these properties with the protections required per section 3.07.420 of the UGMFP:

- Subject to specific plan designation and zoning district boundary
- Subject to limitations on uses other than industrial
- Subject to limitations on further subdivision of property

**Tier 2** areas are comprised of enclaves of existing industrial developments within the City. The City is not proposing these properties be given the RSIA designation at this time. These properties have City land use approval, including positive findings for concurrency. In some cases, this approval has allowed commercial development within these industrial areas. These areas were also chosen for potential RSIA designation due to their job generation potential, their value-adding potential, and the diversity of industrial uses they represent. While industries currently operating on these lands may not provide family wage jobs desired by Title 4, it is the potential for these types of jobs that brought these areas into the consideration. Required revisions to the City's Development Code would provide these properties with the protections required per section 3.07.430 of the UGMFP, which include limitations on new and expanding retail commercial uses.

The City will need to develop Development Code language to enact the required Title 4 protections for RSIA.



## Wilsonville RSIA Analysis

## **Area 10 – Tualatin Industrial Area**

### **General Description**

The Tualatin industrial area begins west of 95<sup>th</sup> along Tualatin Sherwood Rd. north to Tualatin road and just south of Tualatin Sherwood Rd. to 120<sup>th</sup>. This is a very dense industrial area that is well served with internal road connections. The access points to Hwy 99W and I-5 are congested.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as a support facility for the regional transportation facilities.

#### **Services**

- Basic services are available. Unknown if specialty gases or redundant electric power is available.

#### **Access**

- The area is within 3 miles of I-5

#### **Proximity**

- The area is not connected to other industrial areas. This area is bordered on the north and southwest by residential development. Directly to the west is downtown Tualatin and to the south is the UGB.

#### **Use**

- A range of local industrial uses is located in this area. The uses include a UPS facility, Air Liquide facility, Hansen Pipe, Lile Moving and Storage, Pacific Foods, Milgard Windows and machine parts fabrication.

### **Summary**

The connection to I-5 is less than 3 miles but is congested. Because of the congestion at the access points to I-5 and 99W the area will not function as warehousing and distribution district. What exists now is general manufacturing. Hedges Creek, north of Tualatin Sherwood Rd. runs through the only vacant 50+-acre parcel in the area. At present this area is locally significant but not regionally significant.

The Council brought the Tigard Sand and Gravel site into the UGB in 2002. To south of the existing industrial area and adjacent to the quarry there are rural lands that would meet the criteria for industrial uses. Additional vacant land and the Highway 99W-I5 connector improving access to this area and north Wilsonville could result in connecting the two industrial areas and providing a Regional Significant Industrial Area that would anchor the south end of the region.

## **Area 11- Tigard-Durham Industrial Areas**

### **General Description**

Hunziker Road borders area 11 to the north, Boones Ferry Road to the south and east, and Hall Boulevard to the west. It is composed of three islands of Title 4 industrial land arranged in a loose column, with a small section on the top referred to as "A", a long narrow section in the middle "B" and a small section on the bottom of the grouping "C." Area A has a mixture of zoning around it including light industrial, residential and commercial. Area B has light and mixed-use industrial on the east and single and multifamily on the west. Area C is surrounded by a mixture of office commercial, light industrial and single and multifamily residential zoning.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities.

#### **Services**

- Basic services are available.

#### **Access**

- This area is within 3 miles of I-5.

#### **Proximity**

- This area is not located within close proximity of like uses. The uses around it are varied-commercial, residential, light industrial-they are not solely industrial in nature.

#### **Use**

- This area has general industrial uses and office parks. The uses are predominantly industrial.

### **Summary**

Area 11 is flanked by residential and commercial uses, and employment land on the east. It is a constrained linear area with office parks and other industrial uses. The three islands of Title 4 industrial land that comprise Area 11 are not in close proximity to each other, so it is unlikely the area will expand or be maintained over time due to the mosaic of zoning around it. The area does not serve to support industrial land for regional transportation facilities, it does not have specialized utilities and services, and it is not within close proximity to like uses due to the presence of residential and commercial zones. Area 11 in the City of Tigard primarily functions as a local industrial area and would not be appropriate as a RSIA. Comments from the City of Tigard and the City of Durham area attached.

Metro staff concurs with the City's recommendation not to designate this area as a RSIA.



# Study Areas 10 and 11

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## City of Durham

17160 SW Upper Boones Ferry Rd.  
P.O. Box 23483, Durham, Oregon 97281  
Roel C. Lundquist - Administrator/Recorder

e-mail: [durhamcity@aol.com](mailto:durhamcity@aol.com)  
(503) 639-6851 Fax (503) 598-8595  
Linda Smith, Administrative Assistant

September 9, 2003

Tim O'Brien, AICP  
Associate Regional Planner  
Metro Regional Planning Division  
600 NE Grand Avenue  
Portland, OR 97232

Re: Metro's Proposed Inclusion of Durham in Area 11 of Industrial Lands (Title 4)

Dear Tim:

I noticed that you were called upon to review the draft map on Identifying 2003 Industrial Land Alternatives Analysis Study Areas at the July 9<sup>th</sup> MPAC meeting. I was wondering if this relates to the *Potential Regionally Significant Industrial Areas* map that was adopted by Metro Ordinance NO. 02-969B. If so, you might be a resource person related to my concerns that the southern section of Area 11 on the map totally engulfs Durham. Of course, this is incorrect.

Based on the March 11<sup>th</sup> letter from Andy Cotugno, I realize that this *Generalized* map will be refined. My concern is that properties in Durham will not be incorrectly included on a more defined final inventory map.

Please advise if you are the proper contact person for this topic.

Sincerely,

Roel C. Lundquist  
City Administrator

C: K.J. Won, City Planner

July 18, 2003

Marci LaBerge, AICP  
Growth Management Services  
Metro  
600 NE Grand Ave.  
Portland, OR 97232-2736



RE; RSIA's

To follow up on our meeting today, the factors need to be clearly stated and understandable. As written, they are left to interpretation. The list of "Reasons not to designate an industrial area as a RSIA" should also include: It does not meet one or more of the factors for designating an area as a RSIA.

With regard to the designated RSIA map, there were several points discussed. First of all, the entire area is built out with a few remaining vacant lots which are hindered by natural resources (Fanno Creek). The remaining vacant parcels of substantial size (2S1010000800 and 2S1010001100) include steep slopes making the property questionable for large industrial uses. For those reasons, we recommend removing this designation from the entire area.

The final point discussed addressed Title 4 and the employment area designation. As designated, the employment area centers on SW 72<sup>nd</sup> Avenue. The area is highly parcelized and developed. A majority of activities are relatively new and will not redevelop for several years at best. Current zoning for the area has been in effect prior to January 1, 2003. Otherwise, there would be numerous non-conforming uses. Also, Tigard is listed on Table 3.07-4 and is therefore exempted from Title 4 protection.

Thank you for meeting with us. Should you have any questions, please feel free to contact me.

Sincerely,

  
**JAMES N.P. HENDRYX**  
Director of Community Development

## **Areas 12 and 16- Clackamas County Industrial**

### **Area 12 – 212/224 distribution area**

The sub-section of area 12 being considered by Clackamas County staff for RSIA designation is located along Highway 212/224, north of the Clackamas River, between I-205 and 135<sup>th</sup> Avenue. The area consists of light industrial and general industrial zoning.

#### **Factor Analysis**

##### **Distribution**

- The Southern Pacific Railroad serves land south of Highway 212/224. The area is within 20 minutes of Portland International Airport.

##### **Services**

- The area is provided with full urban services. The analysis does not indicate whether specialty services are available.

##### **Access**

- This area is approximately a quarter mile from I-205 and directly south of Highway 212/224.

##### **Proximity**

- The area is in close proximity to light and general Industrial lands.

##### **Use**

- This area is predominantly industrial.

### **Area 16- Harney Road/Johnson Creek Area**

Area 16 is bordered by Harney/Clatsop on the north, Johnson Creek/Brookside/Firwood/Overland on the south, 78<sup>th</sup> on the east and 40<sup>th</sup> on the west. On the north, south and west sides of area 16 the majority of land is zoned residential, on the east the zoning is multifamily and mixed use.

#### **Factor Analysis**

##### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.

##### **Services**

- This area does not have availability and access to specialized utilities.

##### **Access**

- This area is within 3 miles of I-205.

##### **Proximity**

- This area is not located within close proximity to existing like uses; it is surrounded by residential uses.

##### **Use**

- This area has predominantly industrial uses.

### **Summary: Area 12 & 16**

Clackamas County prepared an assessment of Areas 12 and 16. The County found that area 12, south of Highway 212/224 functioned as a distribution area, provided full urban services and most of the uses are associated with warehousing and distribution activities. It is recommended by staff that the areas south be designated as a RSIA. The area north of Highway 212/224 was a mix of commercial, residential and industrial uses. The area north would also be impacted by construction of the Sunrise Facility. It is not recommended for designation as a RSIA.



# Study Areas 8 and 16

Map of the area around the study areas. The map shows the location of the study areas in relation to the surrounding area. The map is a black and white aerial photograph with white outlines for the study areas. The map is labeled with street names and numbers. The map is oriented with North at the top.

Scale: 1 inch = 1 mile

0 0.125 0.25 0.5

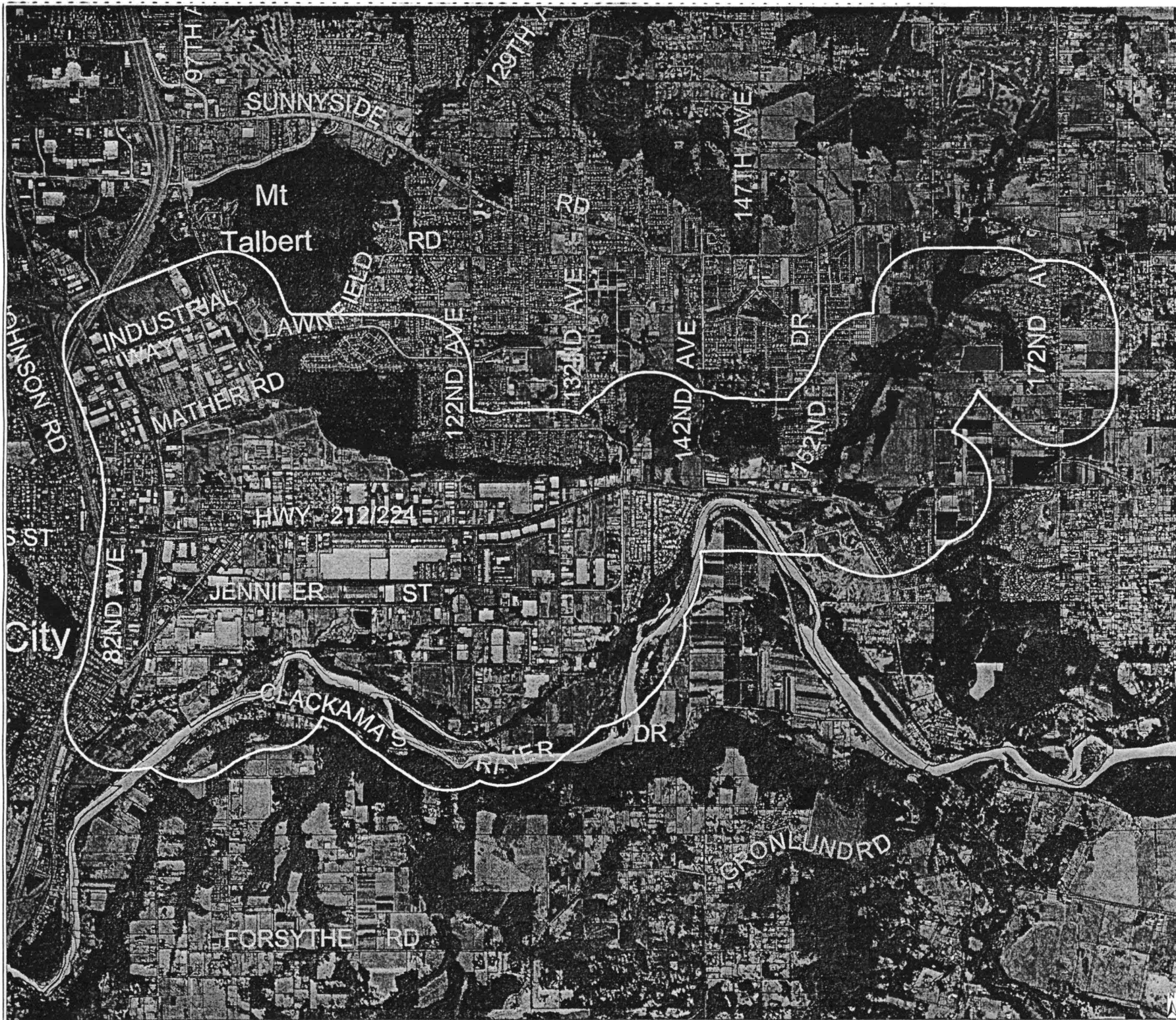


Location Map

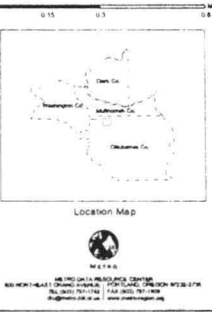


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# Study Area 12




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October 9, 2003

TO: Mary Weber, Manager Community Development

FROM: Lorraine Gonzales, Planner; Doug McClain, Planning Director 

RE: Title 4 Regionally Significant Industrial Areas

This memorandum is Clackamas County staff's response to Metro's request to identify Regionally Significant Industrial Areas (RSIA) within Clackamas County. Metro identified three candidate areas within the "old" UGB. We understand that the RSIA's in Damascus, recently added to the UGB, will be refined as part of the concept planning process. We believe the area south of Highway 212, generally known as the Clackamas Industrial Area, should be designated as a RSIA. Included with this memorandum is a map depicting our recommendation, and several aerial photographs that reveal the development pattern for the areas. The rationale for our recommendation follows.

#### Area Descriptions

*Area 12* **Area 1 (Hwy 212/224):**

This area is located along Hwy 212/224 north of the Clackamas River, between Hwy I-205 and 135<sup>th</sup> Avenue. Area 1 has 865.67 acres of Light Industrial (I-2) and 492.39 acres of General Industrial (I-3) land.

*Area 16* **Area 2 (Johnson Creek Industrial Area):**

This area is located along Johnson Creek Blvd. between the 55<sup>th</sup> Avenue and SE Luther Ave. This area has 129.71 acres of Light Industrial (I-2) land and 129.69 acres of General Industrial (I-3) land.

**Area 3 (Lake Road Industrial Area):**

This area is located north between Hwy. 224 and Lake Road and the railroad tracks, between I-205 and Harmony Road. This area has 22.00 acres of Light Industrial (I-2) land and 104.31 acres of General Industrial (I-3) land.

#### Evaluation

Our evaluation is based on Policies 1.4.1 and 1.4.2 of Title 4, and the "recommended

factors” provided by Metro staff in a June 30, 2003, memo to MTAC. Our evaluation follows the outline of recommended factors set forth in the Metro staff memo.

Distribution:

**Area 1:** Land south of Hwy 212/224 is served by the Southern Pacific Railroad. The area is within 20 minutes of Portland International Airport.

**Area 2:** The Southern Pacific Railroad intersects this area. This area also is within 20 minutes of Portland International Airport.

**Area 3:** This area is served by rail, located on the northern boundary of the industrially-zoned properties. It is within 20 minutes of the Portland International Airport.

Services:

All areas are provided with full urban services.

Access:

**Areas 1:** This area is approximately a quarter mile from I-205 and directly south of Hwy 212/224.

**Area 2:** Hwy 224 is directly south and abutting the area and I-205 is approximately ½ mile east of this area.

**Area 3:** I-205 is approximately one mile east. The area is located adjacent to SE Johnson Creek Blvd., a minor arterial.

Proximity and Use

**Areas 1:** Land uses north of this area include additional I-2 and I-3 industrial lands. However, the north side of Hwy 212 has a mixture of residential and industrial zoning. The industrially-zoned area north of the Highway includes several small parcels, with a mix of industrial and non-conforming commercial uses. This area north of the Hwy 21/224 also will be impacted by construction of the Sunrise Facility. Further north, separated by a residential area and large mobile home park, is Camp Withycombe. North of Camp Withycombe is an area zoned I-2, that is developed with smaller manufacturing businesses.

The recommended RSIA area is bounded on the south by a bluff overlooking the Clackamas River; this bluff serves as a natural boundary. Zoning south of this bluff is Exclusive Farm Use (EFU), Open Space (OSM) and Residential (R-20). The rail line provides a boundary west. The area between I-205 and the industrial area is developed with general commercial uses, consistent with the zoning. The area to the east at 135<sup>th</sup> Ave. is zoned Community Commercial, a designation providing for commercial uses supportive of the industrial area. Two mobile home parks also are located east of the

recommended RSIA.

Land uses in the area recommended for designation as RSIA are predominately industrial. Many are associated with warehouse and distribution activities, although there are other general manufacturing activities also located in this area. There are very few residential uses in the area. As the aerial photos show, most of the area is developed. There are two surface mining sites in this area which may eventually be redeveloped.

**Area 2:** Lands north of the site are designated as Open Space Management (OSM) and are in public ownership. Most of the area adjacent on the north is in the floodplain of Mt. Scott Creek. The City of Milwaukie is located to the east, across SE Harmony Rd. The area within the City has a mix of commercial, office and industrial uses. The City is not intending to recommend the RSIA designation for this adjacent area. Land uses east of the site include a mix of commercial and industrial uses, reflecting the zoning pattern for the area. Hwy 224 is the southern boundary of this area; the area south of Hwy 224 is generally residential. The property within this area is completely developed with industrial uses.

**Area 3:** All lands surrounding the boundaries of Area 3 are developed with residential land uses. The industrially-zoned area is almost completely developed with a variety of small manufacturing uses.

Reasons not to designate an industrial area as a RSIA.

The Metro memorandum dated June 30, 2003 gave the following four examples as reasons not to designate industrial land as a RSIA:

- The industrial site/area is surrounded on several sides by residential uses. In this case it is unlikely that the area will be expanded or maintained over time because of the conflicts with residential uses.
- Existing non-conforming uses located within the area make it unlikely that the conflict between uses will diminish and that over time the area might be better zoned for employment uses or mixed uses.
- Flexibility of employment uses on the site is important for redevelopment to occur.
- Is located in a high demand area for residential use and would be well served by transit if a transition was to occur.

The industrial lands north of Hwy 212/224 in Area 1 is not suitable for designation as a RSIA. These industrially-zoned properties are located within proximity to residential uses (the areas zoned R-7), and have an assortment of existing non-conforming uses on small parcels. These lands are not considered to be well-suited for large-scale industrial developments.

Area 2 should not be designated a RSIA. A majority of the lands within Area 2 are fully developed and do not allow flexibility for future regionally-scaled industrial development. This area also is small and isolated. If the area within the City of Milwaukie, on the west, was suitable for designation as a RSIA, it might make sense to include Area 2. Discussions with the City establish that this area is not suitable for such a designation.

Area 3 does not meet the standards for designation as a RSIA based on adjacent east, west, north and south residential developments. This area is small in size, characterized by small businesses located on small parcels, and is isolated by these surrounding residential uses.

Conclusion:

We recommend designating the industrially-zoned area south of Highway 212/224 as a RSIA. The appropriate area is shown on the attached map.

## **Area 13 – Forest Grove Industrial Areas**

### **General Description**

Area 13 is in the City of Forest Grove. The industrial land is roughly bordered by NW Verboort on the north, Tualatin Valley Highway on the south, NW Cornelius-Schefflin Road on the east, and NW Sunset Drive on the west. The majority of the industrial land is on the north side of Pacific Avenue that cuts through the center of Forest Grove. This area is adjacent to agricultural land to the north and residential uses to the south including mobile home parks. The smaller portion of industrial land to the south is also adjacent to agricultural land. The area consists primarily of light and heavy industrial zoning.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals or rail yards. The railroad runs through the area, but is not a major link. The Hillsboro airport is approximately 6 miles away.

#### **Services**

- Basic services are available.

#### **Access**

- This area is not within 3 miles of I-5, I-205 or I-84.

#### **Proximity**

- This area is in close proximity to high-tech uses in Forest Grove's employment areas.

#### **Use**

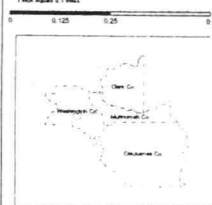
- The area is predominantly industrial with the exception of the undeveloped area south of Highway 47, which has some residential and non-conforming uses.

### **Summary**

Forest Grove does not recommend this area for RSIA designation because it does not serve as support industrial for major regional transportation facilities; it lacks specialized utilities and has poor access to major transportation infrastructure. Area 13 functions as a local industrial area, but would not be appropriate for RSIA designation. Metro staff does not recommend this area for designation as a RSIA.



rehabilitated), which might have been done by using the existing deep foundations in a form which could be used on the site. Further work is required. The impact of the remediation is currently being monitored at the site for some time.



### Location Map



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## **Area 15 - East County Industrial Areas**

### **General Description**

Area 15 is comprised of four "islands" of land that are physically separate and located in four jurisdictions: Fairview, Gresham, Troutdale and Wood Village. The islands share few characteristics in common so are described individually.

Island A is bordered by Burnside on the north, Division on the south, Wallula on the east and 182<sup>nd</sup> on the west. It is located in the city of Gresham. The zoning in the area consists of multifamily and heavy and mixed-use industrial on the north, single family residential with mixed-use, and industrial on the south and mostly single and multifamily residential on the west.

Island B is bordered by Halsey on the north, Stark on the south, 242<sup>nd</sup>/Hogan on the east, and 210/202 on the west. It is located in the cities of Fairview and Gresham. The zoning in this area consists of park and open space and mixed use on the north, mixed use industrial on the east, single family residential and commercial on the south, and mixed use industrial on the west.

Island C is bordered by Stark on the north, Cochran on the south, Troutdale on the east, and Kane on the west. It is located in Troutdale. The zoning consists of multifamily residential and commercial on the north, rural residential with agricultural uses on the south, single family residential and a small amount of commercial on the east, and Mount Hood Community College on the west. Island C is undeveloped land.

Island D is bordered by Roberts/Palmquist on the north, Telford on the south, Palmblad on the east and Hogan/Cedar on the west. It is located in Gresham. The zoning in the area consists of multifamily on the north, single family and rural residential on the south, single family on the east, and industrial and single family on the west.

### **Factor Analysis**

#### **Distribution**

- This area (A-D) does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports or rail yards.

#### **Services**

- Micro Chip Technology Inc. and/or LSI Logic Corp, may have specialized utilities on island B. No specialized utilities on island C. It is doubtful that islands A and D have specialized utilities.

#### **Access**

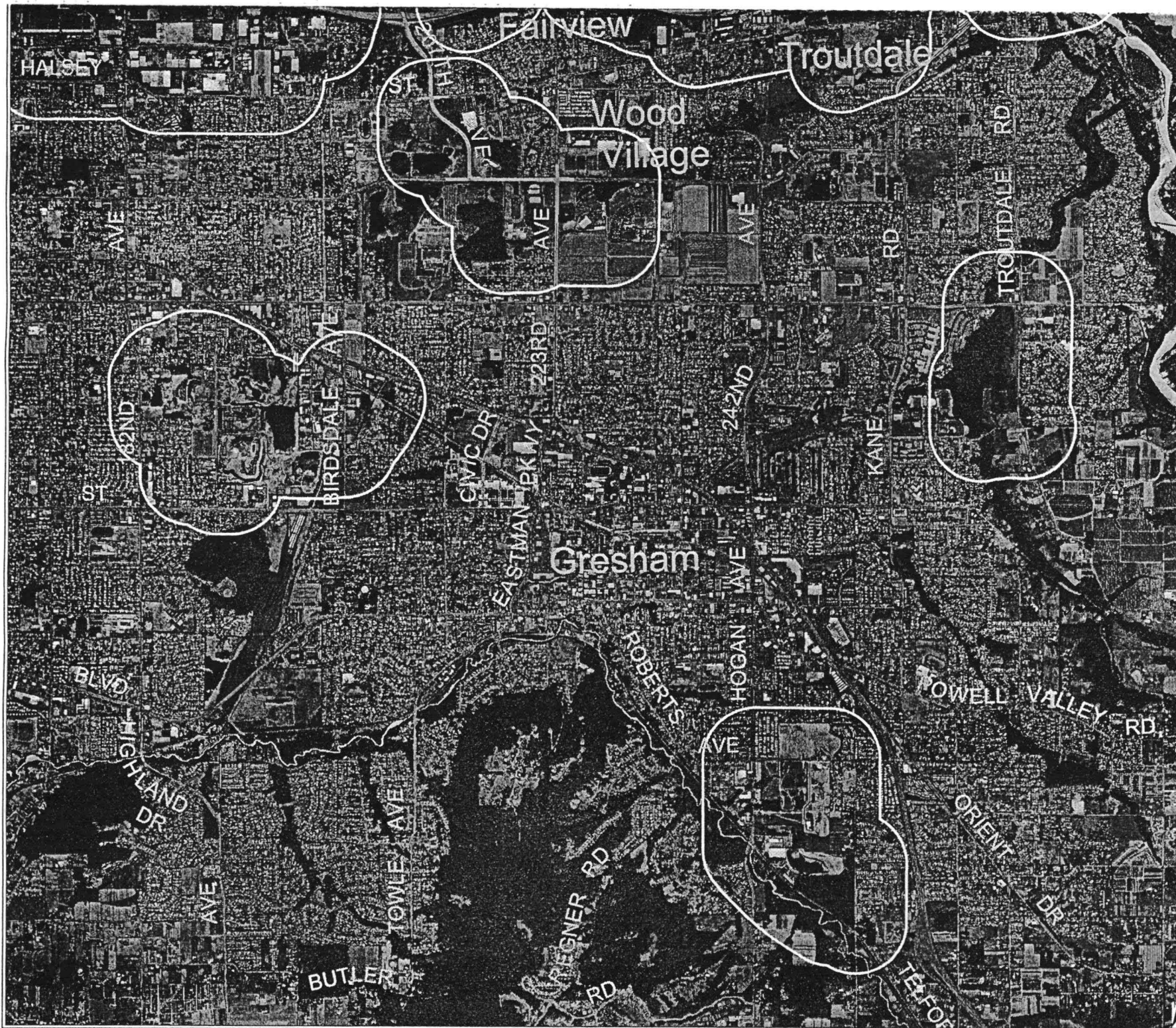
- This area is within 3 miles of I-84.

#### **Proximity**

- Islands A, C and D are not within close proximity to existing like uses; they are surrounded by residential and institutional uses. Island B contains Micro Chip Technology Inc. and LSI Logic Corp which hold large parcels of land. This factor would apply to island B.

#### **Use**

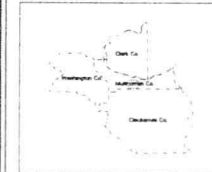
- Islands A, B and D have primarily industrial uses. Island C is undeveloped land with an extensive tree canopy. This factor would not apply to island C.



# Study Area 15

This map was prepared by the Gresham City Planning Department for the purpose of illustrating the location of the study area. It is not intended to be used for any other purpose. The map is not a legal document and should not be used for any legal purpose. The map is not a guarantee of accuracy and should not be used for any guarantee of accuracy.

0 0.15 0.3 0.45 Miles



Location Map  
 Gresham City Planning Department  
 100 North Main Street, Gresham, OR 97030  
 Phone: (503) 665-1100  
 Fax: (503) 665-1101  
 Email: gresham@ci.gresham.or.us  
 Website: www.greshamcity.gov

## **Area 17- Highway 217**

### **General Description**

This area is bordered by Beaverton-Hillsdale Highway on the north, Scholls Ferry on the east, Lombard on the west and Hall Boulevard on the south. The zoning in the area is characterized by single family residential on the east and west with multifamily along Allen Boulevard. There are commercial and mixed-use zones on the north, and industrial and single family residential on the south.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports or rail yards.

#### **Services**

- Basic services are available.

#### **Access**

- This area is not within 3 miles of I-5, I-205 or I-84.

#### **Proximity**

- This area is near an industrial area on the south, but is surrounded by residential, mixed use, and commercial uses.

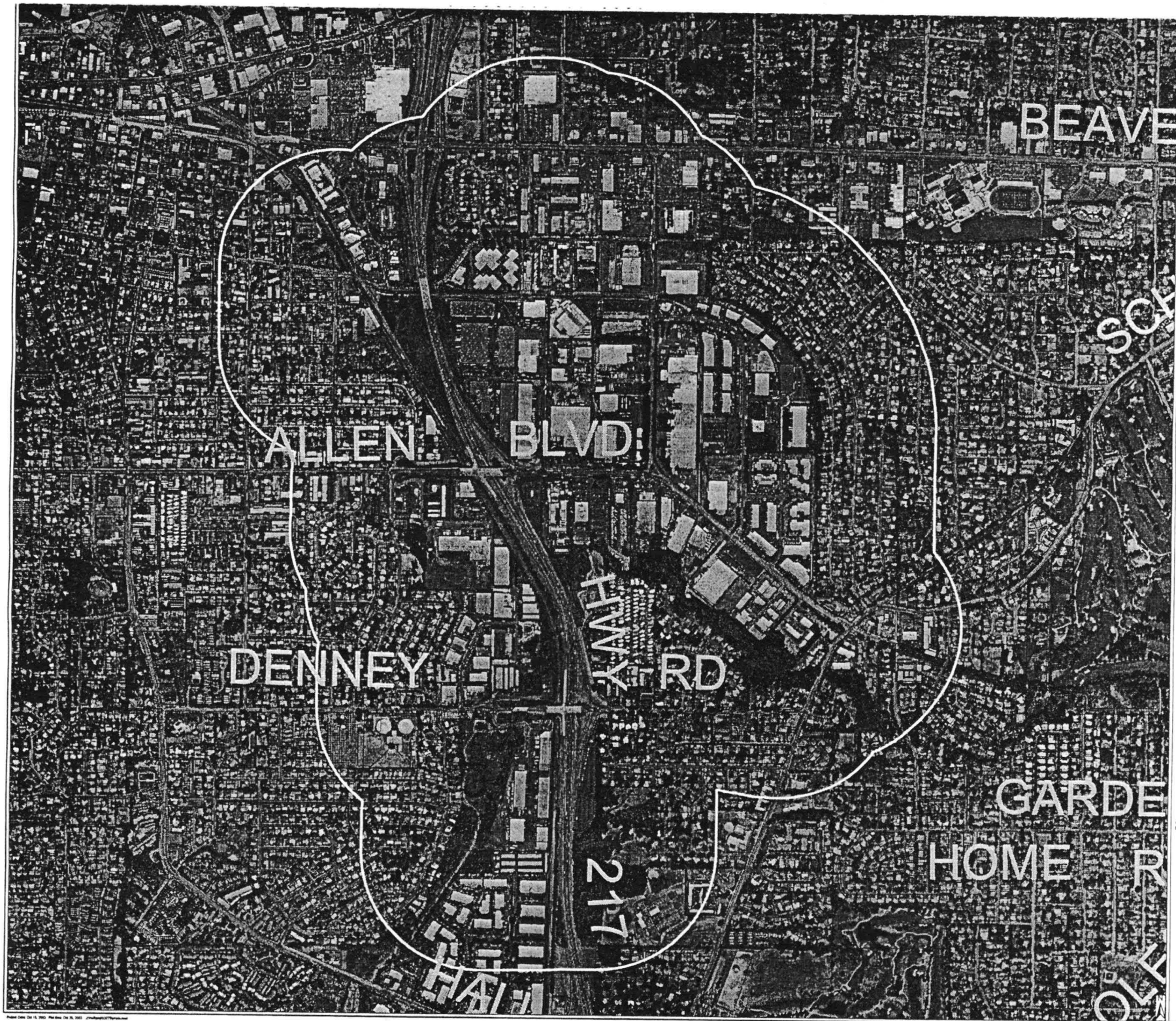
#### **Use**

- This industrial area is converting to other uses that are not purely industrial. Many parcels are vacant or underutilized. Although it is changing, currently it is a viable industrial area.

### **Summary**

Area 17 is surrounded on several sides by residential uses. In this case it is unlikely that the industrial nature of this area will expand or be maintained over time because of conflicts with residential uses. It is not a good warehouse location due to poor truck access to major transportation facilities and lacks room for turning movement. It is not a purely industrial area and is going through a conversion to other uses, some of which are only temporary in nature. For example, there are vacant and underutilized lots, many of which are used to store cars by local automobile agencies. Area 17 works as a local industrial area and is not appropriate for designation as a RSIA.

# Study Area 17



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Scale: 1 inch = 1 mile



Location Map



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WWW.METRODATA.COM

## **Area 18 – Central Eastside Industrial District**

### **General Description**

Area 18 is bordered by I-84 on the north, Powell on the south, 12<sup>th</sup> on the east and the Willamette River on the west. On the north side of Area 18 the land is zoned mixed use, on the south it is zoned commercial and residential, on the east the zoning is residential and on the west are the Willamette River and Portland's Central Business District.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.

#### **Services**

- This area does not have availability and access to specialized utilities.

#### **Access**

- This area is within 3 miles of I-5 and I-84.

#### **Proximity**

- This area is not located within close proximity to existing like uses; it is surrounded by residential uses.

#### **Use**

- This area has a mixture of uses both commercial and industrial, but it is predominantly industrial in nature.

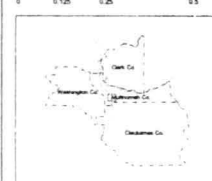
### **Summary**

Area 18 is also known as the Central Eastside Industrial District. It is an old industrial area with short blocks that constrain truck-turning movement. Although it is located near freeway facilities access is limited by a one-way couplet. The Willamette River on the west and residential uses on the east border for the length of the area. It is unlikely that the area will expand or be maintained for industrial uses over time because of the conflicts with residential and commercial uses. The area is located in a high demand area for residential development. The City is currently exploring opportunities to adjust the industrial zoning code to facilitate growth of industrial service firms, (e.g. engineering) and industrial like service firms (e.g. creative services and software development) that would conflict with the professional office limitation in Title 4. Metro staff concurs with the City of Portland's recommendation that this area is not appropriate for designation as a RSIA.



rephrased), which stages involved both aspects of identity map construction, i.e. first, getting the locative and then the time. When this is done, the stage is not related to *location*.

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### Location Map



**METRO**  
METRO DATA RESOURCES CENTER  
800 NORTH BLAST (FRANK) AVENUE PORTLAND, OREGON 97202-2773  
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info@metro.dmr.or.us www.metro-megs.org

June 30, 2003

**To:** MTAC

**From:** Mary Weber, Manager  
Community Development

**Regarding:** Recommended Factors for identifying RSIA's

### Introduction

As part of Ordinance 02-969B, Title 4 was amended to include Regionally Significant Industrial Areas (RSIA),

As reported in the *Urban Growth Report: An Employment Land Need Analysis 2002-2022*, the supply of industrial land is often eroded by commercial absorption. Historical experience suggests 15% to 20% of industrial land is consumed by commercial enterprises operating in industrial zones<sup>1</sup>. Under past practices and policies, Metro estimates about 2,800 net acres of industrial land would be converted commercial uses/development over the 20 year planning period. We estimate that about half (or 1,400 net acres) of the industrial land will be protected by the new regulations. As reported in the *Urban Growth Report: An Employment Land Need Analysis 2002-2022*, the industrial land shortfall is 5,684.9 net acres but with the additional RSIA protection limiting conversion by 1,400 net acres, the net shortfall of industrial land is 4,284.9 net acres<sup>2</sup>.

In concept RSIA's are industrial areas with unique industrial attributes that cannot be duplicated elsewhere in the region especially by the mere expansion of the UGB. Such places might include areas adjacent to the Port of Portland terminal facilities, near rail yards, or adjacent to high tech locations need specialty gasses, electrical infrastructure and so on. A concept map depicting those industrial areas in the pre-expansion urban growth boundary was included in the ordinance. By December 31, 2003, Metro is required to adopt a map of RSIA land with specific boundaries derived from the generalized map adopted in Ordinance No. 02-969B.

As part of the discussion about these new regional regulations was the promise to re-look at the new restrictions and possibly refine the code language before the Metro is required to adopt the RSIA map in December. As Metro and the jurisdictions work to identify the specific boundaries, MTAC may also choose to re-examine the regulatory language. A copy of the adopted code language is attached.

Finally, questions have arisen as to what if any benefits will the local jurisdiction receive if an industrial area is designated as an RSIA. In the MTIP, transportation projects can be award a higher percentage of the total project cost (89.73 versus 70 percent) if the project "highly benefits" industrial areas. However the resolution establishing this advantage does not differentiate between RSIA land and other industrial areas.

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<sup>1</sup> UGR page 31

<sup>2</sup> UGR Addendum page 46

### **Drafting the Concept Map of RSIA's**

The RSIA concept map was developed by superimposing the Title 4 map, the RTP intermodal map, and the Industrial Employment Losses and Gains maps produced from the MetroScope base case model run covering the time period from 2000-2025. The results of this analysis are reflected in the concept map that shows the areas where these regulations might apply. In general the gains (circled on the map in red) are expected in the large industrial areas comprised of the Columbia Corridor, the Portland Harbor, the Clackamas Industrial District, the Tualatin/Wilsonville Industrial District and the Hillsboro Industrial District. While conversely, industrial losses (circled on the map in yellow) are likely to occur in the Central City, Eastside Industrial area, Highway 217 corridor, Highway 224 corridor and Vancouver CBD<sup>3</sup>.

### **Ordinance Intent**

Code section 3.7.420 A states that:

Regionally Significant Industrial Areas are those areas that offer the best opportunities for family-wage industrial jobs. Each city and county with land use planning authority over areas shown on the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969 shall drive specific plan designation and zoning district boundaries of the areas from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in subsection C, D and E of the section and the need of individual cities and counties to achieve a mix of types of employment uses.

### **Recommended Factors**

RSIA's are industrial areas with unique industrial attributes that cannot be duplicated elsewhere in the region especially by the expansion of the UGB. Industrial areas to consider for designation as Regionally Significant Industrial Areas conform to some or all of the following factors:

#### **Distribution**

- Areas serve as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.

#### **Services**

- Availability and access to specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire and emergency response services

#### **Access**

- Within three miles of I-5, I-205, I-84 (within the UGB), State Route 224 (within the UGB), the Columbia Corridor

#### **Proximity**

- Located within close proximity of existing like uses

#### **Use**

- Predominately industrial uses

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<sup>3</sup> Information is based on MetroScope modeling results

### **Reasons not to designate an industrial area as a RSIA**

Not all industrial areas need additional restrictions that come with the RSIA designation. Here are a few examples of reasons why an industrial area should not be designated as a RSIA.

- The industrial site/area is surrounded on several sides by residential uses. In this case it is unlikely that the area will expanded or be maintained over time because of the conflicts with residential uses.
- Existing non-conforming uses make it unlikely that the conflict between uses will diminish and that over time the area might be better zoned for employment uses.
- Flexibility of employment uses on the site is important for redevelopment to occur.

**DATE:** July 29, 2003

**TO:** Mary Weber, Manger Community Development

**FROM:** Marci La Berge, Associate Regional Planner

**RE:** *SUMMARY OF MEETINGS HELD DURING JULY 2003 WITH JURISDICTIONS REGARDING DISCUSSION OF TITLE 4, RSIA EVALUATION FACTORS, AND THE RSIA CONCEPT MAP.*

### **Introduction**

The following information summarizes the meetings held with jurisdictions and agencies with potential RSIA lands, as shown on the concept map adopted in Ordinance 02-969B, as part of the December 2002 periodic review decision. Discussion at the meetings focused on three items: Title 4, RSIA evaluation factors, and the concept map.

There was little concern voiced about the evaluation factors, and most jurisdictions indicated they could work with them. The few specific comments made were regarding

- high degree of service of some items listed under Services,
- words that would better express factors or highways to be added to Access, and
- questioned number of the factors to be met.

The Title 4 RSIA discussion ranged from comments that the language allows jurisdictions flexibility, to the language is too restrictive and will inhibit development. Themes that were heard from more than one jurisdiction included:

- Concern about implementation of 5% commercial cap in RSIA's.
- Concern that Metro is doing regional zoning.
- Title 4 is too restrictive economic development requires flexibility.
- The issue is land use planning versus market readiness.
- Jurisdictions currently have effective zoning that protects the industrial areas.
- What is the benefit of the RSIA designation, what is the incentive?
- Need incentives for businesses to locate in centers rather than desirable less expensive industrial areas.

During the discussion of refining the concept map, the following issues were expressed:

- The need to talk to industrial property owners to see if they would want a RSIA designation on their lands.
- The RSIA designation would prevent the jurisdiction from achieving future development goals that depart from an industrial use.
- Need incentives for jurisdictions to want to designate land as a RSIA.

Jurisdictions were not certain if they could meet with their councils, commissions, and industrial property owners by the December 2003 adoption schedule. Many were skeptical whether they could identify enough land with the right attributes for a RSIA. This was due to existing small

industrial parcels, mixed uses, environmental considerations, and incompatible uses. Where there are currently vacant or underutilized industrial properties jurisdiction staff indicated that the RSIA design type would restrict their development options.

## Meeting Summaries

### Beaverton

Study Map Area: # 17

Planning Staff: Hal Bergsma, Steve Sparks

#### Title 4 issues

- No problems with Title 4 language.
- Within the area of I-5, 217, near Western and Allen there are existing warehousing uses interspersed with other uses.
- The east side of Western is parcelized. It is a viable industrial area with conversion occurring. Due to poor truck access and constrained turning movements it is not a suitable warehouse location. Don't want to loose the industrial uses, but it is not appropriate for a RSIA designation. Considerable amount of industrial property is vacant or underutilized; for example, land is being used for vehicle storage by the many automobile businesses in Beaverton.
- To address the concerns about the workability of the 5% commercial cap in a RSIA (Title 4 section 3.07.420D.2), suggested Metro looks at Beaverton's Development Control Areas language (section 20.15.60). Adjacent jurisdictions could pre-agree to a quota; an intergovernmental agreement written into the code that describes how the 5% will be apportioned.

60

**Clackamas County**

Study Map Area: #12, 16

Planning Staff: Greg Jenks, Doug McClain

**Title 4 issues**

- Title 4 is too restrictive.
- The issue is land use planning versus market readiness.
- Large institutional uses such as hospitals with a research component should be an allowed use in a RSIA.
- Assembling of lots will probably not occur within the area of the potential RSIA.
- North side of highway 212 there are retail uses.
- South side of highway 212 are industrial uses, potential for RSIA designation.
- Federally owned Camp Withycome area would not be a RSIA.

**Evaluation Factors**

- Under Services, abundant water is a high threshold to meet. Otherwise OK.

**Cornelius**

Study Map Area: #13

Planning Staff: Richard Meyer

**Title 4 issues**

- Has no problems with Title 4 language
- Would very much like industrial land designated as RSIA
- Cornelius has warehousing and manufacturing activities that support other industries in the western sector of the region. Stewart Stiles refrigerated warehouses for high tech needs and canning operations that support agriculture of region. Supportive industries that are important to key clusters.
- Sees RSIA designation as a very positive thing for Cornelius.

**Evaluation Factors**

- Sees factors as too restrictive, would be difficult to meet them depending on how many had to be met.
- Area is six miles from US26, and US26 is not listed with other highways under the access factor.

## **Fairview, Troutdale, Wood Village**

Study Map Area: # 6, 7

Planning Staff: John Andersen, Rich Faith, Sheila Ritz

### **Title 4 issues**

- Language is not flexible, and may prevent jurisdictions from implementing plans for future development of industrial areas located in potential RSIA land.
- Concerned about the workability of the 5% cap on commercial uses in a RSIA. How would commercial uses be divided between two or three adjacent jurisdictions, and how would it be monitored over time?
- Much of their land has Goal 5 considerations due to its proximity to the Columbia River. Would like to see those areas develop with recreational uses instead of manufacturing.
- Large parcel west of the former aluminum plant may be possible RSIA candidate.

**Forest Grove**

Study Map Area: #13

Planning Staff: Jon Holan

**Title 4 issues**

- No issue with commercial limits
- Lot limitation not an issue
- What is the incentive for industrial lands to be defined as a RSIA?
- Have some nonconforming residential uses in the industrial areas.

**Factors**

- Thinks that triple redundancy power is unnecessary, double redundancy works fine for Forest Groves high tech firms.

## **Gresham**

Study Map Area: # 6, 7, 15

Planning Staff: John Pettis, Ron Bunch, Terry Vanderkooy.

### **Title 4 issues**

Gresham produced a memo stating its concerns about the Title 4 standards for Regionally Significant Industrial Areas. Wanted to postpone discussion of evaluation criteria or drawing lines on the refined concept map until Title 4 concerns were addressed.

- Concerned that the lack of flexibility may prevent jurisdictions from accommodating changes in trends and the next wave of industrial development.
- How to implement (section 3.07.420D) 20,000 square foot cap and the 5% cap on commercial retail use.
- Why is Research and Development treated differently from manufacturing uses?
- The transit requirement puts suburban communities such as Gresham at a disadvantage for attracting R&D.
- Title 4 needs to broaden its scope of the kinds of offices allowed in the RSIA's beyond R&D and corporate office headquarters.
- Suggested creation of a model code for Title 4 with performance standards.

### **Evaluation Factors**

- Would not comment at this time.

**Hillsboro**

Study Map Area: # 1

Planning Staff: Karla Antonini, Wink Brooks

**Title 4 issues**

- Can't put everything in Centers. Need incentives for businesses to locate there.
- Offer incentives to encourage uses to locate in Centers, without prohibiting them from locating in other areas.
- Uses such as call centers should be allowed in industrial areas, where rents are affordable.
- Commercial restrictions in Title 4 are not a problem for Hillsboro.
- Have problem with sections E, F and G of Title 4, as being too restrictive and would prevent Hillsboro from agreeing to a RSIA designation. Hillsboro has a myriad of plans for large development projects on the table. They have experience and success parcelizing large lots and also assembling small lots into large ones.

**Milwaukie**

Study Map Area: #16

Planning Staff: John Guessner

**Title 4 issues**

- Has no problem with Title 4 language.
- Would like to explore designating industrial land in two locations (perhaps as RSIA) on the Title 4 map. One north of the Milwaukie town center and another area (approximately 300 acres) on the north side of Highway 224.

**Evaluation Factors**

- Add fiber optics to Services factor.

**Oregon City**

Planning Staff: Dan Drentlaw, Commissioner Doug Neeley

**Title 4 issues**

- Would like to designate approximately 250 acres of new land that was annexed into the 2002 UGB expansion.
- They believe RSIA designation can be a marketing tool.
- Being adjacent to a college, industry could use the school as a training base.
- Highway 213 is in close proximity of the area.

**Evaluation Factors**

- Requested that Highway 213 be added to the Access factor.

**Portland**

Study Map Area: # 2, 3, 4, 5, 6, 8, 14, 18

Planning Staff: Bob Clay, Al Burns, Troy Doss, Elissa Gertler

**Title 4 issues**

- Supportive of Title 4 language.
- It is broad enough to allow flexibility to jurisdictions.
- Suggested leaving it flexible with no further use and lot size restrictions.
- The regional discussion comes down to market versus land use goals.

**Evaluation factors**

- Agreed that factors look good for now.

**Concept Map**

Not ready to provide suggestions on locations of RSIA's. Will need to bring suggestions through the chain of command. Will provide information by July 28.

**Columbia Corridor Environmental and land use committee**

Mary Gibson contact.

**Title 4 issues**

- There needs to be citizen participation.
- There should be a tax lot based mailing so that property owners can fully participate in a public process
- Need to know what it means to be in a RSIA and out of a RSIA
- There should be more flexibility after Metro adopts its map and when jurisdictions go through their public process and adopt a map. Metro needs to honor the changes that come about after the public hearings.

**Port of Portland**

Study Map Area: # 1, 2, 3, 4, 5, 7

Planning Staff: Brian Campbell, Mary Gibson, Peggy Krause, Tom Bouillion

**Title 4 issues**

- Strongly support the principles and concepts contained in Title 4. Need to look at finer points to get it right. Need to define terms.
- Perhaps there should be the designation of regionally significant transportation facilities for airports.
- PDX has retail
- How many 50 acres industrial lots are there in the region.

**Evaluation factors**

- Highway 26 should be added to the list of Access factors.
- Under Access factor add Boulevard so that it reads Columbia Boulevard Corridor.

## **Sherwood**

Study Map Area: # 10

Planning Staff: Dave Wechner

### **Title 4 issues**

- RSIA could work in Sherwood if connector is built between 99W and I-5. Tualatin Sherwood Road is a disincentive for business to locate in Sherwood.
- Railroad line is underutilized and trains are not very frequent. Needs a railroad siding.
- Sherwood has a large 90-acre plus parcel of land, but no one is coming in. There need to be incentives to attract industry.

### **Evaluation Factors**

- Under Access factor, suggests that travel time presents a more realistic measure than using distance (within three miles of a particular highway).

## **Tigard**

Study Map Area: # 11

Planning Staff: Jim Hendryx, Barbara Shields, Dick Bewersdorff

### **Title 4 issues**

- Industrial area is already parcelized.
- Railroad goes through the area but is not a major link.
- General industrial uses, office incubator type spaces.
- Area on concept map is a linear constrained area with office parks and other industrial uses.
- Access close to freeway.
- Small industrial flex, office and services.
- Need definitions in Title 4 such as, what is a RSIA, industrial job, and office. difficult to know what Metro is talking about without clear definitions.
- Clarify language in Table 3.07-4. Tigard has five zones please list all zones or just say Tigard.
- RSIA not appropriate for this area.

### **Evaluation Factors**

- Suggest that under Reasons Not to Designate, should add another bullet that says "doesn't have any of the above"
- Terms need to be defined in bullets.

## **Tualatin**

Study Map Area: #10

Planning Staff: Doug Rux, Stacy Hopkins

### **Title 4 issues**

- Conditions too constrained on commercial uses.
- RSIA is an unsophisticated answer to a complex problem that goes beyond land use issues.
- Need more thoughtful discussion regarding large lots and flexibility, not one size fits all.
- We don't know how the market works, its unpredictable.
- The limitation on locating corporate headquarters in RSIA's doesn't mean that they will choose to locate in Centers. Due to high cost and lack of adequate sized facilities to accommodate them, they will locate somewhere easier. Need financial carrots if Metro wants them to locate in Centers.
- There are no 50 plus acre sites in Tualatin.
- There are currently too many regulations on existing industrial land.
- Will the Metro Council place additional use restrictions or conditions, beyond those stated in Title 4, on industrial lands designated as RSIA's?

Tualatin will have an open house to meet with industrial property owners and discuss Title 4 and RSIA's with its city council.

### **Factors**

- Factors are all right unless a certain number of them must be met.
- There should be consideration of level of service on roadways that feed freeways listed under the Access heading. For example, a large warehouse district on Tualatin Sherwood Road would create a traffic nightmare.

**Wilsonville**

Study Map Area: # 9

Planning Staff: Paul Cathcart, Maggie Collins

**Title 4 issues**

- Feel good about Title 4; think standards are good
- Industrial zoning allows up to 30% commercial use.
- If industrial areas don't play out for RSIA, perhaps employment land would qualify.
- There are many green areas throughout the industrial area, may be Title 3 conflicts.
- Industrial area has warehousing district, small industrial, office, and car dealerships.

**Evaluation factors**

- Evaluation factors are general, but ok.

Agenda Item Number 4.2

**Ordinance No. 02-1022**, For the purpose of adopting a Map of Regionally Significant Industrial Areas in compliance with Subsection J of Section 3.07.420 of Title 5 (Industrial and other employments areas) of the Urban Growth Management Functional Plan.

*First Reading*

Metro Council Meeting  
Thursday, October 30, 2003  
Washington County Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	Ordinance No. 03-1022
EMPLOYMENT AND INDUSTRIAL AREAS MAP	)	
TO ADD REGIONALLY SIGNIFICANT	)	
INDUSTRIAL AREAS IN COMPLIANCE WITH	)	
SUBSECTION J OF SECTION 3.07.420 OF TITLE	)	
4 (INDUSTRIAL AND OTHER EMPLOYMENT	)	Introduced by Michael J. Jordan, Chief
AREAS) OF THE URBAN GROWTH	)	Operating Officer with the concurrence of
MANAGEMENT FUNCTIONAL PLAN	)	David Bragdon, Council President

WHEREAS, the Metro Council adopted an Employment and Industrial Areas Map as part of Title 4 (Retail in Employment and Industrial Areas) in Ordinance No. 96-647C on November 21, 1996; and

WHEREAS, the Council amended the Regional Framework Plan ("RFP") by Exhibit D to Ordinance No. 02-969B, adopted on December 5, 2002, to establish a new 2040 Growth Concept design type entitled "Regionally Significant Industrial Area" ("RSIA") and to add Policies 1.4.1 and 1.4.2 to protect such areas by limiting conflicting uses; and

WHEREAS, by Exhibit F to Ordinance No. 02-969B the Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan ("UGMFP") to implement Policies 1.4.1 and 1.4.2 of the RFP; and

WHEREAS, by Exhibit E of Ordinance No. 02-969B the Council adopted a "Generalized Map of Regionally Significant Industrial Areas" depicting certain Industrial Areas that lay within the UGB prior to its expansion as part of Task 2 of periodic review as RSIA's; and

WHEREAS, Title 4 calls upon the Council to delineate specific boundaries for RSIA's derived from the "Generalized Map of Regionally Significant Industrial Areas" after consultation with cities and counties by December 31, 2003; and

WHEREAS, Metro has consulted with cities and counties by asking each of them to make recommendations to Metro for the designation of RSIA's in appropriate Industrial Areas, and by seeking advice from the Metropolitan Policy Advisory Council; and

WHEREAS, the Council held public hearings to receive testimony on proposed designation of RSIA's on \_\_\_\_\_, 2003; now, therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Employment and Industrial Areas Map adopted by the Council by Ordinance No. 96-647C is hereby amended, as shown on Exhibit A, attached and incorporated into this ordinance, to depict the boundaries of RSIA's pursuant to subsection J of Section 3.07.420 of Title 4 (Industrial and Other Employment Areas) of the UGMFP, in order to protect the areas for industrial use following Policies 1.4.1 and 1.4.2 of the RFP and Title 4.
2. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how the designation of these areas as RSIA's complies with the Regional Framework Plan, Title 4 (Industrial and Other Employment Areas) of the UGMFP and state planning laws.
3. The Chief Operating Officer shall submit this ordinance and its exhibits to the Land Conservation and Development Commission no later than June 30, 2004, as part of Metro's completion of Task 2 of periodic review pursuant to LCDC's Partial Approval and Remand Order 03-WKTASK-001524 dated July 7, 2003.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
David Bragdon, Council President

ATTEST:

Approved as to Form:







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

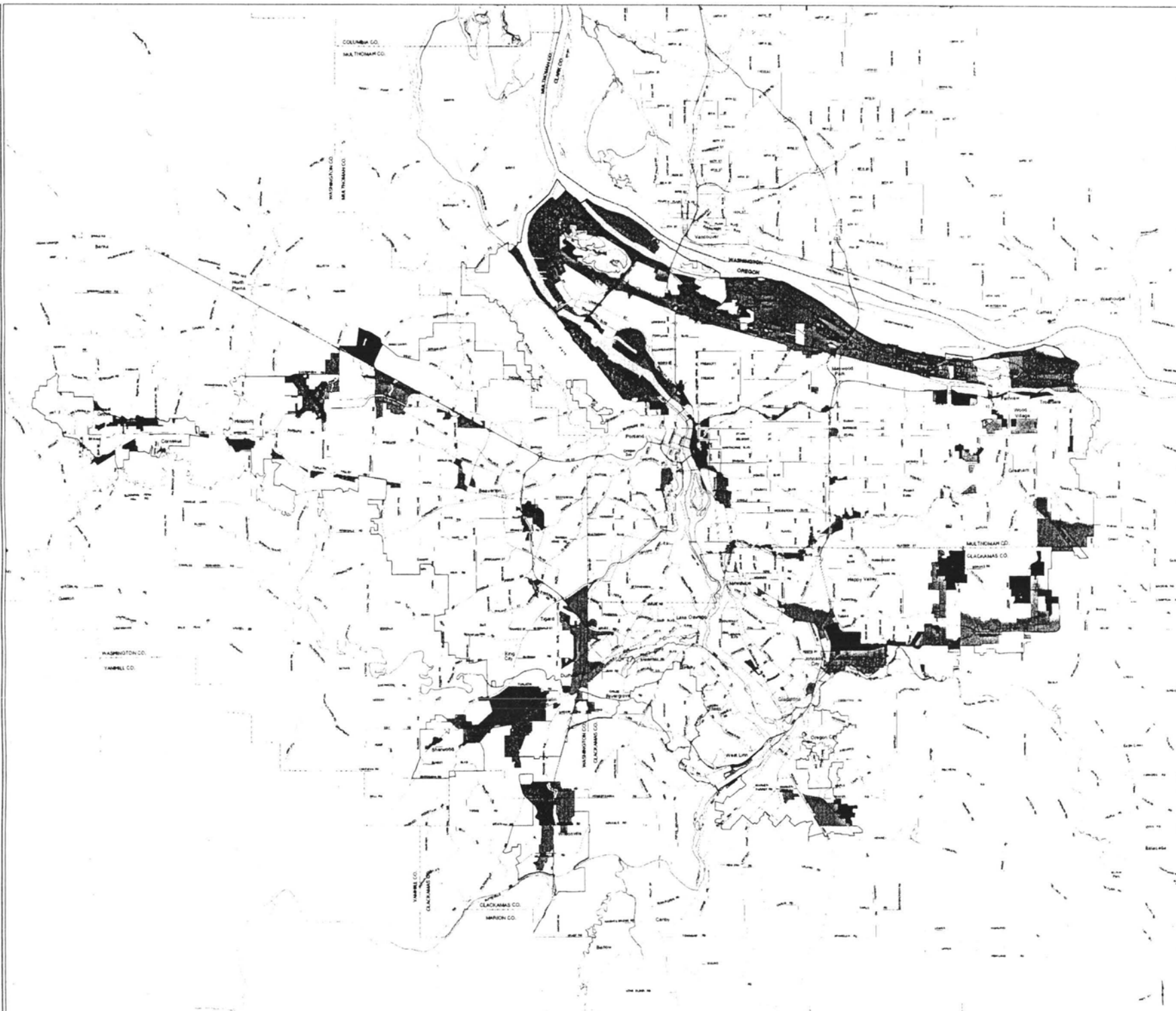
\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

# Regionally Significant Industrial Areas

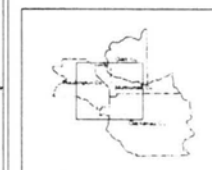
Ordinance #03-1022

DRAFT 10/21/2003

-  Title 4 Employment Land
-  Title 4 Industrial Land
-  Title 4 Regionally Significant Industrial Area 2002 Decision
-  Local Government Proposed RSIA
-  Other Sites Under Consideration by Metro Council
-  Staff Proposed RSIA



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Location Map



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Portland, Oregon 97232-3100  
503.281.1000  
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## STAFF REPORT

*FOR THE PURPOSE OF AMENDING TITLE  
4 OF THE URBAN GROWTH MANAGEMENT  
FUNCTIONAL PLAN TO IMPROVE ITS  
PROTECTION OF INDUSTRIAL  
LAND AND TO MAKE CORRECTIONS*

ORDINANCE NO. 03-1021

*FOR THE PURPOSE OF AMENDING THE  
EMPLOYMENT AND INDUSTRIAL AREAS MAP  
TO ADD REGIONALLY SIGNIFICANT  
INDUSTRIAL AREAS IN COMPLIANCE WITH  
SUBSECTION J OF SECTION 3.07.420 OF TITLE  
4 (INDUSTRIAL AND OTHER EMPLOYMENT AREAS)  
OF THE URBAN GROWTH MANAGEMENT  
FUNCTIONAL PLAN*

ORDINANCE NO. 03-1022

Introduced by Michael Jordon, Chief Operating  
Officer with the concurrence of David Bragdon,  
Council President

**Date: October 22, 2003**

**Prepared by: Mary Weber**

### BACKGROUND

The Metro Council adopted new measures to protect and maintain the supply of industrial land for future industrial uses. Ordinance 02-969B, adopted on December 5, 2002, amended the Title 4 Industrial and Other Employment Areas regulations in order to increase the capacity of industrial areas for industrial uses and to encourage non-industrial uses to locate in Centers and other 2040 design type areas. Also in this ordinance the Metro Council created a new 2040 design type entitled Regionally Significant Industrial Areas (RSIA). The Metro Council adopted a generalized map of RSIA's depicting certain industrial areas that lay within the urban growth boundary (UGB). The new Title 4 language requires that the Metro Council delineate specific boundaries for the RSIA's derived from the generalized map by December 31, 2003. Together these two ordinances, Title 4 regulations, Ordinance 03-1021 and mapping of the RSIA's, Ordinance 03-1022, address the State requirements to show how the region is using its industrial lands efficiently.

The new Title 4 regulations specifically limit the amount and square footage of retail and office uses that might otherwise find industrial locations suitable for business. The 2002-2022 Urban Growth Report: An Employment Land Need Analysis (UGR) estimates that approximately 2,800 acres of the supply/need vacant industrial land is developed for non-industrial uses. The UGR assumes a potential savings of 1,400 acres of industrial land from implementing the new measures.

As reported in the UGR, the total vacant industrial land need is 9,366 net acres. The industrial land need estimate assumes that 2,800 acres of the industrial land is consumed by non-industrial uses.

	Net Vacant Acres
Demand	9,366
Supply	3,681
Deficit (Net need)	5,685
RSIA Policy Savings	1,400
Adjusted Deficit	4,285
2002 Decision	2,317
Deficit	1,968

Staff has been working with local governments to identify Title 4 Industrial lands as RSIs for the pre-2002 UGB area. As part of this process, local governments identified several implementation issues that they asked Metro to address. Several local governments were reluctant to work with Metro on mapping the RSIs until the code issues were addressed. Primarily, the issues had to do with clarification of the code. The issues are:

- clarification of what are accessory uses and whether they are counted as part of the 5% commercial
- retail cap;
- clarification of how to treat airport facilities
- how to calculate the retail sales cap for RSIs that cross multiple jurisdictions
- locating corporate headquarters of industrial uses in a location different than the main manufacturing facility
- reuse of office buildings in industrial zones and three implementation issues, (1) creating non-conforming uses, (2) financing and (3) enforcement, and;
- do large parcels (50 acres) stay large parcels forever, or can they be subdivided over time with conditions

Staff also took this opportunity to do some housekeeping changes to Title 4 code. The recommended code changes are contained in proposed Ordinance 03-1021.

Metro staff, after consultation with cities, counties and other interests, developed a set of factors to consider in the identification of RSIs. These factors reflect the locational and siting characteristics from Metro Council Resolution No. 03-3341A. As directed by Title 4, Metro staff worked with cities and counties in the region to apply the factors to designated Industrial Areas within their jurisdictions. Several local governments, Portland, Gresham, Wilsonville and Clackamas County, submitted recommended Industrial Areas for consideration as RSIs. Striving for region-wide consistency, Metro staff also applied the factors to areas in cities and counties that chose not to submit candidate areas. The factors are:

- Distribution - Area serves as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.
- Services - Availability and access to specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire and emergency response services
- Access - Within 3 miles of I-5, I-205, I-84 (within the UGB), State Route 224 (within the UGB)
- Proximity - Located within close proximity of existing like uses
- Use - Predominantly industrial uses

#### Ordinance 03-1021 – Code Changes

Staff has worked with local governments to resolve most of the implementation issues. The recommended changes to the Title 4 code represents this work. Two issues remain unresolved to the satisfaction of some local governments and that is the issue of subdivision of 50+ acre parcels overtime and reuse of new industrial office buildings. The Metro Council stated that these two issues are policy issues not clarification issues and that at the next periodic review cycle the Metro Council would evaluate Title 4. Included in this staff report as attachment 1 are written comments from local government regarding the code language.

### Ordinance 03-1022 – Mapping RSIA's

Staff conducted a general assessment of the areas on the *Potentially Regionally Significant Industrial Area* map (included as attachment 2) and found that the following areas meet the factors and are also lands that meet the general site and location criteria for industrial uses.

- Areas 1 – Hillsboro industrial area, south of Highway 26
- Areas 2, 3-4, 5 and 6 – Northwest Industrial Area, Rivergate, Swan Island and Columbia Corridor
- Area 12 - Clackamas distribution area around Hwy 212/224
- Area 14 - Brooklyn Yards

As part of the analysis staff also presented to the Metro Council areas to be considered in the future for designation as RSIA's:

- Area 9, Wilsonville industrial area
- Area 10, Tualatin industrial area
- Area 7, Troutdale industrial area

These areas, as they exist today, are local industrial districts. In the case of Wilsonville and Tualatin, if additional lands were added to the UGB for industrial uses and the I-5/99W connector improved truck access to I-5 then these areas would be appropriate for designation as RSIA's. In regard to Troutdale, the uses are local in nature and there is no opportunity to expand the industrial area or connect it to the Columbia South Shore industrial area. However, if the Reynolds Metals site were to redevelopment as an intermodal facility, much of the area would redevelop into uses supporting an intermodal facility. If this were the case then the Troutdale industrial area would also be appropriate for designation as a RSIA.

The Metro Council at their worksession on October 21 directed staff to include the local government recommendations, Metro staff recommendations and also add to the map accompanying the Ordinance 03-1022, Area 7 in Troutdale, Area 10 in Tualatin and Area 9 in Wilsonville and a portion of Area 15, the "Brickyards site" in Gresham from the *Potentially Regionally Significant Industrial Area* map. The Metro Council draft Title 4 map that includes the recommended RSIA's is attachment 3.

To better estimate the savings gained in efficiency from the Title 4 regulations, Metro staff recommends taking additional time to calculate the savings. This analysis will be completed prior to the Metro Council's UGB decision in June, 2004.

### **Known Opposition**

A number of local jurisdictions have concerns regarding the perceived loss of flexibility from the adopted RSIA regulations. Staff was able to work with local staff to resolve several of the implementation issues. However, there are two outstanding issues that were not resolved. The issues are:

- Reuse of new industrial office building by non-industrial uses
- Subdivision over time of parcels that are 50 acres or larger

### **Legal Antecedents**

Title 4 is part of the adopted and acknowledged Growth Management Functional Plan. Authority to amend the 2040 Growth Concept map comes from ORS 268.380 and ORS 268.390(5). The authority to amend the Employment and Industrial Areas Map comes from Ordinance No. 969B.

### **Anticipated Effects**

Adoption of Ordinance 03-1022 will result in fulfilling the requirements in Metro code section 3.07.420I, which requires Metro to adopt a map of Regionally Significant Industrial Areas with specific boundaries that is derived from the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969B.

Adoption of Ordinance 03-1021 resolves several implementation issues and gives local governments clearer instructions as to the Metro Council's intent.

The effective date of the new Title 4 regulations is March 5, 2004. Local governments have one year to adopt a local map and make changes to their codes. Local government compliance is anticipated for March 5, 2005.

#### **Budget Impacts**

The new regulations go into effect in March of 2004. Metro Council regularly budgets for planning staff to work with local government on compliance issues. Additional excise tax will be needed for Data Resource Center research services to establish the amount of commercial retail development that exists in the Title 4 RSIs and Industrial areas. This analysis is needed so that Metro can give guidance to local governments about the amount of commercial retail development that may be allowed on the vacant industrial lands in these areas. Sections 3.07.420D(2) and 3.07.430B(2) of the Metro code limits commercial retail uses to five or ten percent of the net developable portion of all contiguous RSIs and Industrial areas. It will be necessary to establish a "base line" from which to evaluate proposals

#### **RECOMMENDED ACTION**

Adopt Ordinances 03-1021 and 03-1022.

#### **Attachments**

Attachment 1 - Local government comments on the Title 4 code

Attachment 2 - Potentially Regionally Significant Industrial Areas map (02-969B)

Attachment 3 - Draft Title 4 map

Attachment 4 - October 21, 2003 memorandum titled An Assessment of Potential Regional Significant Industrial Areas

Attachment 5 - June 30, 2003 memorandum to MTAC regarding factors for identifying RSIs

Attachment 6 - July 29, 2003 memorandum summarizing the results of the meetings held with local jurisdictions



## Community & Economic Development Department

### Community Planning Comprehensive Planning • Transportation Planning Community Revitalization

**TO:** Marci La Berge, Associate Regional Planner, Metro

**FROM:** John Pettis, Associate Planner, City of Gresham

**RE:** Title 4 RSIA Standards

**DATE:** July 7, 2003

The purpose of this memo is to express a number of concerns that the City of Gresham has about the Metro Title 4 standards for Regionally Significant Industrial Areas. We believe the current standards could hamper the City in its efforts to bring family wage jobs and high value economic development to the region.

With the adoption of Ordinance 02-969B last December, Metro Council adopted standards to protect Regionally Significant Industrial Areas (RSIA) and other employment lands from incompatible land uses and land divisions. It is our understanding that by December 2003, Metro will be adopting a map that will show the RSIA's to which the standards would apply. In addition, Metro staff indicated at the June 13 Title 4 Workshop that they are open to suggestions that would "fine tune" the RSIA standards. The City appreciates the opportunity to provide input.

While we do support the effort to prevent industrial zoned lands from certain uses (e.g., "big box" stores) that would degrade the potential for the highest forms of economic development, the RSIA standards do seem to be overly prescriptive and restrictive. They do not offer jurisdictions enough flexibility to meet the individual economic development objectives within a framework of regional goals. Moreover, we have not been provided information on any research that was done concerning current industrial development trends. For example, the traditional distinctions between offices, research and development, manufacturing and certain forms of commercial development are becoming increasingly blurred. Regional standards need to reflect these trends if they are to be effective and if our region is to be economically competitive with other regions.

In particular, our concerns/questions are the following:

1. Section 3.07.420 D of Ordinance No. 02-969B states: *"Notwithstanding subsection C, a city or county shall not approve: 1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are*

*part of the same development project, or 2. Commercial retail uses that would occupy more than five percent of the net developable portion of all contiguous Regionally Significant Industrial Areas."*

Does "retail sales area" refer to only the sales floor area of a store and not the area devoted to storage, offices, etc.? Also, we need clarification about the meaning of the "same development project." For example, does this standard apply to each parcel? A development under a single building permit? All development within a geographic area under the same ownership? How will this standard work over time if a vacant industrial parcel that is originally part of an industrial subdivision with 20,000 sq. ft. of commercial development and is then divided, sold and developed independently, does it then qualify for the maximum 20,000 sq. ft. of commercial development? Finally, upon what research were these specific commercial limitations based on? Why was the overall commercial development cap in RSIA's set at 5%? The City wholeheartedly recognizes and supports the need to prevent retail/commercial encroachment upon productive industrial lands. However, we would like the flexibility to carry out the overall goal in a way that works best for our jurisdiction.

2. Section 3.07.420 E states: *"As provided in subsection C of this section, a city or county may approve an office for industrial research and development or a large corporate headquarters if: 1. The office is served by public or private transit; and 2. If the office is for a corporate headquarters, it will accommodate, for the initial occupant, at least 1,000 employees."*

We do not understand why research and development (R&D) uses are being treated differently from manufacturing uses. In today's "knowledge based" economy they are becoming inseparable and are found to coexist in a synergistic relationship (such as in the biotech sector) in many of the successful industrial areas of the country. Often R&D and manufacturing are part of the same business, either in the same building or in separate buildings. Also, we question the validity of the 1,000 employee threshold. Again we ask, where is the research that justifies this particular number? Why should we reject a corporate headquarters in our industrial areas with 800 or 500 employees?

Also, the transit requirement puts suburban communities such as Gresham at a disadvantage for attracting R&D. Gresham's future industrial expansion area, Springwater, will not have the potential ridership levels to justify the extension of public transit lines for many years. This provision will prevent R&D firms and manufacturers with R&D office buildings from locating in Springwater.

Finally, we feel that Title 4 needs to broaden its scope of the kinds of offices allowed in the RSIA's, beyond just R&D and corporate office headquarters. For example, one of Gresham's largest employers is the U.S. Bancorp loan processing center which is located at N.E. 181<sup>st</sup> Ave. and Sandy Blvd. It employs 1,600 people and is located near some of our major manufacturers such as Boeing of Portland and Boyd's Coffee. Designating this area as RSIA would make it a non-conforming use and place severe

restrictions on any expansion and could prevent rebuilding the facility in the event of a fire, etc. Such offices cannot locate in our mixed-use centers because of a lack of adequately sized sites. Creating a disincentive (non-conforming use status) for the loan center to continue business in Gresham could result in a significant negative impact on the City's property tax base/revenues and a loss of many jobs.

3. Section 3.07.420 F states: "A city or county may allow division of lots or parcels into smaller lots or parcels as follows: 1. Lots or parcels less than 50 acres may be divided into any number of smaller lots or parcels; 2. Lots or parcels 50 acres or larger may be divided into smaller lots or parcels so long as the resulting division yields the maximum number of lots or parcels of at least 50 acres." Following the above subsections, subsection #3 offers some exceptions for subdividing 50 acre+ parcels into smaller lots. These relate to providing public facilities, protecting environmental areas, separating a non-conforming use from permitted uses, reconfiguring lots, and creating a lot for financing purposes ("mortgage lot") for master planned developments.

We realize that there is a lack of 50 acre and larger vacant industrial zoned parcels in the region and that the above requirements are meant to preserve such parcels for large scale industrial uses. However, again we are concerned about the lack of flexibility that may prevent jurisdictions from accommodating changes in trends and the next wave of industrial development.

An example of the need for flexibility, is the Southshore Corporate Center which was recently developed in Gresham and Portland along the I-84/Columbia River south shore industrial corridor. It is a master planned industrial business park with a variety of manufacturing and distribution uses. There are 21 lots with lot areas varying between 5 and 17 acres. Had the area been designated RSIA, this development would not have happened because the original property was larger than 50 acres and would not have been dividable into more than two or three lots. The small and midsize industrial companies that are in this park may represent the future of industrial development in Oregon, especially if the growth of "home grown" companies replace the trend of larger companies relocating from other states. We would like to see the Title 4 standards allow for master planned developments such as Southshore that have separately owned lots down to five acres in size.

#### RECENT SOUTHSORE CORPORATE PARK RECRUITMENTS SINCE 2000:

**Danner Profile:** Distribution and customer service center

- 70 employees, 55,000 sq ft facility

**Staples Profile:** Filling center for Office Supply orders

- 200 employees, 200,000 sq ft facility

**Fuji Film Profile:** Film processing center

- 100 employees, 30,000 sq ft facility

**Synetics Profile:** Specializes in airflow products for the semiconductor industry and Robotics

- 200 employees, 133,000 sq ft facility

**Kinco International Profile:** Distributor of industrial and safety work gloves

- 35 employees, 60,000 sq ft facility

**NIR Inc. Profile:** Specializes in manufacturing point of purchase display units

- 25 employees, 96,000 sq ft facility

**Innovion Profile:** Provides the most extensive and highest quality foundry ion implant services to the world's leading semiconductor manufacturers

- 63 employees, 55,000 sq ft facility

4. Finally, we have a question regarding the benefits local jurisdictions might receive from having an RSIA designation. The 6/30/03 memo from Mary Weber to MTAC seems to leave open the possibility of transportation projects proposed within RSIA's of receiving priority over projects in other industrial/employment areas during the MTIP process. The memo also states that industrial areas outside of RSIA's would qualify for priority MTIP allocations. We are concerned that as currently adopted, Metro Title 4 will provide disadvantages to industrial development in the City of Gresham and Springwater (to be annexed into Gresham). We would appreciate additional information on the advantages that will be provided to the region through implementation of Title 4.

We encourage Metro, in concert with the region's jurisdictions and representatives from the industrial development community, to redraft the Title 4 provisions in a way that offers more flexibility to respond to changing economic conditions. As a starting point, there should be a thorough economic trends study and analysis of how industrial development has changed in recent years in the nation, state and region. Just as such an economic trends analysis is required of local jurisdictions by Statewide Planning Goal 9 (Economic Development) as a basis for their economic development policies and standards, it should also be the foundation of the Metro Title 4 standards. Only by doing this kind of preliminary research can one be sure that the standards will be responding to reality rather than misconceptions.

We also would like to see the standards be a less prescriptive "one size fits all" approach to one that is more performance oriented and tied to the Purposes and Intent section of Title 4. The latter approach would offer a range of options to comply. Jurisdictions would then be able to choose those options that are compatible with their particular economic development program and context within the region.

We look forward to working with Metro on this issue. We feel that until the above trends analysis is done and Title 4 is reworked to offer more flexibility, etc., it would be premature to designate RSIA's. Thank you for this opportunity to state our position.

TO: MPAC

FROM: Wink Brooks, Planning Director  
City of Hillsboro

DATE: July 23, 2003

RE: Title 4/Mapping of Regionally Significant Industrial Areas (RSIAs) and associated restrictions

City of Hillsboro staff has had several discussions about the new Title 4 language adopted by the Metro Council last December as part of the overall UGB expansion package. At first blush, we thought it would not be too difficult to identify potential RSIAs and started delineating properties in the City's northern industrial area. However, as we studied an aerial photograph of this area more closely, it became apparent that there was already significant parcelization in this vicinity, which is largely developed. In addition, where industrially zoned lands appear to be vacant, the vacant portions are being held, or have already been planned, for future expansion of existing industries on those sites. These circumstances led us to examine the new Title 4 restrictions more closely, and we became concerned that the additional standards and requirements could have a negative impact on the future of the City's well-established and thriving industrial base.

1. For example, Section 3.07.420 (F) states that:

*"A city or county may allow division of lots or parcels into smaller lots or parcels as follows: 1. Lots or parcels less than 50 acres may be divided into any number of smaller lots or parcels; 2. Lots or parcels 50 acres or larger may be divided into smaller lots or parcels so long as the resulting division yields the maximum number of lots or parcels of at least 50 acres."*

Our concern is that this standard may be overly prescriptive and have the result of turning away economic development that might otherwise be attracted to these areas. There are other ways to ensure a supply of large industrial lots, and yet still maintain needed flexibility, that have not been fully considered by Metro and warrant a closer look. A "real world" example of Hillsboro's method of retaining large industrial lots over time, while at the same time allowing development of small and medium industrial uses, is described on the following page.

### Hillsboro Special Industrial District Zoning

The overlay zone applied to the City's industrial sanctuary, M-P (SID) (Special Industrial District) has provided for both the preservation of large lots and the flexibility to accommodate small and medium size uses all in proximity to one another. This overlay district includes a 30-acre minimum lot size, but makes provision for staged development creating lots smaller than 30 acres (down to a minimum of one-acre) when certain conditions have been met, while retaining at least one 30 acre site for a single major industrial user. The 30 acre minimum lot size was a condition imposed by Metro in 1986 as part of UGB amendments approved at that time.

In our experience, this overlay district has been very effective in facilitating the development of the integrated mix of large primary industries and smaller support industries, as shown on the attached map. The application of the staged development requirements over time allowed the City to retain at least one 30-acre lot, which is located in the Westmark industrial park north of Hwy 26. There are no special use restrictions in the SID overlay, other than the requirement that all development be consistent with the provisions of the M-P Industrial Park zone, which allows traditional light industrial uses, offices, and an array of complementary commercial support services that are limited in scale to serve the needs of the employees of the surrounding industrial uses.

An analysis of approximately 1600 acres in Hillsboro's northern industrial area (see attached map) reveals an average lot size of 10.24 acres. The larger primary high tech industrial businesses in this area are surrounded by dozens of smaller supportive and related uses that provide the critical mass and synergy required to maintain and foster continued growth in the westside high tech cluster. It is likely that the successful growth and evolution of one of the most vibrant high tech centers in the country could not have occurred had restrictions, such as those imposed by the new Title 4 language, been in place over the last 20 years.

2. The City also has concerns about the language in Section 3.07.420 (E):

*"As provided in subsection C of this section, a city or county may approve an office for industrial research and development or a large corporate headquarters if: 1. The office is served by public or private transit; and 2. If the office is for a corporate headquarters, it will accommodate, for the initial occupant, at least 1,000 employees."*

The provision of public transit in the region's outlying industrial areas is substandard, and no plans/funding to extend transit to these areas are in place. The requirement to provide private transit might not be too onerous to some businesses, but others might be inclined to look at sites elsewhere without this restriction. We also share the City of Gresham's concerns, as stated in a memo to MTAC, dated July 7, 2003, about the validity of limiting corporate headquarters to those with a minimum of 1,000 employees. What research or reasoning supports that number? We assert that it is erroneous to assume that a company shopping for a new corporate

headquarters site to house 800 employees will automatically look for higher priced land in a center when informed they cannot locate in our industrial areas.

We cannot force businesses to locate in centers in the Metro region by precluding them from our industrial areas. Hillsboro is home to a regional center and two town centers, and fully supports development of centers throughout the region, but we are by no means convinced that there is a cause and effect relationship between stimulating development in centers by imposing the overly strict Title 4 restrictions on industrial lands. Incentives may be necessary to encourage location of businesses in centers that may otherwise locate in industrial areas. Regulating businesses out of industrial areas does not assure that these businesses would automatically locate in centers. Options throughout the nation and world abound.

We further concur with Gresham that Title 4 overly restricts the types of offices that can locate in RSIA's and could have a dampening effect on expansion of existing businesses. We also agree with Gresham's argument regarding the trend toward an increasing blurring of traditional distinctions between offices, research and development, manufacturing and certain forms of commercial development. For example, Intel has an approved master plan for a 90-acre site in the Westmark industrial park north of Hwy 26 (in the special industrial district overlay) that includes a research and development campus that would employ approximately 7,000 to 8,000 people at much higher than traditional manufacturing wages. The site also includes three buildings for general office uses. The scale of these buildings would not be compatible in our centers. Other types of office uses may also not be appropriate for centers, and would not locate in those anyway due to higher land costs. Do we really want to turn away all of these types of economic development opportunities when our unemployment rates are consistently among the highest in the nation?

There are many other concerns that the City has with the Title 4 language that have come to light as we tried to identify areas on the map that we wanted to designate as RSIA's. We are willing to work with Metro and our jurisdictional partners to revise Title 4 to provide the flexibility we believe is needed to prevent the potential stagnation and further decline of the region's economy. We urge Metro to delay adopting a map of RSIA's until thorough research on the impacts of the new Title 4 restrictions has been conducted and local jurisdictions have opportunity to reconsider the language.

Thank you for the opportunity to comment on this important process that is critical to the economic well being of our community and the region as a whole.



# City of Tualatin

18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Main 503.692.2000  
TDD 503.692.0574

August 11, 2003

Metro Council President David Bragdon  
Metro  
600 NE Grand Avenue  
Portland, Oregon 97232

RE: Regionally Significant Industrial Areas

Dear Council President Bragdon:

Thank you for the opportunity to comment on the new Title 4, Regionally Significant Industrial Areas design type concept map and standards. I appreciate the opportunity to explore the effects of the new standards on Tualatin and garner input from the industrial property owners of the City.

After review, discussion with staff and input from property owners, the City of Tualatin questions why any of the land in Tualatin should bear the Regionally Significant Industrial Area design type. Our reasons are as follows:

1. Over the past year and a half, the City of Tualatin has been working with industrial property owners to retain industrial land for industrial uses based on local circumstances. The first Plan Text Amendment (PTA) addressing this is PTA-02-07. City Council approved this PTA on November 25, 2002. This PTA requires a greater separation between service and cardlock fueling stations; requires these stations to be set back from SW 124<sup>th</sup> and SW Pacific Highway; and eliminates certain commercial uses from industrial lands.

Additionally, Tualatin Council passed PTA-02-10 on March 24, 2003. This PTA restricts or eliminates certain commercial uses in industrial areas, creates a special commercial setback on two arterial streets and creates two commercial service overlay districts where auto-oriented commercial uses already exist and may continue to exist without being considered a non-conforming use.

Last, PTA-03-03, currently under development, would limit commercial uses as defined by Tualatin in the "Quarry Sector" of Tualatin. This is located in the northwest corner of the city, near Pacific Highway and SW 124<sup>th</sup> Avenue. The City Council will review this PTA on October 13, 2003.

With all three of these PTAs, citizen involvement was critical to the formation and adoption of the code language. This input has helped to shape the new code language in a way that meets the City's and industrial property owners' needs. Only through this collaborative process has the City of Tualatin been able to implement more protective standards on industrial lands.

2. On July 17, 2003, City staff held an open house with industrial property owners to discuss the RSIA design type. Of the 250 industrial property owners notified of the open house, thirteen people attended; an additional six people who could not attend called staff to discuss this issue. None wanted the RSIA designation on their property.

First, the property owners felt that the time frame in which to provide comments back to Metro regarding the first round of applying this designation was too short to understand all the ramifications of the design type. The attendees agreed that more outreach was necessary to the 250 industrial property owners in Tualatin. Second, the attendees felt the RSIA standards did not allow enough flexibility to recognize what jurisdictions are already doing to protect industrial lands. Third, the RSIA language could ultimately prevent an industrial operation from having a little retail show room if the five percent limit of commercial areas were to be met. The attendees identified this small retail area as a key component of their businesses and did not want to see it threatened. Additionally, the attendees voiced concern that there is no agreed upon definition of 'Industrial'. The nature of industrial development has changed markedly over the past decade and many jobs that appear as a typical office job are really industrial in nature. Last, the attendees felt that the language did not acknowledge the current market forces and the demand for land.

3. The City Council discussed RSIA at its July 14, 2003 and August 4, 2003 work sessions. While the Tualatin City Council recognizes the potential problem associated with the loss of industrial lands to non-industrial uses, the Council remains skeptical that the new Title 4 regulations will protect industrial lands in a way that works at the local level for job creation. The Council continues to wonder what the benefit of RSIA designation is for the City of Tualatin. Additionally, the Council asserts that the degree of public involvement Tualatin put into its efforts on industrial land issues is lacking in the Metro process.

Tualatin staff presented maps to the City Council showing the extent of Tualatin's industrial lands, areas where the designation should not apply for various reasons (i.e. industrial business parks, urban renewal blocks, commercial service overlays, etc.) and the overlay of wetlands and greenways over the industrial area. The wetlands and greenways divide many industrial lots into smaller pieces, making larger scale development harder to accomplish. This fracturing of industrial lands by wetlands and greenways does not appear to lend the area to being a RSIA.

4. Tualatin staff presented the RSIA language to the Tualatin Planning Advisory Committee (TPAC) on July 10, 2003 for its consideration. TPAC raised several questions: What impact do wetlands have on designation? How much commercial use is there now? What benefits does Tualatin get from this designation? Can the Metro Council apply more conditions to these lands in the future above what is currently in Title 4? Ultimately, TPAC did not see the local benefit of RSIA.
5. Last, City of Tualatin staff has concerns about the proposed language, many of which were voiced by other interested parties. Staff is concerned about the lack of flexibility in the Metro language and disregard of local efforts to protect industrial lands. The management of the commercial inventory in RSIA's will be extremely difficult as RSIA's cross jurisdictional boundaries. Staff believes that there has been insufficient time for adequate public outreach and to explain the new design type to those who could be affected by it. More public outreach is needed to educate the industrial property owners in Tualatin on the new standards and to learn of their position on this new design type. The 1,000-employee cut-off point for headquarters also seems arbitrarily selected. Last, staff desires a clear definition of what is meant by "Industrial" prior to considering the RSIA designation for any lands in the region.

Staff also has concerns about the development of the standards themselves. In 2002, MTAC crafted the new Title 4 standards as a kind of placeholder, knowing that the language must be revisited and refined prior to adopting a map identifying specific areas as RSIA. This has not yet been done.

While the City of Tualatin understands the need to establish regulations to protect industrial lands, the City has already developed standards that address industrial lands. The additional Metro requirements do not adequately address the local situation and establishes limitations that do not work with the local or regional market. Thank you for the opportunity to comment on the RSIA design type and its application to the City of Tualatin.

Regards,



Mayor Lou Ogden

c: City of Tualatin Council  
Steve Wheeler, City Manager  
Doug Rux, Community Development Director  
Stacy Hopkins, Associate Planner  
Mary Weber, Metro



# City of Tualatin

18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Main 503.692.2000  
TDD 503.692.0574

August 20, 2003

Ms. Mary Weber  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

RE: August 14, 2003 RSIA meeting with Tualatin

Dear Ms. Weber:

Thank you for coming to Tualatin last week to discuss the Regionally Significant Industrial Areas (RSIA) design type and language with the City of Tualatin. I found the discussion beneficial as it clarified some vague points of the Title 4 RSIA language. I hope you and Dick Benner found the discussion enlightening on Tualatin's model for addressing industrial land development. I look forward to reviewing the Title 4 language again once it is edited based on discussions with jurisdictions in the Metro area.

As indicated at the meeting, Tualatin has a few questions it would like to have Metro respond to in writing. First, the City wants to know exactly what the benefit of designating lands as RSIA is for the City. After much thought and conversation on RSIA, City staff and City Council are still uncertain of the benefits to the City of designating lands as RSIA given our existing land use regulations. Second, the City wants to know if the Metro Council can or could designate lands as RSIA without a local jurisdiction's consent.

Last, during our conversation last Thursday, the subject of substantial compliance arose. As I described at the meeting, Tualatin's Code is already quite strict on the uses allowed on industrial lands. The City has taken great efforts to develop an industrial lands program that is appropriate for the City, our industrial landowners and companies and Tualatin's unique circumstances. The City of Tualatin would like to see Metro evaluate and possibly adopt a substantial compliance clause in the Title 4 language.

Thank you again for the opportunity to discuss RSIA with you. I look forward to continuing this conversation in the upcoming months.

Regards,

Doug Rux, AICP  
Community Development Director

Cc: Dick Benner, Metro  
Steve Wheeler, City Manager  
Stacy Hopkins, Associate Planner



PORT OF PORTLAND

MEMORANDUM

TO: ANDY COTUGNO, LYDIA NEILL, MARY WEBER AND DICK BENNER  
FROM: BRIAN CAMPBELL, SUSIE LAHSENE, PORT OF PORTLAND PLANNING STAFF  
SUBJECT: TITLE 4 IDENTIFIED ISSUES AND POTENTIAL SOLUTIONS  
DATE: 8/29/2003

Following is a list of issues we see as problematic with the existing Title 4 language, and some potential ideas for solutions. Most of these issues are the result of a rather quick adoption process last fall, and upon reflection and further review of how they would actually work, it is evident that the language does need some adjustment. That being said, it is important for Metro staff and Councilors to understand that Port staff is 100% behind the concepts imbedded in Title 4. It is extremely critical that the region protect its valuable supply of industrial land.

**Overarching recommendation** - Metro staff has been talking to a number of jurisdictions around the region about ideas for fixes to Title 4. In addition to this process, we believe it will be absolutely critical to the workability of Title 4 for Metro staff to also take the lead in negotiating solutions among key players in the debates over language. That cannot be done at MTAC, or especially MPAC. It must be done in a small group setting, with an exchange of information on revision ideas and how they will actually work. Our suggestion is that Metro organizes a set of meetings in September to ensure timely resolution of this issue.

**Issues & Recommendations**

**3.07.420 Section C.**

**Definition of Industrial Use.** Until GMELS can put a more definitive answer to this perennial question, should Metro attempt to supply its own answer for the decision in December? Since all jurisdictions have latitude in Title 4 to answer it within their own code, we're not sure that it's a problem for the RSIA exercise, or that Metro needs to answer it at this point. Perhaps Metro could, at a minimum, put together a compendium of what is and isn't allowed in each jurisdiction's code to help inform the discussion.

Airports are not generally an industrial use, although they are presumed to be an important component of RSIs. This issue needs to be addressed by acknowledging airports, and the array of accessory uses that normally go with them, as a specifically allowed use within RSIs. We will suggest specific language on how best to do this.

#### Section E.

1000 employee corporate office requirement. From our discussions with real estate professionals and others it is clear that there is a great deal of misunderstanding about how this provision would actually work. Metro should clarify exactly which kind of corporate offices this applies to in order to ensure that the debate is focused on any real issues, rather than on perceptions.

#### Section F.

Application of the 50 acre minimum provision to both vacant and developed land. The original stated need for the changes to Title 4 had to do with preserving large blocks of land for development. Some version of this certainly needs to apply to vacant or low value improvement land. However, areas that already have industrial development are very difficult to re-develop with industrial uses under the best of circumstances, usually needing large subsidies to remain industrial. They have already been platted for the existing use, so most areas would not be subject to this provision in any case, but adding this provision to any existing industrially developed property seems like another large impediment to continuing the property in industrial use. We recommend eliminating this provision for existing industrially developed parcels.

After the remnant parcels less than 50 acres are sold, there is no provision for allowing additional property to be subdivided below 50 acres. We see this as a practical problem that needs to be discussed among jurisdictions that have some history with industrial land divisions. We think it is not unreasonable, for instance, to allow an ownership to further divide one of the remaining 50 acre parcels after the other remnants are sold in order to allow a number of smaller industrial support firms to co-locate with larger firms. Existing city or county ordinances needs to be looked at closely to see whether any can serve as a model, or whether a different approach is warranted.

#### Section G.

The first sentence appears to be unnecessary, since the ordinance already allows the division of lots less than 50 acres in size. The second sentence may present practical problems to a jurisdiction trying to accommodate a number of smaller industrial users, or trying to create appropriately sized lots for the industries that are developing. It may be better to have an "escape" provision that allows a jurisdiction to require a developer to master plan a large piece of property and preserve an appropriate number of larger parcels, depending on the overall size and configuration of the property in question. This might be the same solution as the one for Section F.

# MEMORANDUM

**TO:** Andy Cotugno, Metro  
**FROM:** Rich Faith, City of Troutdale  
**DATE:** October 22, 2002  
**TOPIC:** Comments and Suggestions Regarding Proposed Title 4 Amendments - Regionally Significant Industrial Lands

The following redline version of the proposed Title 4 amendments reflects my suggested changes to the proposal. My rationale for these changes is given in italics.

## **Title 4 – Industrial and Other Employment Areas DRAFT**

### **3.07.420 Protection of Regionally Significant Industrial Areas**

- A. Regionally Significant Industrial Areas are areas with site characteristics relatively rare in the region that render them especially suitable for industrial use. Each city and county with land use planning authority over areas shown on the 2040 Growth Concept Map as Regionally Significant Industrial Areas shall derive plan designation and zoning district boundaries of the areas from the general locations on the 2040 Growth Concept Map.
- B. Each city and county with land use planning authority an area designated by Metro on the 2040 Growth Concept Map as Regional Significant Industrial Area shall as part of compliance with the concept planning requirements of section 3.07.1120 of the Urban Growth Management Functional Plan, derive plan designation and zoning district boundaries of the areas from the general locations on the 2040 Growth Concept Map.
- C. After determining boundaries of Regionally Significant Industrial Areas pursuant to subsection A and B, the city or county shall adopt implementing ordinances to limit development in the areas to industrial uses, uses accessory to industrial uses, and those non-industrial uses necessary to serve the needs of businesses and employees of the area, unless approved as a conditional use or through a public hearing process. For purposes of this Title, research and development companies, experimental and testing laboratories, and trade or commercial schools shall be regarded as industrial uses.

*(It seems that exceptions to the rule are often necessary. It is impossible to anticipate uses that may come along that are a legitimate need in these areas but are not industrial in nature, nor accessory to industrial uses, nor necessary to serve the needs of businesses and employees of the area. Uses that fall into this category should only be allowed through a public hearing process such as a conditional use.*

*So that there is no doubt that research and development activities, etc. are permitted with regionally significant industrial areas, I propose adding language that specifically states this.)*

- D. Notwithstanding subsection C of this section, a city or county shall not approve the following as an outright permitted use:

*(If a larger scale commercial use is compatible with, or complementary to, a regionally significant industrial area, then local jurisdictions should have the opportunity to allow these by conditional use or similar public hearing process. The conditional use process alone acts as an obstacle to discourage many proposals that are not suitable or appropriate for the area in question.)*

1. A commercial retail use with more than 20,000 square feet of gross leasable area in a single building or in multiple buildings within close physical proximity that are part of the same development project;

*(I'm merely trying to give more specificity to what I think is meant by "within close physical proximity".)*

2. Commercial retail uses with a total of more than 20,000 square feet of gross leasable area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way; or
3. Commercial retail uses that would occupy more than five percent of the net developable portion of the area.

- E. Notwithstanding subsection C of this section, a city or county may approve as an outright permitted use a commercial office use that is not accessory to industrial uses in the area if:

- ~~1. The office is for research and development and is served by public or private transit; or~~

*(This becomes unnecessary in light of my suggested change to 3.07.420C.)*

2. ~~The office is for an owner-occupied corporate headquarters on a lot or parcel of at least 25 acres, is subject to a master plan that sets forth plans for long-term use of the tract, and is served by public or private transit.~~

F. A city or county may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels 20 acres or smaller may be divided into smaller lots or parcels without limitation on the size of resulting lots or parcels.
2. Lots or parcels 50 acres or larger shall be subject to a 50-acre minimum lot size.
3. Lots or parcels larger than 20 acres, but smaller than 50 acres shall be subject to a ~~15~~10-acre minimum lot size.

*(The way this was written it makes it impossible to divide lots between 20 and 30 acres in size. Lots less than 20 acres can be divided; lots 30 to 50 acres in size can be divided with a 15-acre minimum lot size; but those between 20 and 30 acres in size are stuck unless the 15-acre minimum is reduced to 10 acres. It's out of fairness to any 20-30 acre parcels that I suggest this change.)*

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels for the following purposes:
  - a. To facilitate provision of public facilities and services to an industrial use;
  - b. To protect a natural resource;
  - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for industrial use; or
  - d. To reconfigure the pattern of lots and parcels pursuant to subsection F of this section.

G. A city or county may allow reconfiguration of lots or parcels less than 50 acres in area if the reconfiguration is more conducive to industrial use and results in no net increase in the total number of lots and parcels over the number prior to reconfiguration. Lots or parcels 50 acres or greater in area may also be reconfigured so long as the resulting area of any such lot or parcel is not less than 50 acres.

H. Notwithstanding subsections C and D of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 10 percent more floorspace.

### 3.07.430 Protection of Industrial Areas

- A. In Industrial Areas mapped pursuant to Metro Code section 3.07.130 that are not Regionally Significant Industrial Areas, cities and counties shall limit new and expanded non-industrial uses to those appropriate in type and size to serve the needs of businesses and employees in the Industrial Areas.
- B. In an Industrial Area, a city or county shall not approve allow as an outright permitted use:

*(My rationale is the same as that given under 3.07420D.)*

- 1. A commercial retail use with more than 60,000 square feet of gross leasable area in a single building or in multiple buildings ~~within close physical proximity~~ that are part of the same development project;

*(Same comment as given under 3.07.420D1.)*

- 2. Commercial retail uses with a total of more than 60,000 square feet of gross leasable area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way;

- ~~3. Schools, churches or those institutional and community services uses intended to serve people who do not work or reside in the Area.~~

*(There may be instances when institutional and community service uses have a legitimate need to be within industrial areas. I do not think they should be prohibited.)*

### 3.07.440 Protection of Employment Areas

- A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code section 3.07.130, cities and counties shall limit new and expanded commercial retail uses to those appropriate in size to serve the needs of businesses, employees and residents of the Employment Areas.
- B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use as an outright permitted use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of gross leasable area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize individual commercial

retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.

- D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:
1. The ordinance authorized those uses on January 1, 2003;
  2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and
  3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area.

~~E. A city or county may authorize new commercial retail uses in Employment Areas if the uses:~~

- ~~1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and~~
- ~~2. Meet the Maximum Permitted Parking Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.~~

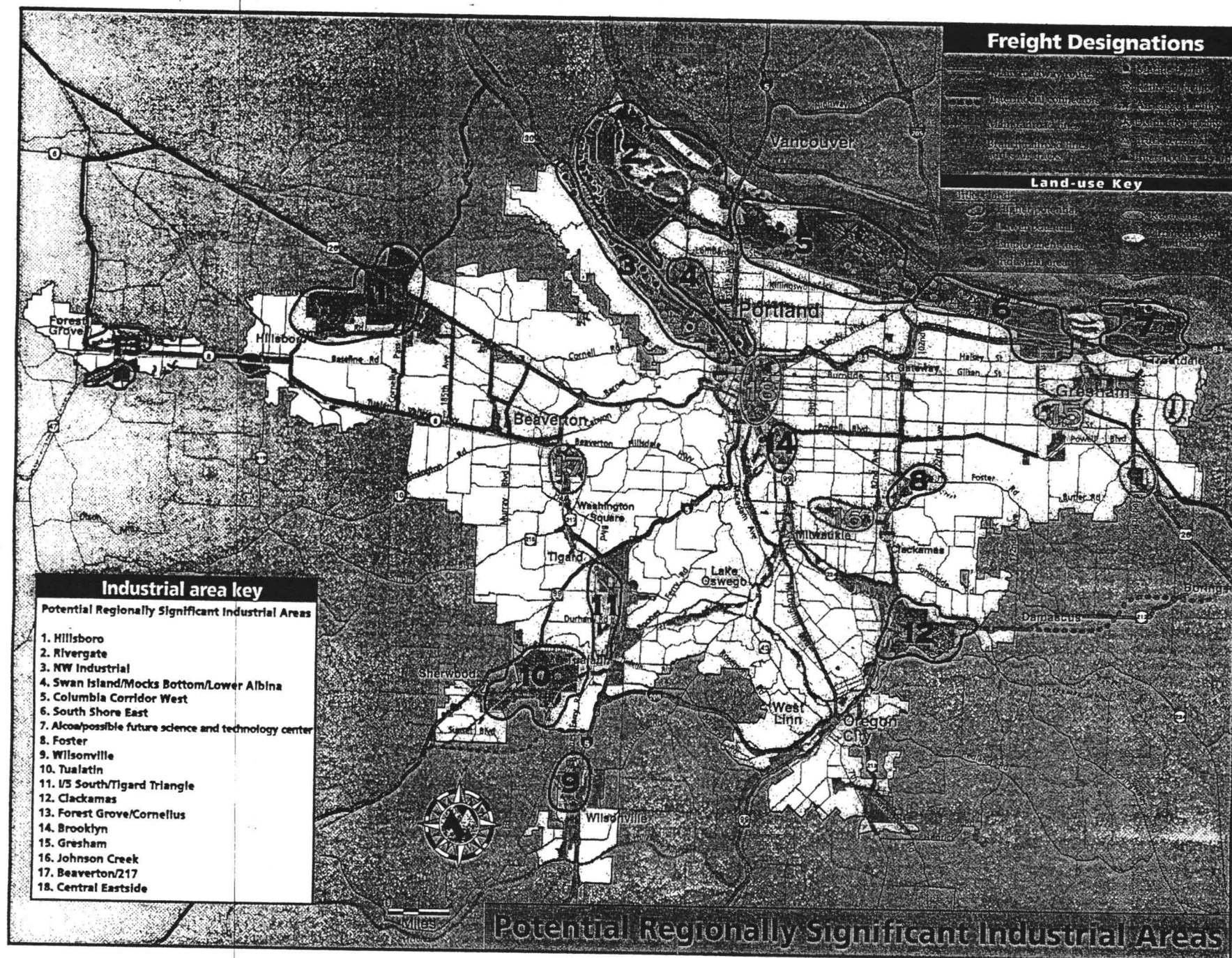
*(This strikes me as an administrative nightmare to try to apply. I'd rather see it deleted.)*

### 3.07.460 Government Offices

- A. Cities and counties shall encourage the siting of government offices and other appropriate government facilities in Centers and Station Communities by taking action pursuant to section 3.07.620 to eliminate or reduce unnecessary physical and regulatory barriers to development and expansion of government offices in Centers and Station Communities.

~~B. Cities and counties shall discourage the siting of government offices outside Centers and Station Communities by requiring a demonstration by the applicant government agency that sites within Centers cannot reasonably accommodate the proposed office due to characteristics of the office other than parking for employees.~~







*(There are many legitimate purposes for siting government offices outside centers and stations areas. I do not think it is reasonable or necessary to require this. Subsection A should be adequate to address this issue.)*

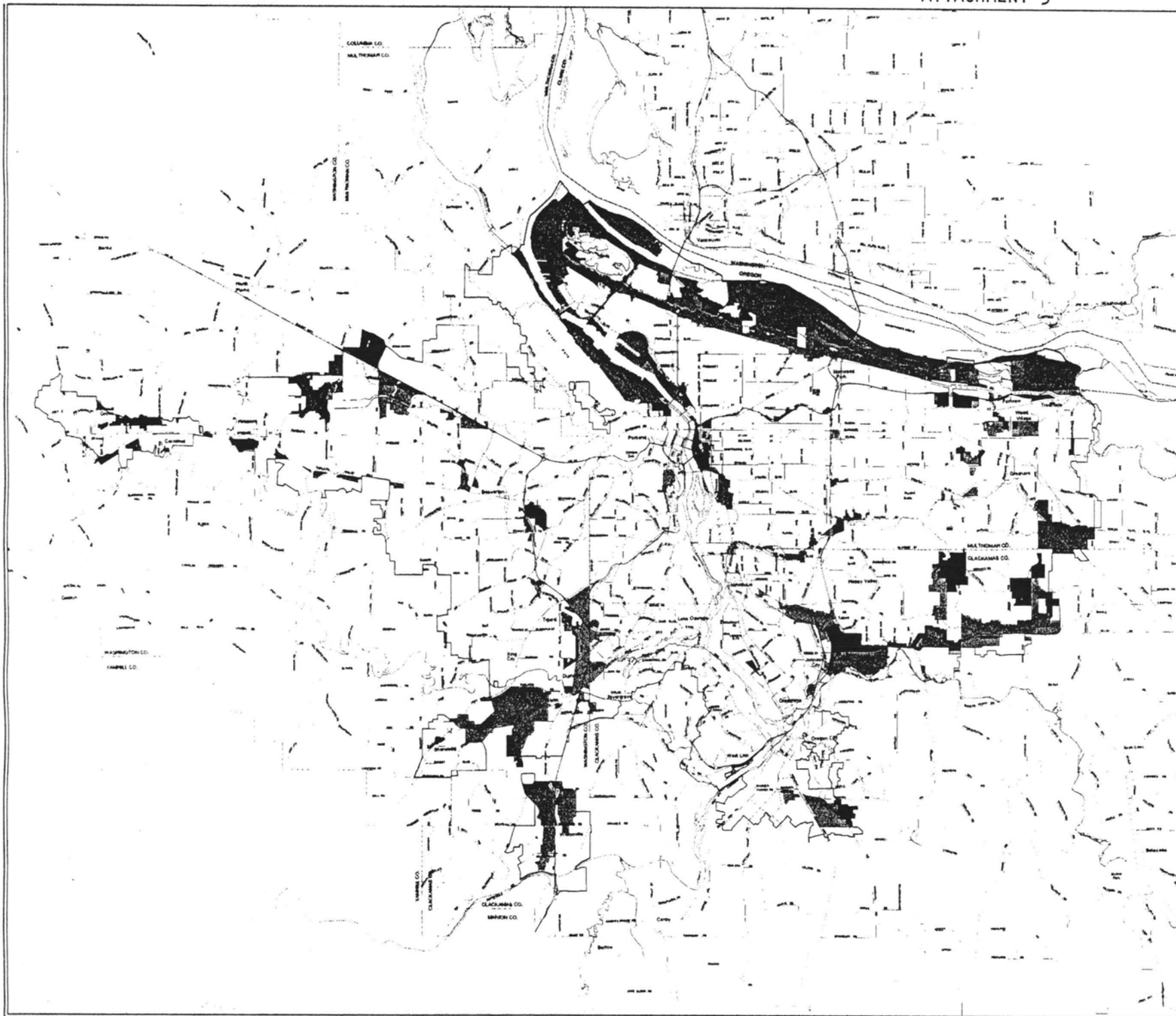


# Regionally Significant Industrial Areas

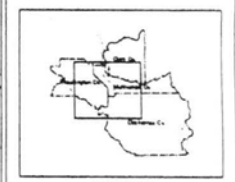
Ordinance #03-1022

DRAFT 10/21/2003

-  Title 4 Employment Land
-  Title 4 Industrial Land
-  Title 4 Regionally Significant Industrial Area 2002 Decision
-  Local Government Proposed RSIA
-  Other Sites Under Consideration by Metro Council
-  Staff Proposed RSIA



This map is a draft and is subject to change. It is not intended to be used for legal purposes. The information on this map was derived from the information provided by the local governments and the Metro Council. The Metro Council is not responsible for the accuracy or completeness of the information provided by the local governments. The Metro Council is not responsible for the accuracy or completeness of the information provided by the local governments.



Location Map



THE INFORMATION ON THIS MAP WAS DERIVED FROM THE INFORMATION PROVIDED BY THE LOCAL GOVERNMENTS AND THE METRO COUNCIL. THE METRO COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED BY THE LOCAL GOVERNMENTS. THE METRO COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED BY THE LOCAL GOVERNMENTS.



METRO

Date: October 21, 2003

To: Richard Benner, Interim Regional Planning Director

From: Mary Weber, Community Development Manager

Re: ***An Assessment of Potential Regionally Significant Industrial Areas***

### **Background**

The Metro Council amended Title 4 to afford a higher level of protection to Regionally Significant Industrial Areas (RSIAs) than to Industrial Areas in general. The Metro Council took this action based upon information the Metro Council received about industrial land during the periodic review analysis and hearings process – principally the Regional Industrial Lands Study (RILS) and Metro's own "Urban Growth Report: An Employment Land Need Analysis" (UGR-Jobs). The information showed that much industrial capacity had been absorbed by the economic expansion of the mid-1990s. It also showed that much of the remaining capacity was constrained: divided into parcels too small for the growth industries of the future; converted to non-industrial use; regulated to protect wetlands or floodplains and; inadequately served by water, sewer or transportation facilities.

The Metro Council aimed its amendments of Title 4 at conversion of industrial land to non-industrial uses. In the UGR-Jobs (page 31), the Council noted both positive and negative effects of this conversion. On the positive side, conversion (1) allows commercial uses to provide retail services to industrial employees and reduce trips; (2) provides opportunities for infill and redevelopment of aging industrial areas; and (3) allows flexibility of use that may provide the margin for industrial profitability. On the negative side, conversion (1) increases the cost of land for industrial use; (2) introduces uses that generate conflicts with industrial practices; and (3) may force relocation of industrial uses to less suitable sites. The Metro Council hopes to take advantage of the positive consequences of conversion in Industrial Areas and prevent the negative consequences in RSIAs.

### **Which lands should be designated RSIA?**

There is guidance from the Regional Framework Plan, the Regional Transportation Plan, Title 4 of the Urban Growth Management Functional Plan, Periodic Review Ordinance No. 02-969B, Metro Council Resolution No. 03-3341A, the UGR-Jobs, MetroScope and the factors the Metro staff developed in consultation with cities and counties to help identify RSIAs.

1. Regional Framework Plan: Policies 1.4.1 and 1.4.2 of the Regional Framework Plan (RFP) speak of RSIAs as those areas ***"with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs."*** The RFP leaves a more specific determination of RSIAs to implementation of Title 4 by the Metro Council and local governments.

2. Regional Transportation Plan: Policy 15.0 states as Objectives (a) ***"Provide high-quality access between freight transportation corridors and the region's freight intermodal facilities and industrial sanctuaries..."***; and (b) ***"Coordinate public policies to reduce or eliminate conflicts between current and future land uses, transportation uses and freight mobility needs, including those relating to: Land use changes/encroachments on industrial lands; and Transportation and/or land use actions or policies that reduce accessibility to terminal facilities or reduce the efficiency of the freight system."*** The policy recognizes the critical relationship between freight transportation and conflicting land uses. Although the Regional Transportation Plan (RTP) does not define "industrial sanctuary", it seems clear that the policy contemplates industrial areas in which commercial or residential uses do not dominate the transportation system.
3. Title 4: Title 4 also draws attention to the relationship between industrial land and the transportation system. One purpose of Title 4 is: ***"To protect the capacity and efficiency of the region's transportation system for movement of goods and services...."***
4. Ordinance No. 969B, UGR-Jobs, MetroScope: By adoption of the UGR-Jobs and the Generalized Map of RSIA's, the Council made clear that ***RSIA's are to be derived from those lands designated as Industrial Areas on the 2040 Growth Concept map***, and that not all Industrial Areas should be designated RSIA. The UGR-Jobs speaks of some industrial areas that are in the midst of transition to mixed-use areas (page 31). MetroScope modeling identified areas of industrial job loss during the planning period. In general the gains are the areas identified as having greater potential as RSIA's. These areas are the large industrial areas comprised of the Columbia South Shore Industrial Area, the Portland Harbor, the Clackamas Industrial District, the Tualatin/Wilsonville Industrial District and the Hillsboro Industrial District. While conversely, industrial losses (identified as having lower potential) are likely to occur in the Central City, Eastside Industrial area, Highway 217 corridor and Vancouver CBD. Maps from the MetroScope analyses are attached.

The UGR-jobs offers further guidance. The UGR-Jobs translates the regional economic forecast into demand for industrial land for particular building types: tech/flex, warehouse/ distribution and general industrial. These building types and the industries that occupy them need sites with certain locational and siting characteristics. The UGR-Jobs finds that sites with these characteristics are in very short supply in the urban growth boundary (UGB).

If these are the industries likely to add family-wage industrial jobs in the future, and sites with the locational and siting characteristics they need are in short supply, then land in Industrial Areas with these characteristics are logical candidates for designation as RSIA. Moreover, if the region is looking for sites with these characteristics outside the UGB, state planning law may require Metro to designate areas inside the UGB with these characteristics as RSIA's.

5. Resolution No. 03-3341A: The Metro Council, considering information from industry representatives, industrial land brokers and studies on clustering, directed the Metro

staff to study for possible inclusion in the UGB land that is **(1) close to freeway interchanges; (2) relatively flat; and (3) near existing industrial areas.**

This information indicated that the warehouse and distribution industry needed sites with the following characteristics:

- Freeway access within 3-5 miles of an interchange
- Large enough areas to accommodate of number of uses
- Slopes less 5 percent
- Highway routes are key: I-5, I-84 and I-205
- Highway 26 is not desirable due to congestion

General industrial site characteristics are:

- Freeway access within 3 miles of an interchange
- Net parcel sizes between 1-5 acres and 10-20 acres
- Location near other firms (labor pool)
- Stable soils and flat sites
- Manufacturing sites greater that 20 acres must have slopes less that 2 to 3 percent
- Manufacturing sites between 1-5 acres, slopes no more than 5 to 10 percent

For tech flex industrial uses the location and site characteristics are:

- Net parcel size greater than 10 acres
- Availability of specialized utilities
- Stable soils
- Proximity to existing high tech companies and suppliers
- Access to airport no more than 45 minutes mid-day (passengers)
- Some rolling topography but slope not more than 5 percent

6. Factors: The Metro staff, after consultation with cities, counties and other interests, developed a set of factors to consider in the identification of RSIA's. These factors reflect the locational and siting characteristics from Metro Council Resolution No. 03-3341A. As directed by Title 4, Metro staff worked with cities and counties in the region to apply the factors to designated Industrial Areas within their jurisdictions. Some cities and counties submitted candidate RSIA's to Metro based upon the factors. Striving for region-wide consistency, Metro staff also applied the factors to areas in cities and counties that chose not to submit candidate areas. The factors are:

- Distribution - Area serves as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.
- Services - Availability and access to specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire and emergency response services
- Access - Within 3 miles of I-5, I-205, I-84 (within the UGB), State Route 224 (within the UGB)
- Proximity - Located within close proximity of existing like uses
- Use - Predominantly industrial uses

#### **Reasons not to designate an industrial area as a RSIA**

Not all industrial areas need additional restrictions that come with the RSIA designation. Here are a few examples of reasons why an industrial area should not be designated as a RSIA.

- The industrial site/area is bordered on several sides by residential uses. In this case it is unlikely that the area will expand or be maintained over time because of the conflicts with residential uses.
- Existing non-conforming uses make it unlikely that the conflict between uses will diminish and that over time the area might be better zoned for employment uses.
- Flexibility of employment uses on the site is important for redevelopment to occur.

What follows is an analysis by area of the industrial land and how the characteristics of the area fit the RSIA factors. A map of each area is attached to this memorandum. The specific land data was derived from the 2000 vacant land supply. This is the inventory used for the 2002-2022 periodic review of the urban growth boundary.

#### **Areas appropriate for RSIA designation**

A general assessment of the areas on the *Potentially Regionally Significant Industrial Area* map indicate that the following areas meet the factors and are also lands that meet the general site and location criteria for industrial uses.

- Areas 1 – Hillsboro industrial area, south of Highway 26
- Areas 2, 3-4, 5 and 6 – Northwest Industrial Area, Rivergate, Swan Island and Columbia Corridor
- Area 12 - Clackamas distribution area around Highway 212/224
- Area 14 - Brooklyn Yards

#### **Areas to consider for RSIA designation in the future**

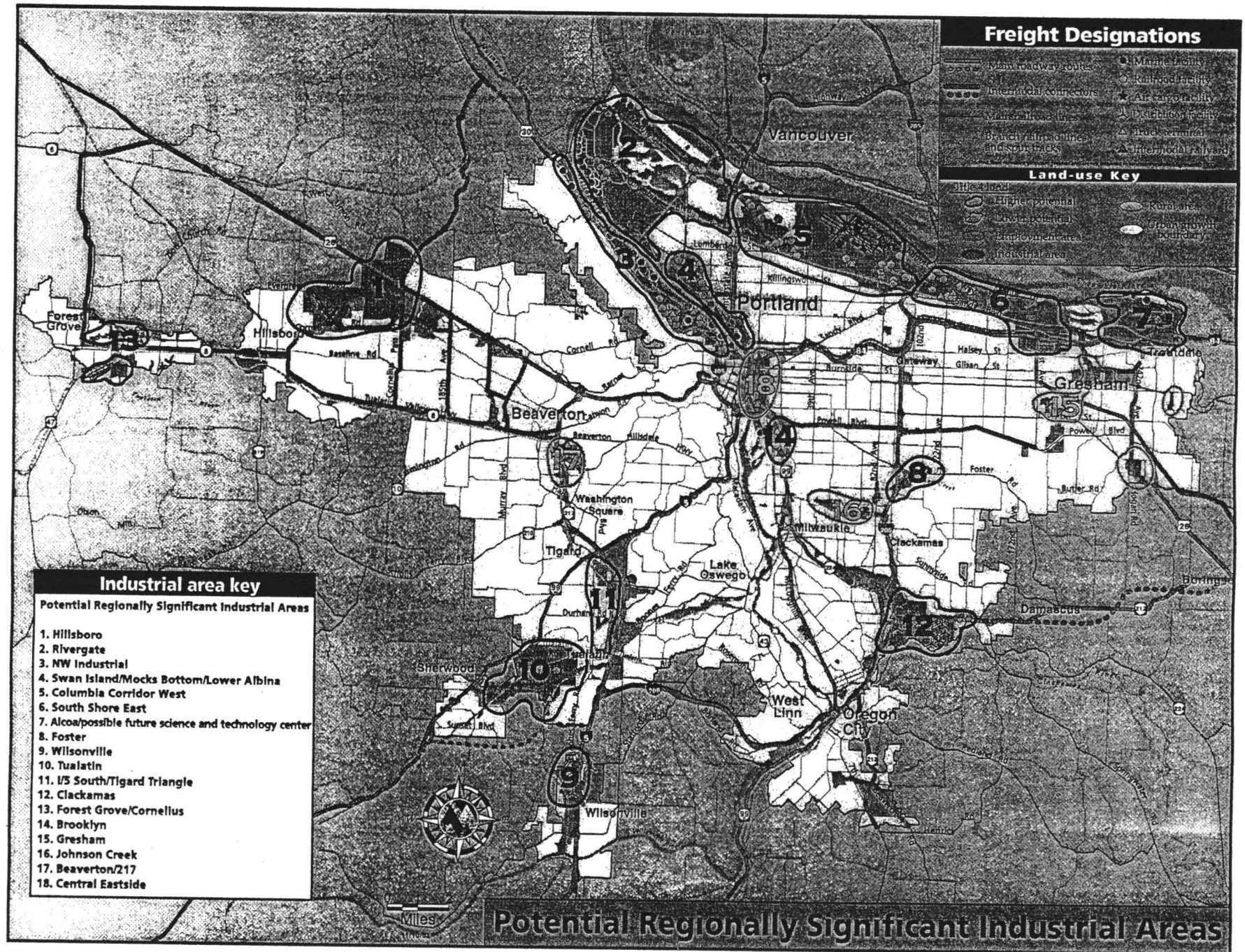
The areas may be appropriate for designation as RSIA's in the future:

- Area 9, Wilsonville industrial area
- Area 10, Tualatin industrial area
- Area 7, Troutdale industrial area

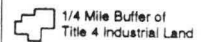
These areas as they exist today are local industrial districts. In the case of Wilsonville and Tualatin, if additional lands were added to the UGB for industrial uses and the I-5/99W connector improved truck access to I-5 then these areas would be appropriate for designation as RSIA's. In regard to Troutdale, the uses are local in nature and there is no opportunity to expand the industrial area or connect it to the Columbia South Shore industrial area. However, if the Reynolds Metals site were to redevelopment as an intermodal facility, much of the area would redevelop to uses supporting an intermodal facility. If this were the case then the Troutdale industrial area would also be appropriate for designation as a RSIA.

#### **Area Assessments**

The acreage information is from the 2000 vacant land inventory. The buildable acres is displayed with the 2000 inventory. Local government submittals and area maps are attached. Also attached are the Standardized Zoning map for the region and the Title 4 Industrial Land with Slopes and Floodplain map.



## REGIONAL LAND INFORMATION SYSTEM



Commercial

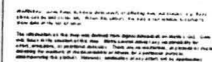
Industrial

 Multi Family Mixed Use

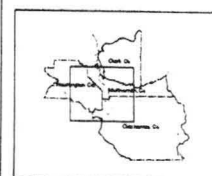
Parks &amp; Open Spaces

 Rural

Single Family



1 inch equals 1/32 mile



Location Map



METRO DA LA RESOURCE CENTER  
 600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232  
 TEL (503) 797-1744 FAX (503) 797-1300  
 25 SUMMIT ST. SE

## **Area 1- Hillsboro Industrial Area**

### **General Description**

Area 1 encompasses the City of Hillsboro's hi-tech industrial area. At the center of the area is the Hillsboro airport.

### **Factor Analysis**

#### **Distribution**

- The area does not serve as a regional warehouse or distribution area. The industrial area is within 3 miles of a Highway interchange but Highway 26 suffers from congestion that increases travel time to I-5, I-84 and Portland International Airport. Rail service is not available.

#### **Services**

- The industrial portion to the south of Highway 26 has access to specialty gases and triple redundant power from the PGE Sunset Substation. It is unlikely that these specialized utilities will be available to land to the north of Highway 26 because of the expense of extending these services north.

#### **Access**

- Within 3 miles of Highway 26 and within minutes from the Hillsboro airport.

#### **Proximity**

- The industrial area is part of the Hi-Tech Sunset Corridor.

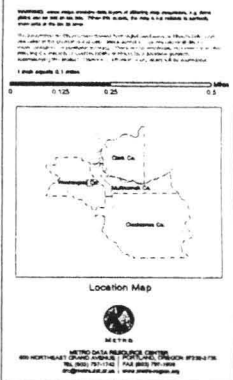
#### **Use**

- The uses are predominately industrial with the exception of the commercial services associated with the Hillsboro airport. The industrial area to the north of Highway 26 forms the northern edge of the UGB and to the east is residential development.

### **Summary**

This industrial area consists of flat land with slopes less than 10 percent and no floodplain. Very little of the area has environment constraints. The area to south of Highway 26 has access to some of the most sophisticated utilities in the country that are required by hi-tech firms. Intel operates two large facilities, one at Ronler Acres and the other at Jones Farm.

Staff recommends that the industrial lands to the south of Highway 26 be considered as Regionally Significant. If the Council were to add new industrial land adjacent to the industrial area to the north of Highway 26, then this area might also be considered as Regionally Significant Industrial Land.



# Draft RSIA Boundary Recommendation

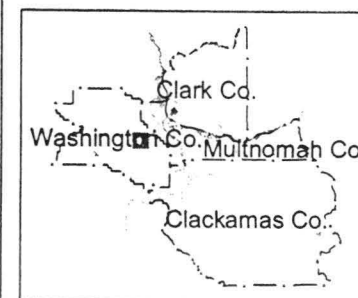
Study Area 1-Hillsboro

- Urban growth boundary
- Taxlots

WARNING: some maps combine data layers of differing map accuracies, e.g. flood plains can be laid on tax lots. When this occurs, the map is not reliable to correctly show data at the tax lot level.

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1 inch equals 0.46 miles



Location Map

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drc@metro.net or us | www.metroregion.org

## **Areas 2 – Northwest industrial Area, 3 & 4- Rivergate and Swan Island, 5 and 6 - Columbia Corridor to Gresham, 14- Brooklyn Yards - Portland**

### **General Description**

The City of Portland prepared a matrix that categorized the recommended factors and provided specific parameters for how they would apply to RSIA's, other industrial and mixed employment areas. The analysis included, location, area size, location advantages, industry mix, site sizes, facility types, neighbor sensitivity and infrastructure. The areas proposed by the city consist primarily of the Portland Harbor and Columbia Corridor industrial districts and makes up 94 percent of the industrial land designated in Portland's *Comprehensive Plan*.

### **Factor Analysis**

#### **Distribution**

- The areas are located at the main hub of Oregon's freight transportation system, where the shipping channels, main rail lines and yards, freeways, Olympic Pipeline, and Portland International Airport converge.

#### **Services**

- May serve special power, water, sewer, and Telco needs.

#### **Access**

- Most sites are within 1 mile of regional truck system.

#### **Proximity**

- The areas are predominantly surrounded by industrial uses. Areas have a very small percentage of residential uses nearby.

#### **Use**

- These areas make up the largest concentration of manufacturing and distribution facilities in the state.

### **Summary**

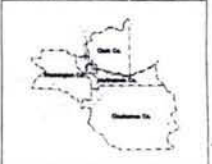
The City of Portland is recommending approximately 12,500 gross acres in these areas for designation as RSIA's. Detailed information on the City's analysis is attached.

Metro staff generally concurs with the City's recommendation. Staff recommends that the Metro Expo Center property in the Columbia Corridor RSIA not be designated as a RSIA. The RSIA designation creates another conflict with the industrial zoning that recognizes the Expo Center as a non-conforming use. As more research about job land is undertaken, Metro should reexamine these areas to determine if all of these lands should be designated as RSIA's. Staff also recommends extending the RSIA designation to connect to the Gresham portion of the RSIA.

# Study Area 2

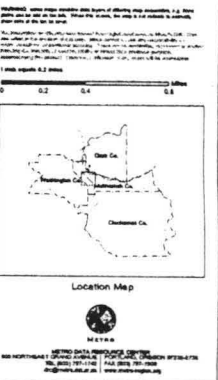


Source: Aerial photograph and map of Oregon Department of Transportation, 1990. The map was prepared by the Oregon Department of Transportation, 1990. The map was prepared by the Oregon Department of Transportation, 1990. The map was prepared by the Oregon Department of Transportation, 1990.



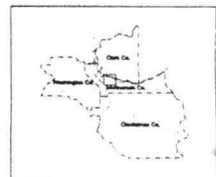
Location Map

Map scale: 1 inch = 0.15 miles  
 Date: 1990  
 Author: [illegible]  
 Title: [illegible]  
 Project: [illegible]





1 inch equals 0.2 miles



Location Map



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880 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-4726  
TEL (503) 757-1740 FAX (503) 757-1008  
E-MAIL [metro@metro.us](mailto:metro@metro.us) [www.metro-us.org](http://www.metro-us.org)



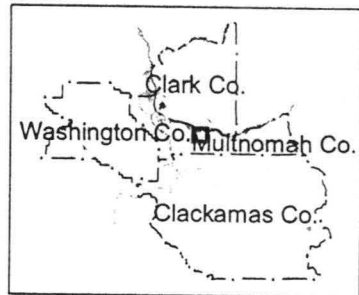
# Draft RSIA Boundary Recommendation East Area 6

- Taxlots
- Urban growth boundary
- Streets

WARNING: some maps combine data layers of differing map accuracies, e.g. flood plains can be laid on tax lots. When this occurs, the map is not reliable to correctly show data at the tax lot level.

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1 inch equals 0.54 miles



Location Map

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drc@metrodata.or.us | www.metro-region.org

## **Area 6 - Gresham Portion – Columbia Corridor**

### **General Description**

The area under consideration is in North Gresham between the railroad tracks and Marine Drive just east of 185<sup>th</sup>. Gresham shares a portion of this study area with the City of Portland.

### **Factor Analysis**

#### **Distribution**

- Rail access to the area.

#### **Services**

- Basic services are available.

#### **Access**

- The area is within 3 miles of I-84.

#### **Proximity**

- The area is adjacent to industrial lands in Portland. To the east the area is bordered by residential uses and Fairview Lake and Blue Lake.

#### **Use**

- The majority of the area is zoned heavy industrial with a small section of light industrial.

### **Summary**

Gresham recommends that this area be considered for RSIA designation based on its industrial zoning and adjacent industrial uses. The land north of Marine Drive is not recommended because it is envisioned for future mixed-use commercial and recreational waterfront development.

Metro staff recommends accepting the City's recommendation but also including the area south of the railroad to I-84 and east of Airport Way to 201<sup>st</sup>. See attached map.

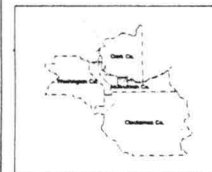
# Study Area 6



Environment, which may include any form of physical or chemical change, or any other factor that may affect the environment. This map is not intended to be used for any other purpose.

1 inch equals 0.2 miles

0 0.1 0.2 0.4



Location Map



METROPOLITAN WATER RECLAMATION DISTRICT OF SAN FRANCISCO  
100 BORTHWICK ST. (NORTH BAY) SAN FRANCISCO, CA 94133  
Tel. (415) 771-1100 Fax (415) 771-1000  
www.mwdofsf.org



## MEMORANDUM

### COMMUNITY PLANNING DIVISION

Long Range • Transportation • Development

To: Mary Weber - Metro  
From: Rebecca Ocken  
Re: Proposed RSIA Site  
Date: October 9, 2003  
Cc: Ed Gallagher, John Pettis, Terry Vanderkooy – City of Gresham

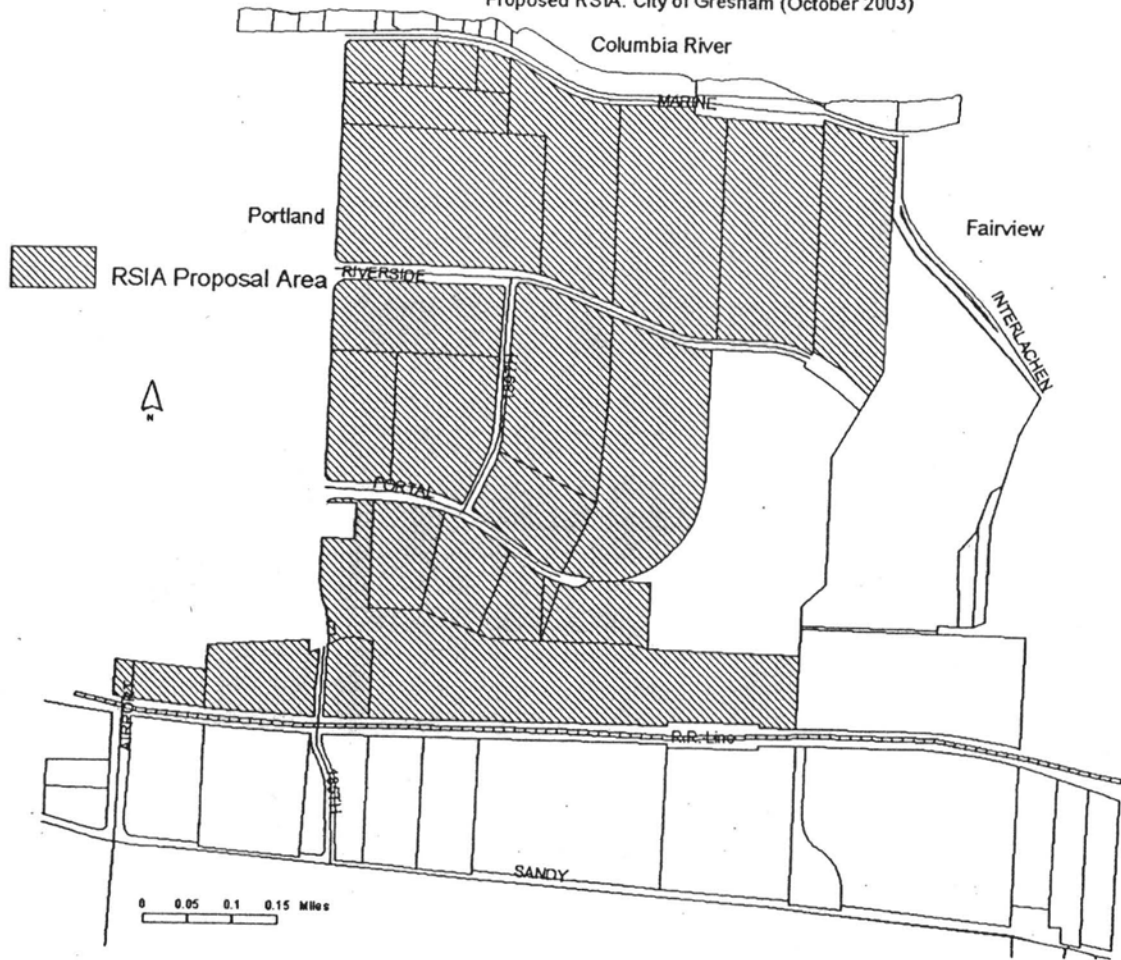
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As requested, attached is a map of the area the City of Gresham is proposing for RSIA designation. The area for your consideration is in north Gresham between the railroad tracks and Marine Drive just east of 185<sup>th</sup>. A majority of the land is currently zoned heavy industrial with a small section of light industrial. The South Shore Corporate Park is located here.

We have chosen to exclude from our RSIA proposal the land north of Marine Drive. This land is envisioned for future mixed use commercial and recreational waterfront development.

If you have any questions, please don't hesitate to contact John Pettis at (503) 618-2778.

Proposed RSIA: City of Gresham (October 2003)



## **Area 7 – Troutdale Industrial Area**

### **General Description**

The Troutdale industrial area is bordered on the south by I-84, the Sandy River to the east, the Willamette River to the north and residential uses and Blue Lake and Fairview Lake to the west. While the area seems quite large, the dominate land uses are the Reynolds Aluminum Plant, the Troutdale airport and a Morse Bros. aggregate based productions operation. There is also a Glacier Northwest Redi-mix concrete site and a Swift Transportation truck facility in the area. The remaining uses include machine sales and service, engine repair and sheet metal fabrication.

### **Factor Analysis**

#### **Distribution**

- This area plays only a minor role for distribution. The Troutdale airport is a general aviation facility.

#### **Services**

- Significant electrical power associated with aluminum plant. Rail is available.

#### **Access**

- The area is within 3 miles of I-84.

#### **Proximity**

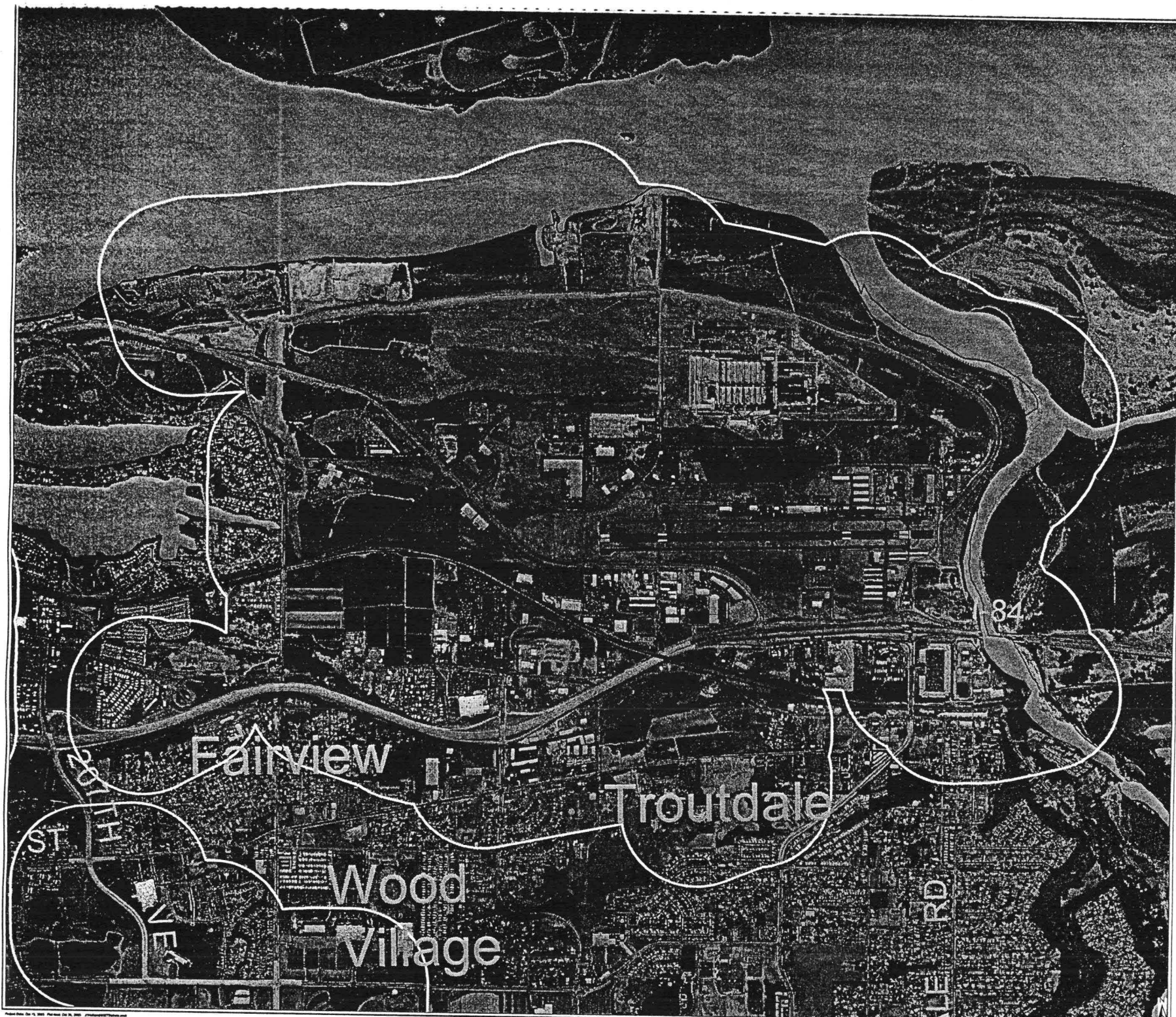
- This area is large in size but is isolated from the Columbia Corridor industrial area with natural areas and residential uses serving as a barrier to possible integration with other industrial districts.

#### **Use**

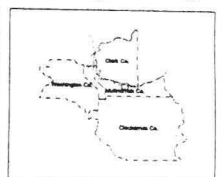
- The uses are predominantly industrial uses but most of the area is very old with open storage yards, unimproved streets and wooden structures.

### **Summary**

This is an older industrial area that has significant potential for redevelopment. There are some uses that would likely not relocate; they are the Morse Bros. facility and a ship repair yard. If the Reynolds property were to redevelop as an intermodal facility, many of the smaller older uses surrounding the plant would likely be redeveloped to support uses for the new facility. The same is true if the area is redeveloped as mixed commercial. At this time, it is not appropriate to designate this area as a RSIA. If in the future the site were to redevelop into an intermodal facility, this industrial area would better fit the region's policies.



**WARNING:** Some agents combine other forms of killing with malathion, e.g. some agents also kill on contact. When the agent is used, the agent is not suitable for spraying. For more on this see the text.



Location Map



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info@metro-data.com | www.metro-data.org

## **Area 8 – Lents/Foster Road**

### **General Description**

This older industrial area is anchored at the west end by the Lents Town Center and goes northeast along Foster Road.

### **Factor Analysis**

#### **Distribution**

- The area does not support the major transportation facilities such as the marine terminals or airports.

#### **Services**

- No specialized services are available

#### **Access**

- The area is within 3 miles of I-84, but the access route is congested.

#### **Proximity**

- The area is surrounded by residential uses.

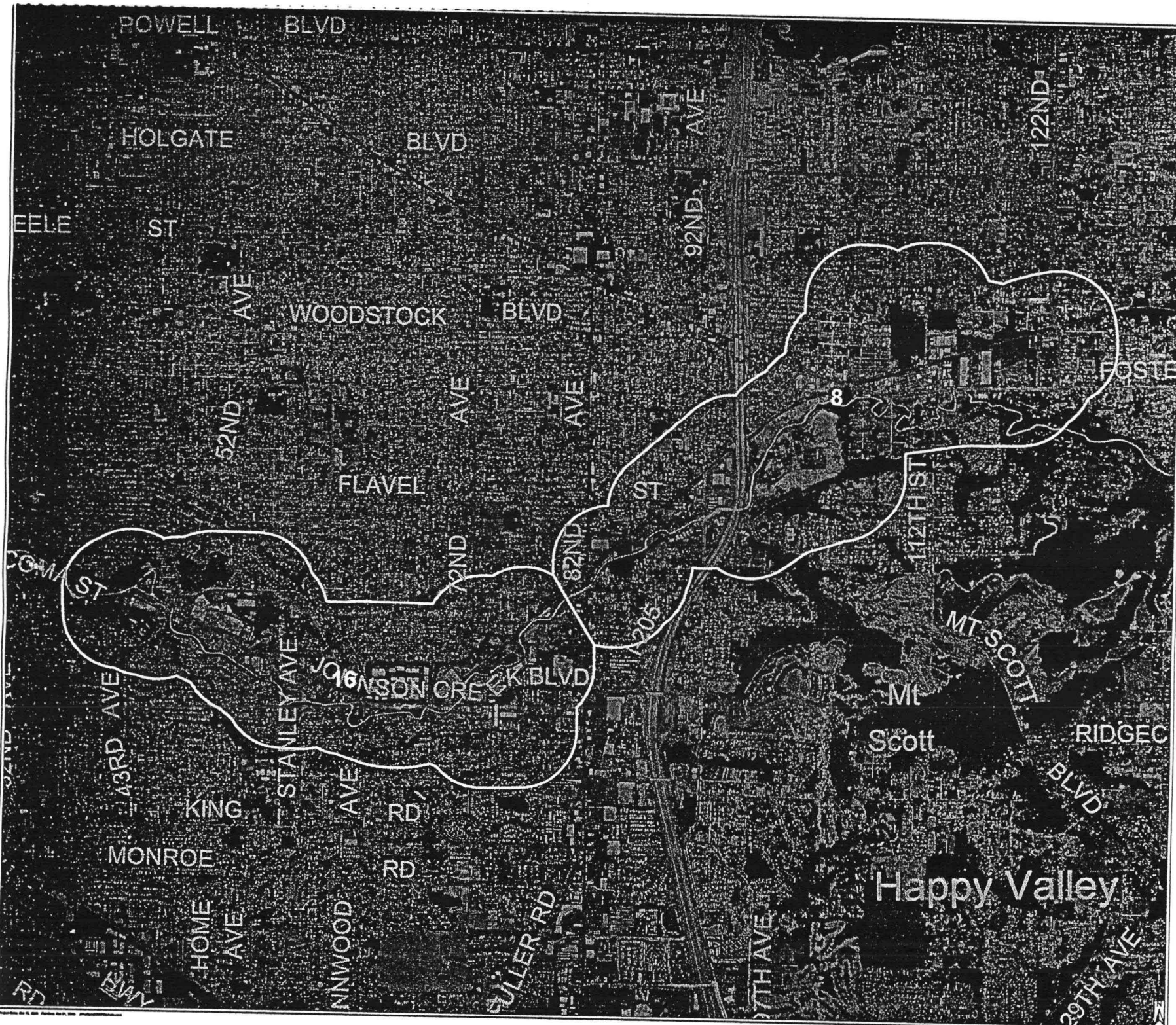
#### **Use**

- A regional paper recycling facility is located in this area but there are no other regional facilities, only local industrial uses and pre-existing commercial uses.

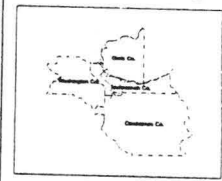
### **Summary**

This is a very old industrial area with everything from a Smurfit paper recycling facility, to an auto junkyard and small engine repair facilities. Interspersed with the industrial uses are commercial uses. The area is surrounded by residential uses and the land is within the Johnson Creek floodplain. This area is of local significance as a jobs center, but is not appropriate as a RSIA.

# Study Areas 8 and 16



Scale: 1 inch equals 0.7 miles  
0 0.35 0.71



Location Map



Map prepared by Oregon Department of Transportation, Planning and Research Division, 800 NE Oregon Street, Portland, OR 97232-3200. Map date: 10/01/01. Map scale: 1 inch equals 0.7 miles. Map projection: NAD 83, UTM, Zone 12N. Map datum: NAD 83. Map units: Feet. Map accuracy: ± 1 foot. Map disclaimer: This map is for informational purposes only and does not constitute a warranty of any kind. The Oregon Department of Transportation is not responsible for any errors or omissions on this map.

## **Area 9 - Wilsonville Area**

### **General Description**

The areas under consideration for potential designation as RSIA's consist of parcels flanking I-5 and are north of the Willamette River. Wilsonville's analysis involved the development of a two-tiered system for evaluating industrial land. According to their analysis, Tier 1 lands are undeveloped parcels, of a size to permit reasonable industrial use, served by public facilities (with the possible exception of transportation facilities) and adjacent to other industrial campuses. Tier 2 areas are comprised of enclaves of existing industrial developments within the City and has land use approval including positive findings for concurrency.

### **Factor Analysis**

#### **Distribution**

- The industrial area is a distribution point for Rite Aid; Coca Cola, and a regional trucking operation. Wilsonville is a good distribution point but access is congested.

#### **Services**

- Basic services are available.

#### **Access**

- This area is within 3 miles of I-5. Interchange access is limited and congested.

#### **Proximity**

- The Tier 1 area recommended by the City is within close proximity to industrial uses and is adjacent to industrial campuses. The industrial area on the west side of I-5 is the edge of the UGB. Opportunities for this area to growth are limited to expansions of the UGB.

#### **Use**

- The Tier 1 land recommended by the City is adjacent to industrial uses. The industrial area on the west side includes distribution facilities, small local manufacturing firms, local services and is the headquarters for Hollywood Video.

### **Summary**

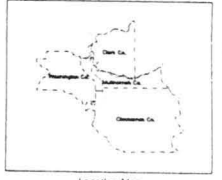
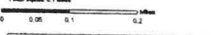
The City of Wilsonville recommends that Tier 1 lands be designated as RSIA's due to their status as large, undeveloped parcels that are served by public facilities as well as the presence of adjacent industrial uses. They do not recommend Tier 2 lands for RSIA designation as these parcels are already developed and have some existing commercial uses. Tier 2 lands primarily consist of Planned Unit Developments. The City's submittal is attached. Staff does not concur with the City's recommendation. These industrial areas are not appropriate for designation as RSIA's.

If the character and size of the west Wilsonville industrial area did not change, staff would agree that this area is appropriate for designation as a RSIA. The Council in 2002 added approximately 350 acres to the north end of Wilsonville for industrial purposes. There are more exception lands north and west of this industrial area. If the Council were to add more industrial land to the UGB in this area, it would very much change the status of this industrial district. Along with more land, better access to I-5 and a connection to the Tualatin industrial areas, this area would be appropriate for designation as a RSIA.

# Study Areas 9



Information on this map is derived from the Regional Land Information System (RLIS) database. The RLIS database is a compilation of data from various sources, including aerial photography, ground surveys, and other data. The data is subject to change and is not guaranteed to be accurate. The map is for informational purposes only and should not be used for legal or financial decisions.



## WILSONVILLE'S REGIONALLY SIGNIFICANT INDUSTRIAL AREA ANALYSIS

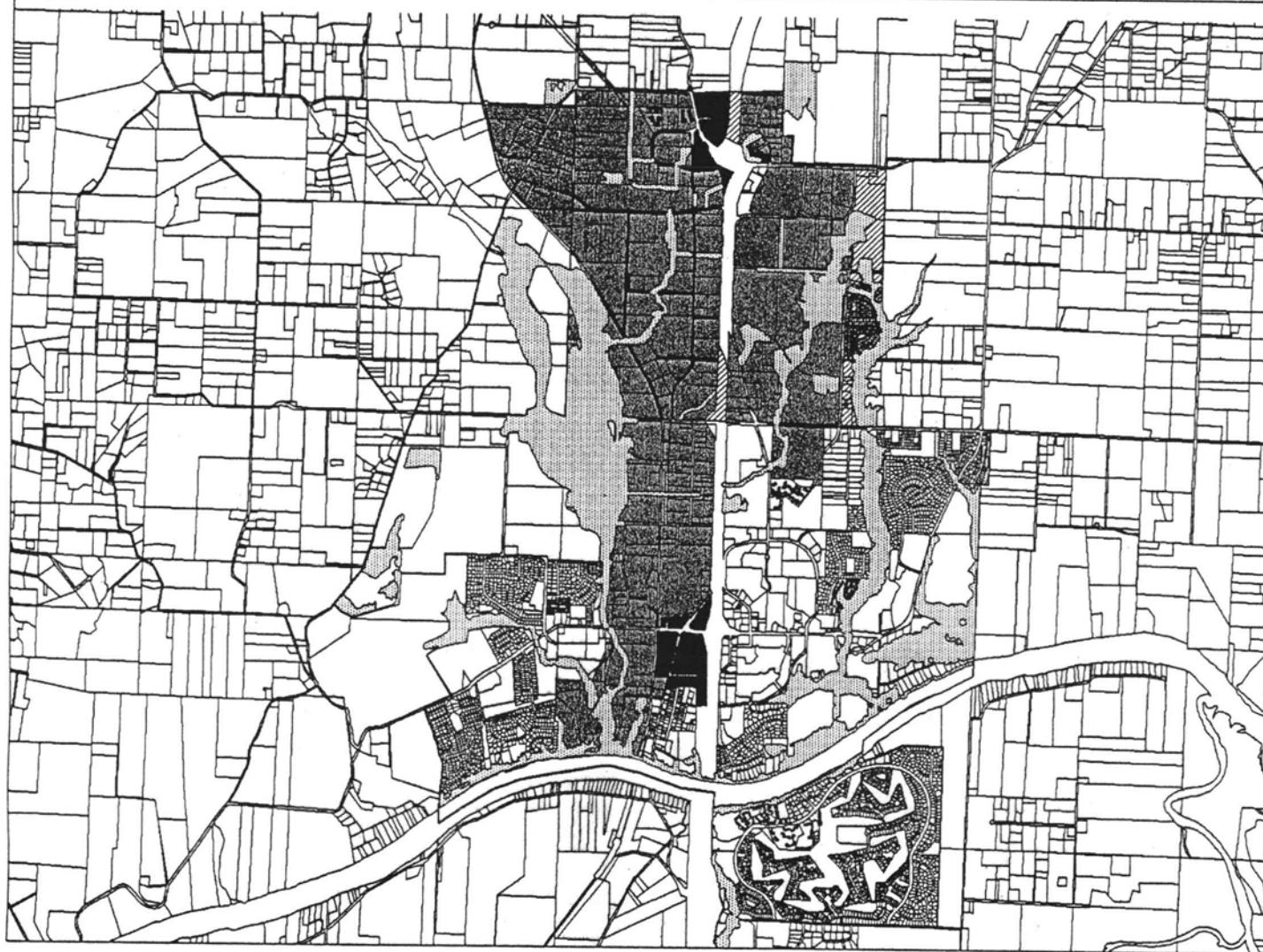
Per Exhibit F to Metro Ordinance No. 02-969B (Revisions to Title 4 of the Urban Growth Management Functional Plan), the City of Wilsonville has analyzed the requirements of Title 4 in regards to the City responsibility to identify lands that could be considered Regionally Significant Industrial Areas (RSIA). The City has developed a two-tier system for evaluating potential RSIA:

**Tier 1** areas are undeveloped parcels, of a size to permit reasonable industrial use, served by public facilities (with the possible exception of transportation facilities), and adjacent to other industrial campuses. Required revisions to the City's Development Code would provide these properties with the protections required per section 3.07.420 of the UGMFP:

- Subject to specific plan designation and zoning district boundary
- Subject to limitations on uses other than industrial
- Subject to limitations on further subdivision of property

**Tier 2** areas are comprised of enclaves of existing industrial developments within the City. The City is not proposing these properties be given the RSIA designation at this time. These properties have City land use approval, including positive findings for concurrency. In some cases, this approval has allowed commercial development within these industrial areas. These areas were also chosen for potential RSIA designation due to their job generation potential, their value-adding potential, and the diversity of industrial uses they represent. While industries currently operating on these lands may not provide family wage jobs desired by Title 4, it is the potential for these types of jobs that brought these areas into the consideration. Required revisions to the City's Development Code would provide these properties with the protections required per section 3.07.430 of the UGMFP, which include limitations on new and expanding retail commercial uses.

The City will need to develop Development Code language to enact the required Title 4 protections for RSIA.



## Wilsonville RSIA Analysis

## **Area 10 – Tualatin Industrial Area**

### **General Description**

The Tualatin industrial area begins west of 95<sup>th</sup> along Tualatin Sherwood Rd. north to Tualatin road and just south of Tualatin Sherwood Rd. to 120<sup>th</sup>. This is a very dense industrial area that is well served with internal road connections. The access points to Hwy 99W and I-5 are congested.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as a support facility for the regional transportation facilities.

#### **Services**

- Basic services are available. Unknown if specialty gases or redundant electric power is available.

#### **Access**

- The area is within 3 miles of I-5

#### **Proximity**

- The area is not connected to other industrial areas. This area is bordered on the north and southwest by residential development. Directly to the west is downtown Tualatin and to the south is the UGB.

#### **Use**

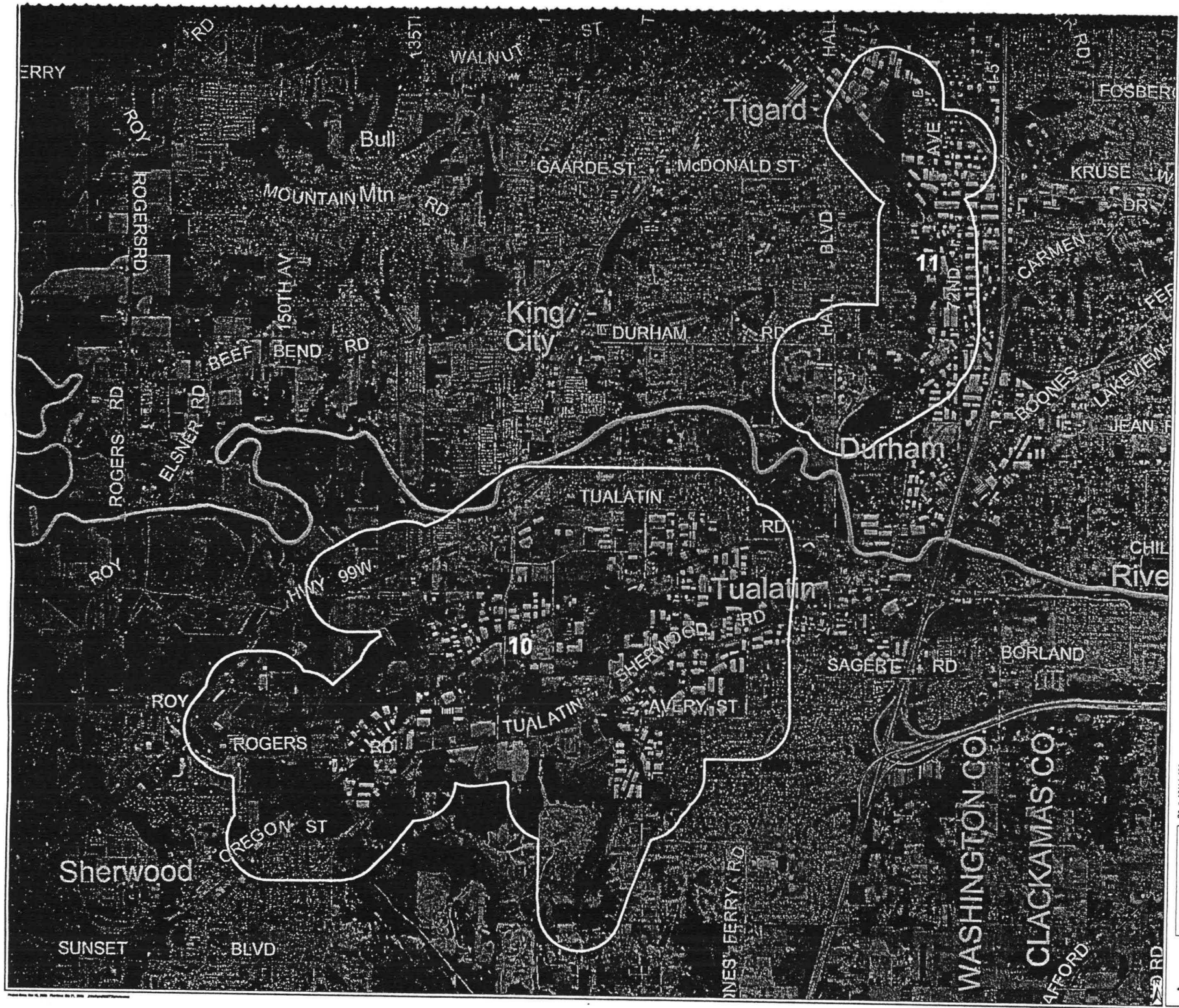
- A range of local industrial uses is located in this area. The uses include a UPS facility, Air Liquide facility, Hansen Pipe, Lile Moving and Storage, Pacific Foods, Milgard Windows and machine parts fabrication.

### **Summary**

The connection to I-5 is less than 3 miles but is congested. Because of the congestion at the access points to I-5 and 99W the area will not function as warehousing and distribution district. What exists now is general manufacturing. Hedges Creek, north of Tualatin Sherwood Rd. runs through the only vacant 50+-acre parcel in the area. At present this area is locally significant but not regionally significant.

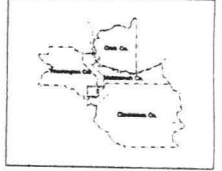
The Council brought the Tigard Sand and Gravel site into the UGB in 2002. To south of the existing industrial area and adjacent to the quarry there are rural lands that would meet the criteria for industrial uses. Additional vacant land and the Highway 99W-I5 connector improving access to this area and north Wilsonville could result in connecting the two industrial areas and providing a Regional Significant Industrial Area that would anchor the south end of the region.

# Study Areas 10 and 11



These boundaries are the City of Tualatin's proposed boundaries for the purpose of the Regional Land Information System. They are not intended to be used for any other purpose. The boundaries are subject to change. The boundaries are not intended to be used for any other purpose. The boundaries are subject to change.

1 inch equals 0.5 miles



Location Map



Metropolitan Area Council  
1000 NE Oregon Street, Suite 200  
Portland, OR 97232  
(503) 238-1234  
www.metroinfo.org

## **Area 11- Tigard-Durham Industrial Areas**

### **General Description**

Hunziker Road borders area 11 to the north, Boones Ferry Road to the south and east, and Hall Boulevard to the west. It is composed of three islands of Title 4 industrial land arranged in a loose column, with a small section on the top referred to as "A", a long narrow section in the middle "B" and a small section on the bottom of the grouping "C." Area A has a mixture of zoning around it including light industrial, residential and commercial. Area B has light and mixed-use industrial on the east and single and multifamily on the west. Area C is surrounded by a mixture of office commercial, light industrial and single and multifamily residential zoning.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities.

#### **Services**

- Basic services are available.

#### **Access**

- This area is within 3 miles of I-5.

#### **Proximity**

- This area is not located within close proximity of like uses. The uses around it are varied-commercial, residential, light industrial-they are not solely industrial in nature.

#### **Use**

- This area has general industrial uses and office parks. The uses are predominantly industrial.

### **Summary**

Area 11 is flanked by residential and commercial uses, and employment land on the east. It is a constrained linear area with office parks and other industrial uses. The three islands of Title 4 industrial land that comprise Area 11 are not in close proximity to each other, so it is unlikely the area will expand or be maintained over time due to the mosaic of zoning around it. The area does not serve to support industrial land for regional transportation facilities, it does not have specialized utilities and services, and it is not within close proximity to like uses due to the presence of residential and commercial zones. Area 11 in the City of Tigard primarily functions as a local industrial area and would not be appropriate as a RSIA. Comments from the City of Tigard and the City of Durham area attached.

Metro staff concurs with the City's recommendation not to designate this area as a RSIA.

**WARNING:** Some drugs combine with agents of **radiating** ray exposure, e.g. X-ray, which may be **very** bad for you. Please be aware, the drug is not suitable for children, pregnant or on the 1st 3rd trimester.





## City of Durham

17160 SW Upper Boones Ferry Rd.  
P.O. Box 23483, Durham, Oregon 97281  
Roel C. Lundquist - Administrator/Recorder

e-mail: [durhamcity@aol.com](mailto:durhamcity@aol.com)  
(503) 639-6851 Fax (503) 598-8595  
Linda Smith, Administrative Assistant

September 9, 2003

Tim O'Brien, AICP  
Associate Regional Planner  
Metro Regional Planning Division  
600 NE Grand Avenue  
Portland, OR 97232

Re: Metro's Proposed Inclusion of Durham in Area 11 of Industrial Lands (Title 4)

Dear Tim:

I noticed that you were called upon to review the draft map on Identifying 2003 Industrial Land Alternatives Analysis Study Areas at the July 9<sup>th</sup> MPAC meeting. I was wondering if this relates to the *Potential Regionally Significant Industrial Areas* map that was adopted by Metro Ordinance NO. 02-969B. If so, you might be a resource person related to my concerns that the southern section of Area 11 on the map totally engulfs Durham. Of course, this is incorrect.

Based on the March 11<sup>th</sup> letter from Andy Cotugno, I realize that this *Generalized* map will be refined. My concern is that properties in Durham will not be incorrectly included on a more defined final inventory map.

Please advise if you are the proper contact person for this topic.

Sincerely,

Roel C. Lundquist  
City Administrator

C: K.J. Won, City Planner

July 18, 2003



Marci LaBerge, AICP  
Growth Management Services  
Metro  
600 NE Grand Ave.  
Portland, OR 97232-2736

RE: RSIA's

To follow up on our meeting today, the factors need to be clearly stated and understandable. As written, they are left to interpretation. The list of "Reasons not to designate an industrial area as a RSIA" should also include: It does not meet one or more of the factors for designating an area as a RSIA.

With regard to the designated RSIA map, there were several points discussed. First of all, the entire area is built out with a few remaining vacant lots which are hindered by natural resources (Fanno Creek). The remaining vacant parcels of substantial size (2S1010000800 and 2S1010001100) include steep slopes making the property questionable for large industrial uses. For those reasons, we recommend removing this designation from the entire area.

The final point discussed addressed Title 4 and the employment area designation. As designated, the employment area centers on SW 72<sup>nd</sup> Avenue. The area is highly parcelized and developed. A majority of activities are relatively new and will not redevelop for several years at best. Current zoning for the area has been in effect prior to January 1, 2003. Otherwise, there would be numerous non-conforming uses. Also, Tigard is listed on Table 3.07-4 and is therefore exempted from Title 4 protection.

Thank you for meeting with us. Should you have any questions, please feel free to contact me.

Sincerely,

  
**JAMES N.P. HENDRYX**  
Director of Community Development

## **Areas 12 and 16- Clackamas County Industrial**

### **Area 12 – 212/224 distribution area**

The sub-section of area 12 being considered by Clackamas County staff for RSIA designation is located along Highway 212/224, north of the Clackamas River, between I-205 and 135<sup>th</sup> Avenue. The area consists of light industrial and general industrial zoning.

#### **Factor Analysis**

##### **Distribution**

- The Southern Pacific Railroad serves land south of Highway 212/224. The area is within 20 minutes of Portland International Airport.

##### **Services**

- The area is provided with full urban services. The analysis does not indicate whether specialty services are available.

##### **Access**

- This area is approximately a quarter mile from I-205 and directly south of Highway 212/224.

##### **Proximity**

- The area is in close proximity to light and general Industrial lands.

##### **Use**

- This area is predominantly industrial.

### **Area 16- Harney Road/Johnson Creek Area**

Area 16 is bordered by Harney/Clatsop on the north, Johnson Creek/Brookside/Firwood/Overland on the south, 78<sup>th</sup> on the east and 40<sup>th</sup> on the west. On the north, south and west sides of area 16 the majority of land is zoned residential, on the east the zoning is multifamily and mixed use.

#### **Factor Analysis**

##### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.

##### **Services**

- This area does not have availability and access to specialized utilities.

##### **Access**

- This area is within 3 miles of I-205.

##### **Proximity**

- This area is not located within close proximity to existing like uses; it is surrounded by residential uses.

##### **Use**

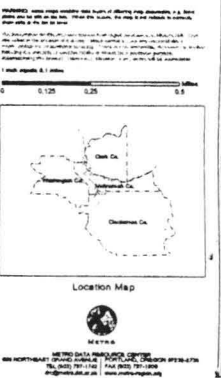
- This area has predominantly industrial uses.

### **Summary: Area 12 & 16**

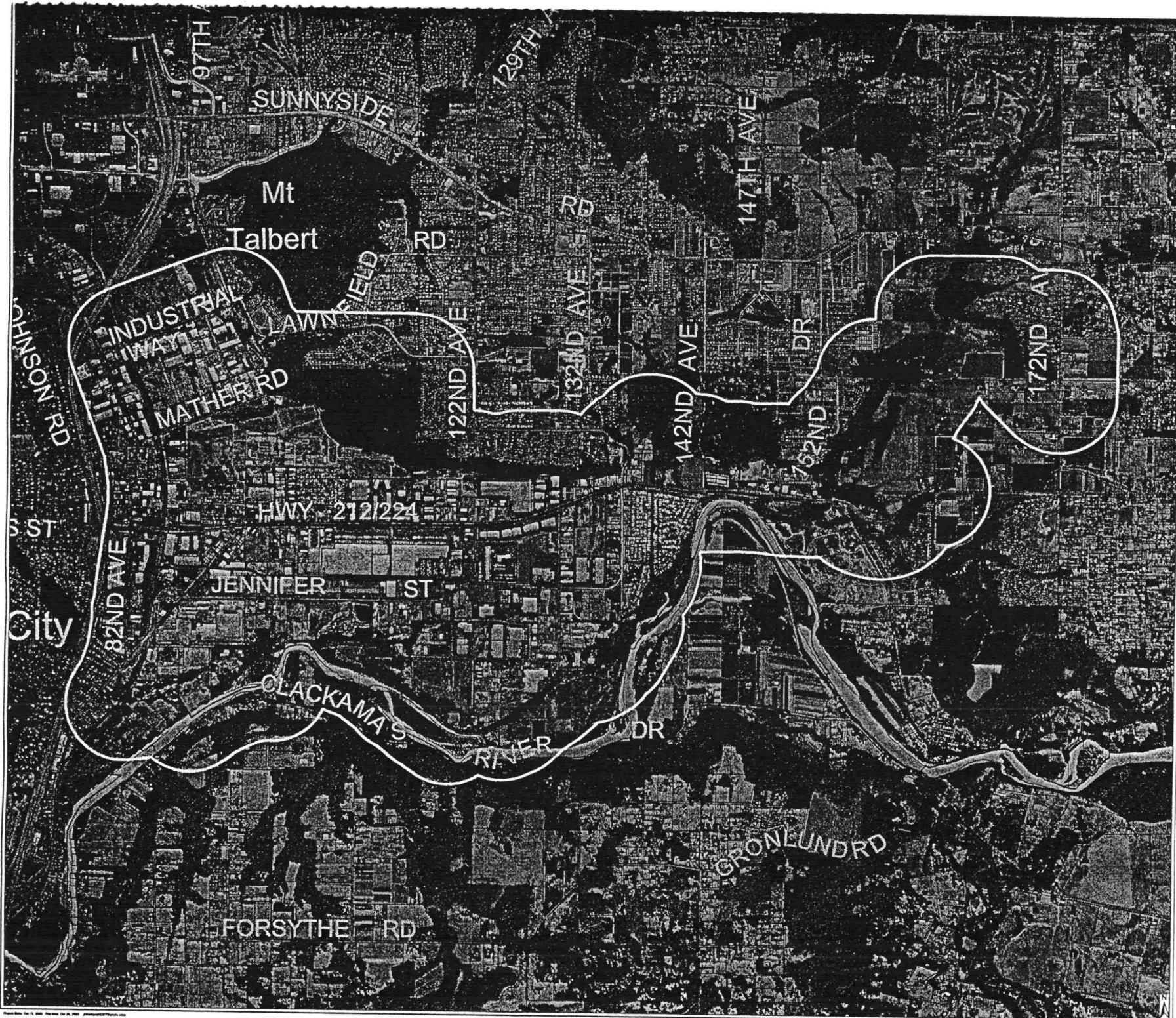
Clackamas County prepared an assessment of Areas 12 and 16. The County found that area 12, south of Highway 212/224 functioned as a distribution area, provided full urban services and most of the uses are associated with warehousing and distribution activities. It is recommended by staff that the areas south be designated as a RSIA. The area north of Highway 212/224 was a mix of commercial, residential and industrial uses. The area north would also be impacted by construction of the Sunrise Facility. It is not recommended for designation as a RSIA.

Area 16 in the Johnson Creek area is served by rail and within 20 minutes of the airport. All lands surrounding the boundaries of Area 16 are developed with residential land uses and the area is completely developed with a variety of small manufacturing uses. Area 16 is not appropriate to be designated as a RSIA.

Metro Staff concurs with the County's analysis. More detailed information from the County is attached to this memorandum.

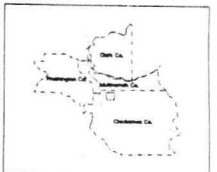


# Study Area 12



Copyright, 2000, by the Clackamas County Board of Commissioners. All rights reserved. This map is a reproduction of the original map. The original map was prepared by the Clackamas County Board of Commissioners. The original map was prepared by the Clackamas County Board of Commissioners. The original map was prepared by the Clackamas County Board of Commissioners.

Scale: 1 inch = 1 mile



Clackamas County Board of Commissioners  
 1000 NE Oregon Street  
 Portland, Oregon 97232  
 Phone: (503) 741-1140  
 Fax: (503) 741-1000  
 www.clackamas.gov



October 9, 2003

TO: Mary Weber, Manager Community Development

FROM: Lorraine Gonzales, Planner; Doug McClain, Planning Director *[Signature]*

RE: Title 4 Regionally Significant Industrial Areas

This memorandum is Clackamas County staff's response to Metro's request to identify Regionally Significant Industrial Areas (RSIA) within Clackamas County. Metro identified three candidate areas within the "old" UGB. We understand that the RSIA's in Damascus, recently added to the UGB, will be refined as part of the concept planning process. We believe the area south of Highway 212, generally known as the Clackamas Industrial Area, should be designated as a RSIA. Included with this memorandum is a map depicting our recommendation, and several aerial photographs that reveal the development pattern for the areas. The rationale for our recommendation follows.

#### Area Descriptions

*Area 12*

##### **Area 1 (Hwy 212/224):**

This area is located along Hwy 212/224 north of the Clackamas River, between Hwy I-205 and 135<sup>th</sup> Avenue. Area 1 has 865.67 acres of Light Industrial (I-2) and 492.39 acres of General Industrial (I-3) land.

*Area 16*

##### **Area 2 (Johnson Creek Industrial Area):**

This area is located along Johnson Creek Blvd. between the 55<sup>th</sup> Avenue and SE Luther Ave. This area has 129.71 acres of Light Industrial (I-2) land and 129.69 acres of General Industrial (I-3) land.

##### **Area 3 (Lake Road Industrial Area):**

This area is located north between Hwy. 224 and Lake Road and the railroad tracks, between I-205 and Harmony Road. This area has 22.00 acres of Light Industrial (I-2) land and 104.31 acres of General Industrial (I-3) land.

#### Evaluation

Our evaluation is based on Policies 1.4.1 and 1.4.2 of Title 4, and the "recommended

factors” provided by Metro staff in a June 30, 2003, memo to MTAC. Our evaluation follows the outline of recommended factors set forth in the Metro staff memo.

Distribution:

**Area 1:** Land south of Hwy 212/224 is served by the Southern Pacific Railroad. The area is within 20 minutes of Portland International Airport.

**Area 2:** The Southern Pacific Railroad intersects this area. This area also is within 20 minutes of Portland International Airport.

**Area 3:** This area is served by rail, located on the northern boundary of the industrially-zoned properties. It is within 20 minutes of the Portland International Airport.

Services:

All areas are provided with full urban services.

Access:

**Areas 1:** This area is approximately a quarter mile from I-205 and directly south of Hwy 212/224.

**Area 2:** Hwy 224 is directly south and abutting the area and I-205 is approximately ½ mile east of this area.

**Area 3:** I-205 is approximately one mile east. The area is located adjacent to SE Johnson Creek Blvd., a minor arterial.

Proximity and Use

**Areas 1:** Land uses north of this area include additional I-2 and I-3 industrial lands. However, the north side of Hwy 212 has a mixture of residential and industrial zoning. The industrially-zoned area north of the Highway includes several small parcels, with a mix of industrial and non-conforming commercial uses. This area north of the Hwy 21/224 also will be impacted by construction of the Sunrise Facility. Further north, separated by a residential area and large mobile home park, is Camp Withycombe. North of Camp Withycombe is an area zoned I-2, that is developed with smaller manufacturing businesses.

The recommended RSIA area is bounded on the south by a bluff overlooking the Clackamas River; this bluff serves as a natural boundary. Zoning south of this bluff is Exclusive Farm Use (EFU), Open Space (OSM) and Residential (R-20). The rail line provides a boundary west. The area between I-205 and the industrial area is developed with general commercial uses, consistent with the zoning. The area to the east at 135<sup>th</sup> Ave. is zoned Community Commercial, a designation providing for commercial uses supportive of the industrial area. Two mobile home parks also are located east of the

recommended RSIA.

Land uses in the area recommended for designation as RSIA are predominately industrial. Many are associated with warehouse and distribution activities, although there are other general manufacturing activities also located in this area. There are very few residential uses in the area. As the aerial photos show, most of the area is developed. There are two surface mining sites in this area which may eventually be redeveloped.

**Area 2:** Lands north of the site are designated as Open Space Management (OSM) and are in public ownership. Most of the area adjacent on the north is in the floodplain of Mt. Scott Creek. The City of Milwaukie is located to the east, across SE Harmony Rd. The area within the City has a mix of commercial, office and industrial uses. The City is not intending to recommend the RSIA designation for this adjacent area. Land uses east of the site include a mix of commercial and industrial uses, reflecting the zoning pattern for the area. Hwy 224 is the southern boundary of this area; the area south of Hwy 224 is generally residential. The property within this area is completely developed with industrial uses.

**Area 3:** All lands surrounding the boundaries of Area 3 are developed with residential land uses. The industrially-zoned area is almost completely developed with a variety of small manufacturing uses.

Reasons not to designate an industrial area as a RSIA.

The Metro memorandum dated June 30, 2003 gave the following four examples as reasons not to designate industrial land as a RSIA:

- The industrial site/area is surrounded on several sides by residential uses. In this case it is unlikely that the area will be expanded or maintained over time because of the conflicts with residential uses.
- Existing non-conforming uses located within the area make it unlikely that the conflict between uses will diminish and that over time the area might be better zoned for employment uses or mixed uses.
- Flexibility of employment uses on the site is important for redevelopment to occur.
- Is located in a high demand area for residential use and would be well served by transit if a transition was to occur.

The industrial lands north of Hwy 212/224 in Area 1 is not suitable for designation as a RSIA. These industrially-zoned properties are located within proximity to residential uses (the areas zoned R-7), and have an assortment of existing non-conforming uses on small parcels. These lands are not considered to be well-suited for large-scale industrial developments.

Area 2 should not be designated a RSIA. A majority of the lands within Area 2 are fully developed and do not allow flexibility for future regionally-scaled industrial development. This area also is small and isolated. If the area within the City of Milwaukie, on the west, was suitable for designation as a RSIA, it might make sense to include Area 2. Discussions with the City establish that this area is not suitable for such a designation.

Area 3 does not meet the standards for designation as a RSIA based on adjacent east, west, north and south residential developments. This area is small in size, characterized by small businesses located on small parcels, and is isolated by these surrounding residential uses.

Conclusion:

We recommend designating the industrially-zoned area south of Highway 212/224 as a RSIA. The appropriate area is shown on the attached map.

## **Area 13 – Forest Grove Industrial Areas**

### **General Description**

Area 13 is in the City of Forest Grove. The industrial land is roughly bordered by NW Verboort on the north, Tualatin Valley Highway on the south, NW Cornelius-Schefflin Road on the east, and NW Sunset Drive on the west. The majority of the industrial land is on the north side of Pacific Avenue that cuts through the center of Forest Grove. This area is adjacent to agricultural land to the north and residential uses to the south including mobile home parks. The smaller portion of industrial land to the south is also adjacent to agricultural land. The area consists primarily of light and heavy industrial zoning.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals or rail yards. The railroad runs through the area, but is not a major link. The Hillsboro airport is approximately 6 miles away.

#### **Services**

- Basic services are available.

#### **Access**

- This area is not within 3 miles of I-5, I-205 or I-84.

#### **Proximity**

- This area is in close proximity to high-tech uses in Forest Grove's employment areas.

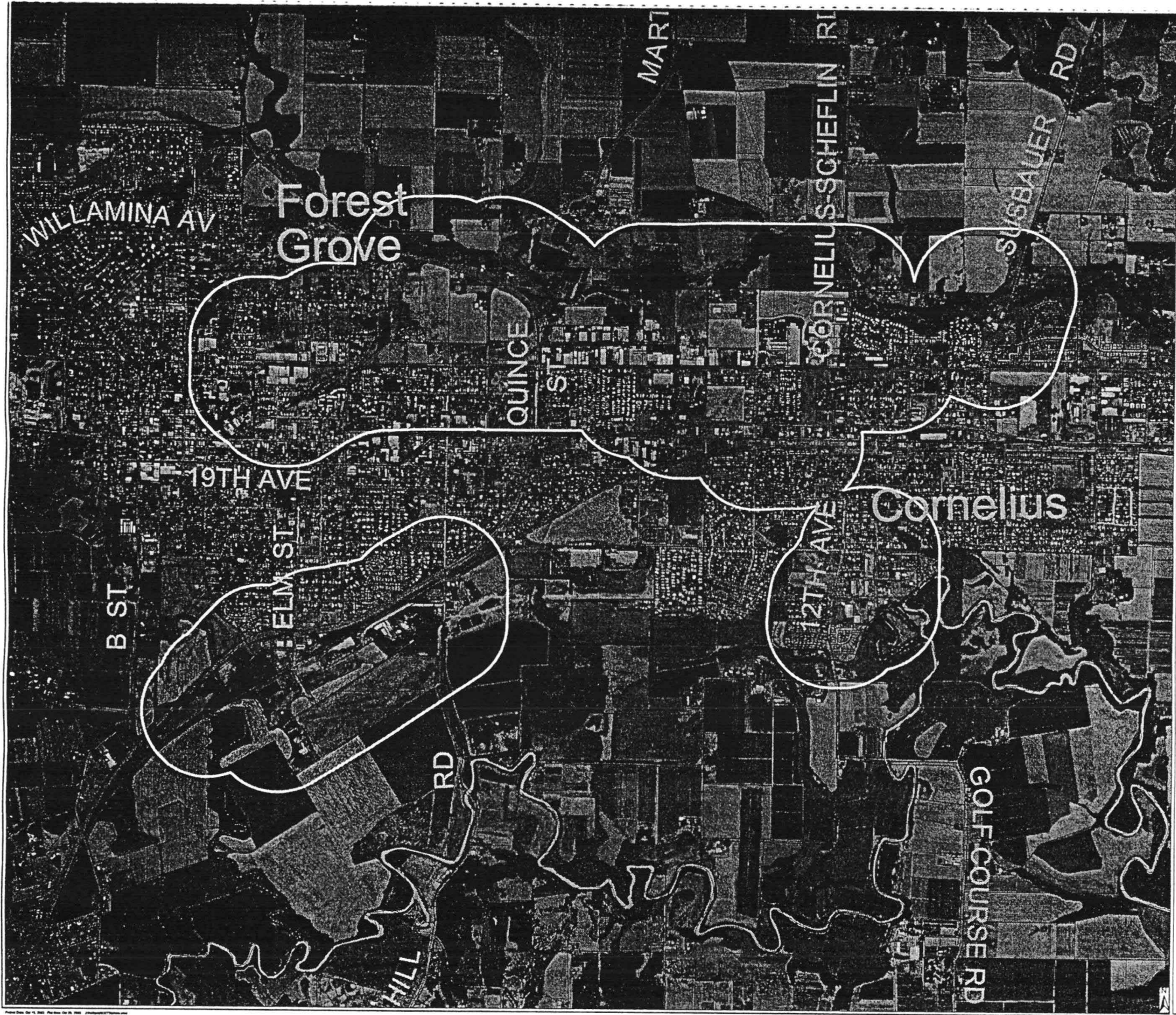
#### **Use**

- The area is predominantly industrial with the exception of the undeveloped area south of Highway 47, which has some residential and non-conforming uses.

### **Summary**

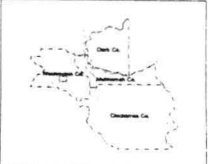
Forest Grove does not recommend this area for RSIA designation because it does not serve as support industrial for major regional transportation facilities; it lacks specialized utilities and has poor access to major transportation infrastructure. Area 13 functions as a local industrial area, but would not be appropriate for RSIA designation. Metro staff does not recommend this area for designation as a RSIA.

Study Area 13



NOTES: This map was prepared from a series of aerial photographs, U.S. Department of Agriculture, National Aerial Photography Program, 1960-1964. The map is a reproduction of the original map and is not a survey. The map is not to be used for legal purposes. The map is not to be used for legal purposes. The map is not to be used for legal purposes.

Scale: 1 inch equals 0.1 mile



Location Map

METRO  
METRO DATA DEVELOPMENT CENTER  
10000 N. 17th Ave., Suite 100  
Portland, OR 97228  
503.281.1111  
www.metroinfo.org

## **Area 15 - East County Industrial Areas**

### **General Description**

Area 15 is comprised of four "islands" of land that are physically separate and located in four jurisdictions: Fairview, Gresham, Troutdale and Wood Village. The islands share few characteristics in common so are described individually.

Island A is bordered by Burnside on the north, Division on the south, Wallula on the east and 182<sup>nd</sup> on the west. It is located in the city of Gresham. The zoning in the area consists of multifamily and heavy and mixed-use industrial on the north, single family residential with mixed-use, and industrial on the south and mostly single and multifamily residential on the west.

Island B is bordered by Halsey on the north, Stark on the south, 242<sup>nd</sup>/Hogan on the east, and 210/202 on the west. It is located in the cities of Fairview and Gresham. The zoning in this area consists of park and open space and mixed use on the north, mixed use industrial on the east, single family residential and commercial on the south, and mixed use industrial on the west.

Island C is bordered by Stark on the north, Cochran on the south, Troutdale on the east, and Kane on the west. It is located in Troutdale. The zoning consists of multifamily residential and commercial on the north, rural residential with agricultural uses on the south, single family residential and a small amount of commercial on the east, and Mount Hood Community College on the west. Island C is undeveloped land.

Island D is bordered by Roberts/Palmquist on the north, Telford on the south, Palmblad on the east and Hogan/Cedar on the west. It is located in Gresham. The zoning in the area consists of multifamily on the north, single family and rural residential on the south, single family on the east, and industrial and single family on the west.

### **Factor Analysis**

#### **Distribution**

- This area (A-D) does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports or rail yards.

#### **Services**

- Micro Chip Technology Inc. and/or LSI Logic Corp, may have specialized utilities on island B. No specialized utilities on island C. It is doubtful that islands A and D have specialized utilities.

#### **Access**

- This area is within 3 miles of I-84.

#### **Proximity**

- Islands A, C and D are not within close proximity to existing like uses; they are surrounded by residential and institutional uses. Island B contains Micro Chip Technology Inc. and LSI Logic Corp which hold large parcels of land. This factor would apply to island B.

#### **Use**

- Islands A, B and D have primarily industrial uses. Island C is undeveloped land with an extensive tree canopy. This factor would not apply to island C.

**Summary**

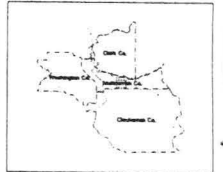
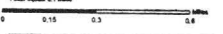
Area 15 is too geographically dispersed to function as a cohesive industrial district. Area 15 does not serve as support industrial land for major regional transportation facilities, but is within 3 miles of I-84. Islands examined individually also show little potential for RSIA designation. Islands A and D are surrounded on several sides by residential uses and it is unlikely that these areas will expand or be maintained over time as industrial due to conflicts with residential uses. Island C is undeveloped and flanked by a college on one side and housing on the other. The land will most likely develop as an accessory use to the college. Island B, with very little Title 4 industrial land, is flanked on the east and west by Title 4 employment land held in large parcels by Micro Chip Technology Inc. and LSI Logic Corp.

Metro staff does not recommend this area for designation as a RSIA.



# Study Area 15

Map data is derived from the Oregon Department of Transportation's (ODOT) 2000 aerial photography. The map is not to be used for navigation purposes. The map is not to be used for any other purpose without the express written consent of the Oregon Department of Transportation.



Location Map



## **Area 17- Highway 217**

### **General Description**

This area is bordered by Beaverton-Hillsdale Highway on the north, Scholls Ferry on the east, Lombard on the west and Hall Boulevard on the south. The zoning in the area is characterized by single family residential on the east and west with multifamily along Allen Boulevard. There are commercial and mixed-use zones on the north, and industrial and single family residential on the south.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports or rail yards.

#### **Services**

- Basic services are available.

#### **Access**

- This area is not within 3 miles of I-5, I-205 or I-84.

#### **Proximity**

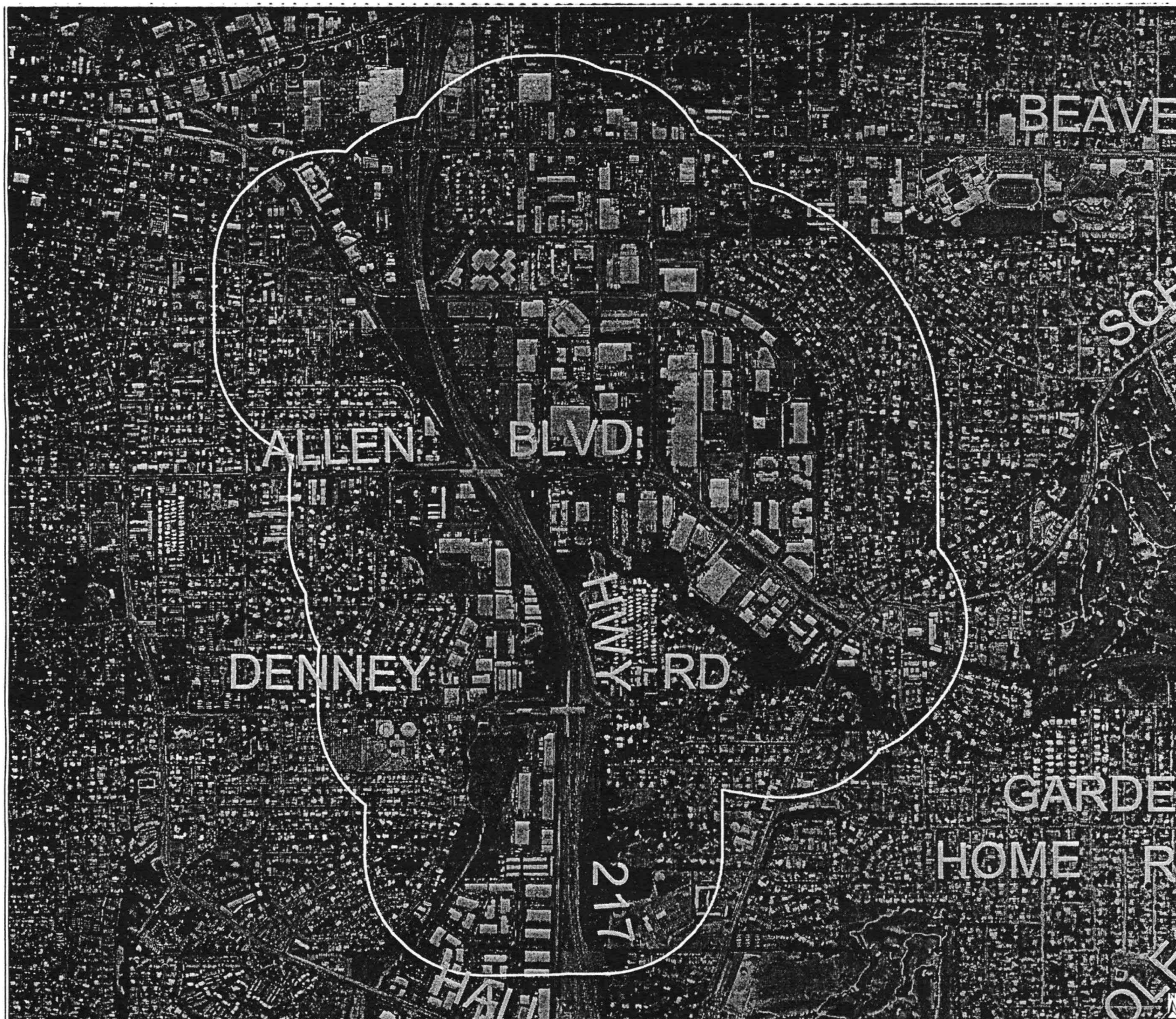
- This area is near an industrial area on the south, but is surrounded by residential, mixed use, and commercial uses.

#### **Use**

- This industrial area is converting to other uses that are not purely industrial. Many parcels are vacant or underutilized. Although it is changing, currently it is a viable industrial area.

### **Summary**

Area 17 is surrounded on several sides by residential uses. In this case it is unlikely that the industrial nature of this area will expand or be maintained over time because of conflicts with residential uses. It is not a good warehouse location due to poor truck access to major transportation facilities and lacks room for turning movement. It is not a purely industrial area and is going through a conversion to other uses, some of which are only temporary in nature. For example, there are vacant and underutilized lots, many of which are used to store cars by local automobile agencies. Area 17 works as a local industrial area and is not appropriate for designation as a RSIA.



**REMARKS:** some steps involve data inputs of differing magnitudes, e.g. 2000 dollars can be used as the base. From this point, the step is not related to currency exchange rates at the time of issue.

1 inch equals 0.1 mils



0 0.05 0.1 0.2



Location Map



METRO DATA RESEARCH CENTER  
805 NORTH EAST GRAND AVENUE | PORTLAND, OREGON 97232-2736  
TEL (503) 757-1142 | FAX (503) 757-1209  
@metrodata.us | www.metrodata.org

## **Area 18 – Central Eastside Industrial District**

### **General Description**

Area 18 is bordered by I-84 on the north, Powell on the south, 12<sup>th</sup> on the east and the Willamette River on the west. On the north side of Area 18 the land is zoned mixed use, on the south it is zoned commercial and residential, on the east the zoning is residential and on the west are the Willamette River and Portland's Central Business District.

### **Factor Analysis**

#### **Distribution**

- This area does not serve as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.

#### **Services**

- This area does not have availability and access to specialized utilities.

#### **Access**

- This area is within 3 miles of I-5 and I-84.

#### **Proximity**

- This area is not located within close proximity to existing like uses; it is surrounded by residential uses.

#### **Use**

- This area has a mixture of uses both commercial and industrial, but it is predominantly industrial in nature.

### **Summary**

Area 18 is also known as the Central Eastside Industrial District. It is an old industrial area with short blocks that constrain truck-turning movement. Although it is located near freeway facilities access is limited by a one-way couplet. The Willamette River on the west and residential uses on the east border for the length of the area. It is unlikely that the area will expand or be maintained for industrial uses over time because of the conflicts with residential and commercial uses. The area is located in a high demand area for residential development. The City is currently exploring opportunities to adjust the industrial zoning code to facilitate growth of industrial service firms, (e.g. engineering) and industrial like service firms (e.g. creative services and software development) that would conflict with the professional office limitation in Title 4. Metro staff concurs with the City of Portland's recommendation that this area is not appropriate for designation as a RSIA.



The Department of Health, Education and Welfare, Washington, D.C. 20460. The views expressed are those of the author. Since accepted for publication, the author learned that the Department of Health, Education and Welfare, Washington, D.C. 20460.



© 2005 Blackwell Publishing Ltd, *Journal of Internal Medicine* 257: 105–112

June 30, 2003

**To:** MTAC

**From:** Mary Weber, Manager  
Community Development

**Regarding:** Recommended Factors for identifying RSIA's

### Introduction

As part of Ordinance 02-969B, Title 4 was amended to include Regionally Significant Industrial Areas (RSIA),

As reported in the *Urban Growth Report: An Employment Land Need Analysis 2002-2022*, the supply of industrial land is often eroded by commercial absorption. Historical experience suggests 15% to 20% of industrial land is consumed by commercial enterprises operating in industrial zones<sup>1</sup>. Under past practices and policies, Metro estimates about 2,800 net acres of industrial land would be converted commercial uses/development over the 20 year planning period. We estimate that about half (or 1,400 net acres) of the industrial land will be protected by the new regulations. As reported in the *Urban Growth Report: An Employment Land Need Analysis 2002-2022*, the industrial land shortfall is 5,684.9 net acres but with the additional RSIA protection limiting conversion by 1,400 net acres, the net shortfall of industrial land is 4,284.9 net acres<sup>2</sup>.

In concept RSIA's are industrial areas with unique industrial attributes that cannot be duplicated elsewhere in the region especially by the mere expansion of the UGB. Such places might include areas adjacent to the Port of Portland terminal facilities, near rail yards, or adjacent to high tech locations need specialty gasses, electrical infrastructure and so on. A concept map depicting those industrial areas in the pre-expansion urban growth boundary was included in the ordinance. By December 31, 2003, Metro is required to adopt a map of RSIA land with specific boundaries derived from the generalized map adopted in Ordinance No. 02-969B.

As part of the discussion about these new regional regulations was the promise to re-look at the new restrictions and possibly refine the code language before the Metro is required to adopt the RSIA map in December. As Metro and the jurisdictions work to identify the specific boundaries, MTAC may also choose to re-examine the regulatory language. A copy of the adopted code language is attached.

Finally, questions have arisen as to what if any benefits will the local jurisdiction receive if an industrial area is designated as an RSIA. In the MTIP, transportation projects can be awarded a higher percentage of the total project cost (89.73 versus 70 percent) if the project "highly benefits" industrial areas. However the resolution establishing this advantage does not differentiate between RSIA land and other industrial areas.

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<sup>1</sup> UGR page 31

<sup>2</sup> UGR Addendum page 46

### **Drafting the Concept Map of RSIAs**

The RSIA concept map was developed by superimposing the Title 4 map, the RTP intermodal map, and the Industrial Employment Losses and Gains maps produced from the MetroScope base case model run covering the time period from 2000-2025. The results of this analysis are reflected in the concept map that shows the areas where these regulations might apply. In general the gains (circled on the map in red) are expected in the large industrial areas comprised of the Columbia Corridor, the Portland Harbor, the Clackamas Industrial District, the Tualatin/Wilsonville Industrial District and the Hillsboro Industrial District. While conversely, industrial losses (circled on the map in yellow) are likely to occur in the Central City, Eastside Industrial area, Highway 217 corridor, Highway 224 corridor and Vancouver CBD<sup>3</sup>.

### **Ordinance Intent**

Code section 3.7.420 A states that:

Regionally Significant Industrial Areas are those areas that offer the best opportunities for family-wage industrial jobs. Each city and county with land use planning authority over areas shown on the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969 shall drive specific plan designation and zoning district boundaries of the areas from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in subsection C, D and E of the section and the need of individual cities and counties to achieve a mix of types of employment uses.

### **Recommended Factors**

RSIAs are industrial areas with unique industrial attributes that cannot be duplicated elsewhere in the region especially by the expansion of the UGB. Industrial areas to consider for designation as Regionally Significant Industrial Areas conform to some or all of the following factors:

#### **Distribution**

- Areas serve as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards.

#### **Services**

- Availability and access to specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire and emergency response services

#### **Access**

- Within three miles of I-5, I-205, I-84 (within the UGB), State Route 224 (within the UGB), the Columbia Corridor

#### **Proximity**

- Located within close proximity of existing like uses

#### **Use**

- Predominately industrial uses

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<sup>3</sup> Information is based on MetroScope modeling results

### **Reasons not to designate an industrial area as a RSIA**

Not all industrial areas need additional restrictions that come with the RSIA designation. Here are a few examples of reasons why an industrial area should not be designated as a RSIA.

- The industrial site/area is surrounded on several sides by residential uses. In this case it is unlikely that the area will expanded or be maintained over time because of the conflicts with residential uses.
- Existing non-conforming uses make it unlikely that the conflict between uses will diminish and that over time the area might be better zoned for employment uses.
- Flexibility of employment uses on the site is important for redevelopment to occur.

**DATE:** July 29, 2003

**TO:** Mary Weber, Manger Community Development

**FROM:** Marci La Berge, Associate Regional Planner

**RE:** *SUMMARY OF MEETINGS HELD DURING JULY 2003 WITH JURISDICTIONS REGARDING DISCUSSION OF TITLE 4, RSIA EVALUATION FACTORS, AND THE RSIA CONCEPT MAP.*

### **Introduction**

The following information summarizes the meetings held with jurisdictions and agencies with potential RSIA lands, as shown on the concept map adopted in Ordinance 02-969B, as part of the December 2002 periodic review decision. Discussion at the meetings focused on three items: Title 4, RSIA evaluation factors, and the concept map.

There was little concern voiced about the evaluation factors, and most jurisdictions indicated they could work with them. The few specific comments made were regarding

- high degree of service of some items listed under Services,
- words that would better express factors or highways to be added to Access, and
- questioned number of the factors to be met.

The Title 4 RSIA discussion ranged from comments that the language allows jurisdictions flexibility, to the language is too restrictive and will inhibit development. Themes that were heard from more than one jurisdiction included:

- Concern about implementation of 5% commercial cap in RSIA's.
- Concern that Metro is doing regional zoning.
- Title 4 is too restrictive economic development requires flexibility.
- The issue is land use planning versus market readiness.
- Jurisdictions currently have effective zoning that protects the industrial areas.
- What is the benefit of the RSIA designation, what is the incentive?
- Need incentives for businesses to locate in centers rather than desirable less expensive industrial areas.

During the discussion of refining the concept map, the following issues were expressed:

- The need to talk to industrial property owners to see if they would want a RSIA designation on their lands.
- The RSIA designation would prevent the jurisdiction from achieving future development goals that depart from an industrial use.
- Need incentives for jurisdictions to want to designate land as a RSIA.

Jurisdictions were not certain if they could meet with their councils, commissions, and industrial property owners by the December 2003 adoption schedule. Many were skeptical whether they could identify enough land with the right attributes for a RSIA. This was due to existing small

industrial parcels, mixed uses, environmental considerations, and incompatible uses. Where there are currently vacant or underutilized industrial properties jurisdiction staff indicated that the RSIA design type would restrict their development options.

## Meeting Summaries

### Beaverton

Study Map Area: # 17

Planning Staff: Hal Bergsma, Steve Sparks

#### Title 4 issues

- No problems with Title 4 language.
- Within the area of I-5, 217, near Western and Allen there are existing warehousing uses interspersed with other uses.
- The east side of Western is parcelized. It is a viable industrial area with conversion occurring. Due to poor truck access and constrained turning movements it is not a suitable warehouse location. Don't want to loose the industrial uses, but it is not appropriate for a RSIA designation. Considerable amount of industrial property is vacant or underutilized; for example, land is being used for vehicle storage by the many automobile businesses in Beaverton.
- To address the concerns about the workability of the 5% commercial cap in a RSIA (Title 4 section 3.07.420D.2), suggested Metro looks at Beaverton's Development Control Areas language (section 20.15 ~~60~~). Adjacent jurisdictions could pre-agree to a quota; an intergovernmental agreement written into the code that describes how the 5% will be apportioned.

60

**Clackamas County**

Study Map Area: #12, 16

Planning Staff: Greg Jenks, Doug McClain

**Title 4 issues**

- Title 4 is too restrictive.
- The issue is land use planning versus market readiness.
- Large institutional uses such as hospitals with a research component should be an allowed use in a RSIA.
- Assembling of lots will probably not occur within the area of the potential RSIA.
- North side of highway 212 there are retail uses.
- South side of highway 212 are industrial uses, potential for RSIA designation.
- Federally owned Camp Withycome area would not be a RSIA.

**Evaluation Factors**

- Under Services, abundant water is a high threshold to meet. Otherwise OK.

**Cornelius**

Study Map Area: #13

Planning Staff: Richard Meyer

**Title 4 issues**

- Has no problems with Title 4 language
- Would very much like industrial land designated as RSIA
- Cornelius has warehousing and manufacturing activities that support other industries in the western sector of the region. Stewart Stiles refrigerated warehouses for high tech needs and canning operations that support agriculture of region. Supportive industries that are important to key clusters.
- Sees RSIA designation as a very positive thing for Cornelius.

**Evaluation Factors**

- Sees factors as too restrictive, would be difficult to meet them depending on how many had to be met.
- Area is six miles from US26, and US26 is not listed with other highways under the access factor.

**Fairview, Troutdale, Wood Village**

Study Map Area: # 6, 7

Planning Staff: John Andersen, Rich Faith, Sheila Ritz

**Title 4 issues**

- Language is not flexible, and may prevent jurisdictions from implementing plans for future development of industrial areas located in potential RSIA land.
- Concerned about the workability of the 5% cap on commercial uses in a RSIA. How would commercial uses be divided between two or three adjacent jurisdictions, and how would it be monitored over time?
- Much of their land has Goal 5 considerations due to its proximity to the Columbia River. Would like to see those areas develop with recreational uses instead of manufacturing.
- Large parcel west of the former aluminum plant may be possible RSIA candidate.

**Forest Grove**

Study Map Area: #13

Planning Staff: Jon Holan

**Title 4 issues**

- No issue with commercial limits
- Lot limitation not an issue
- What is the incentive for industrial lands to be defined as a RSIA?
- Have some nonconforming residential uses in the industrial areas.

**Factors**

- Thinks that triple redundancy power is unnecessary, double redundancy works fine for Forest Groves high tech firms.

**Gresham**

Study Map Area: # 6, 7, 15

Planning Staff: John Pettis, Ron Bunch, Terry Vanderkooy.

**Title 4 issues**

Gresham produced a memo stating its concerns about the Title 4 standards for Regionally Significant Industrial Areas. Wanted to postpone discussion of evaluation criteria or drawing lines on the refined concept map until Title 4 concerns were addressed.

- Concerned that the lack of flexibility may prevent jurisdictions from accommodating changes in trends and the next wave of industrial development.
- How to implement (section 3.07.420D) 20,000 square foot cap and the 5% cap on commercial retail use.
- Why is Research and Development treated differently from manufacturing uses?
- The transit requirement puts suburban communities such as Gresham at a disadvantage for attracting R&D.
- Title 4 needs to broaden its scope of the kinds of offices allowed in the RSIA's beyond R&D and corporate office headquarters.
- Suggested creation of a model code for Title 4 with performance standards.

**Evaluation Factors**

- Would not comment at this time.

## **Hillsboro**

Study Map Area: # 1

Planning Staff: Karla Antonini, Wink Brooks

### **Title 4 issues**

- Can't put everything in Centers. Need incentives for businesses to locate there.
- Offer incentives to encourage uses to locate in Centers, without prohibiting them from locating in other areas.
- Uses such as call centers should be allowed in industrial areas, where rents are affordable.
- Commercial restrictions in Title 4 are not a problem for Hillsboro.
- Have problem with sections E, F and G of Title 4, as being too restrictive and would prevent Hillsboro from agreeing to a RSIA designation. Hillsboro has a myriad of plans for large development projects on the table. They have experience and success parcelizing large lots and also assembling small lots into large ones.

**Milwaukie**

Study Map Area: #16

Planning Staff: John Guessner

**Title 4 issues**

- Has no problem with Title 4 language.
- Would like to explore designating industrial land in two locations (perhaps as RSIA) on the Title 4 map. One north of the Milwaukie town center and another area (approximately 300 acres) on the north side of Highway 224.

**Evaluation Factors**

- Add fiber optics to Services factor.

**Oregon City**

Planning Staff: Dan Drentlaw, Commissioner Doug Neeley

**Title 4 issues**

- Would like to designate approximately 250 acres of new land that was annexed into the 2002 UGB expansion.
- They believe RSIA designation can be a marketing tool.
- Being adjacent to a college, industry could use the school as a training base.
- Highway 213 is in close proximity of the area.

**Evaluation Factors**

- Requested that Highway 213 be added to the Access factor.

**Portland**

Study Map Area: # 2, 3, 4, 5, 6, 8, 14, 18

Planning Staff: Bob Clay, Al Burns, Troy Doss, Elissa Gertler

**Title 4 issues**

- Supportive of Title 4 language.
- It is broad enough to allow flexibility to jurisdictions.
- Suggested leaving it flexible with no further use and lot size restrictions.
- The regional discussion comes down to market versus land use goals.

**Evaluation factors**

- Agreed that factors look good for now.

**Concept Map**

Not ready to provide suggestions on locations of RSIA's. Will need to bring suggestions through the chain of command. Will provide information by July 28.

**Columbia Corridor Environmental and land use committee**

Mary Gibson contact.

**Title 4 issues**

- There needs to be citizen participation.
- There should be a tax lot based mailing so that property owners can fully participate in a public process
- Need to know what it means to be in a RSIA and out of a RSIA
- There should be more flexibility after Metro adopts its map and when jurisdictions go through their public process and adopt a map. Metro needs to honor the changes that come about after the public hearings.

**Port of Portland**

Study Map Area: # 1, 2, 3, 4, 5, 7

Planning Staff: Brian Campbell, Mary Gibson, Peggy Krause, Tom Bouillion

**Title 4 issues**

- Strongly support the principles and concepts contained in Title 4. Need to look at finer points to get it right. Need to define terms.
- Perhaps there should be the designation of regionally significant transportation facilities for airports.
- PDX has retail
- How many 50 acres industrial lots are there in the region.

**Evaluation factors**

- Highway 26 should be added to the list of Access factors.
- Under Access factor add Boulevard so that it reads Columbia Boulevard Corridor.

**Sherwood**

Study Map Area: # 10

Planning Staff: Dave Wechner

**Title 4 issues**

- RSIA could work in Sherwood if connector is built between 99W and I-5. Tualatin Sherwood Road is a disincentive for business to locate in Sherwood.
- Railroad line is underutilized and trains are not very frequent. Needs a railroad siding.
- Sherwood has a large 90-acre plus parcel of land, but no one is coming in. There need to be incentives to attract industry.

**Evaluation Factors**

- Under Access factor, suggests that travel time presents a more realistic measure than using distance (within three miles of a particular highway).

## **Tigard**

Study Map Area: # 11

Planning Staff: Jim Hendryx, Barbara Shields, Dick Bowersdorff

### **Title 4 issues**

- Industrial area is already parcelized.
- Railroad goes through the area but is not a major link.
- General industrial uses, office incubator type spaces.
- Area on concept map is a linear constrained area with office parks and other industrial uses.
- Access close to freeway.
- Small industrial flex, office and services.
- Need definitions in Title 4 such as, what is a RSIA, industrial job, and office. difficult to know what Metro is talking about without clear definitions.
- Clarify language in Table 3.07-4. Tigard has five zones please list all zones or just say Tigard.
- RSIA not appropriate for this area.

### **Evaluation Factors**

- Suggest that under Reasons Not to Designate, should add another bullet that says "doesn't have any of the above"
- Terms need to be defined in bullets.

## **Tualatin**

Study Map Area: #10

Planning Staff: Doug Rux, Stacy Hopkins

### **Title 4 issues**

- Conditions too constrained on commercial uses.
- RSIA is an unsophisticated answer to a complex problem that goes beyond land use issues.
- Need more thoughtful discussion regarding large lots and flexibility, not one size fits all.
- We don't know how the market works, its unpredictable.
- The limitation on locating corporate headquarters in RSIA's doesn't mean that they will choose to locate in Centers. Due to high cost and lack of adequate sized facilities to accommodate them, they will locate somewhere easier. Need financial carrots if Metro wants them to locate in Centers.
- There are no 50 plus acre sites in Tualatin.
- There are currently too many regulations on existing industrial land.
- Will the Metro Council place additional use restrictions or conditions, beyond those stated in Title 4, on industrial lands designated as RSIA's?

Tualatin will have an open house to meet with industrial property owners and discuss Title 4 and RSIA's with its city council.

### **Factors**

- Factors are all right unless a certain number of them must be met.
- There should be consideration of level of service on roadways that feed freeways listed under the Access heading. For example, a large warehouse district on Tualatin Sherwood Road would create a traffic nightmare.

**Wilsonville**

Study Map Area: # 9

Planning Staff: Paul Cathcart, Maggie Collins

**Title 4 issues**

- Feel good about Title 4; think standards are good
- Industrial zoning allows up to 30% commercial use.
- If industrial areas don't play out for RSIA, perhaps employment land would qualify.
- There are many green areas throughout the industrial area, may be Title 3 conflicts.
- Industrial area has warehousing district, small industrial, office, and car dealerships.

**Evaluation factors**

- Evaluation factors are general, but ok.

**Resolution No. 03-3376A**, For the Purpose of Endorsing Metro's Draft Goal 5  
Phase 1 Economic Social Environmental and Energy (ESEE) Analysis and  
Directing Staff to Conduct More specific ESEE Analysis of Multiple Fish  
and Wildlife Habitat Protection and Restoration Program Options

Metro Council Meeting  
Thursday, October 30, 2003  
Washington County Chamber

BEFORE THE METRO COUNCIL

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

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

M:\attorney\confidential\DOCS#07.P&D\04 2040 Growth Concept\03 UGMFP\02 Stream Protection (Title 3)\02Goal5\R03-3376 092903 ESEE prgrm options.doc

**Discussion Draft**

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PLEASE CONTACT PLANNING  
DEPT FOR COPY

METRO FISH AND WILDLIFE HABITAT  
PROTECTION PROGRAM

# **Economic, Social, Environmental and Energy Analysis (ESEE)**

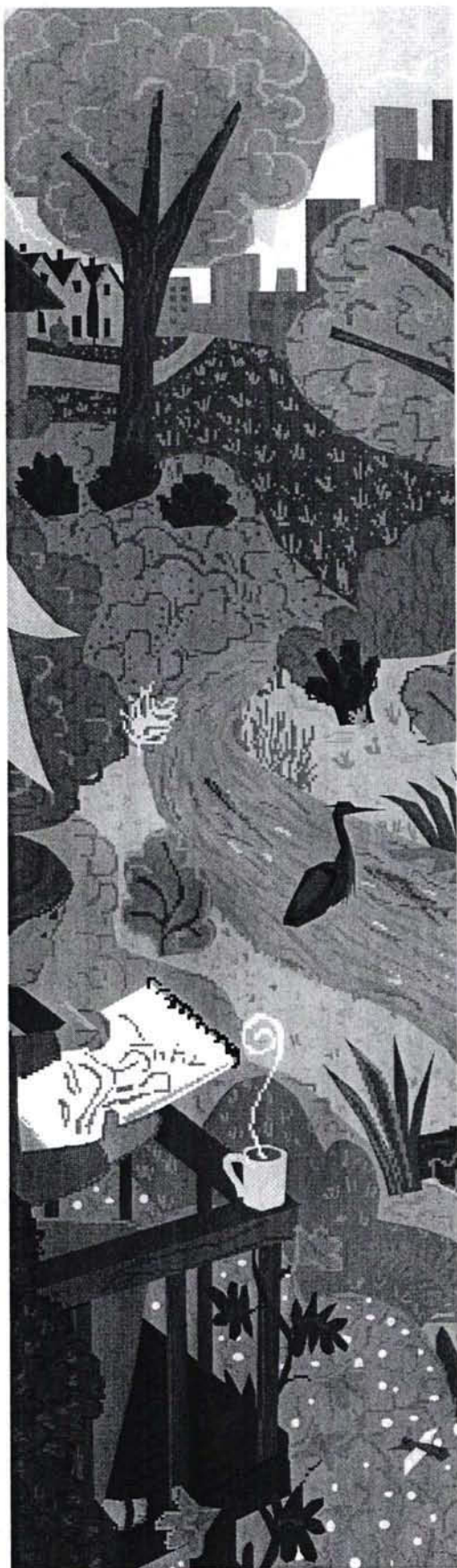
September 2003



**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.**

<b>Riparian/wildlife corridors</b>	<b>Upland wildlife habitat</b>
<b>Class I riparian/wildlife corridors</b> 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.	<b>Class A upland wildlife habitat</b> 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.
<b>Class II riparian/wildlife corridors</b> 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.	<b>Class B upland wildlife habitat</b> 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

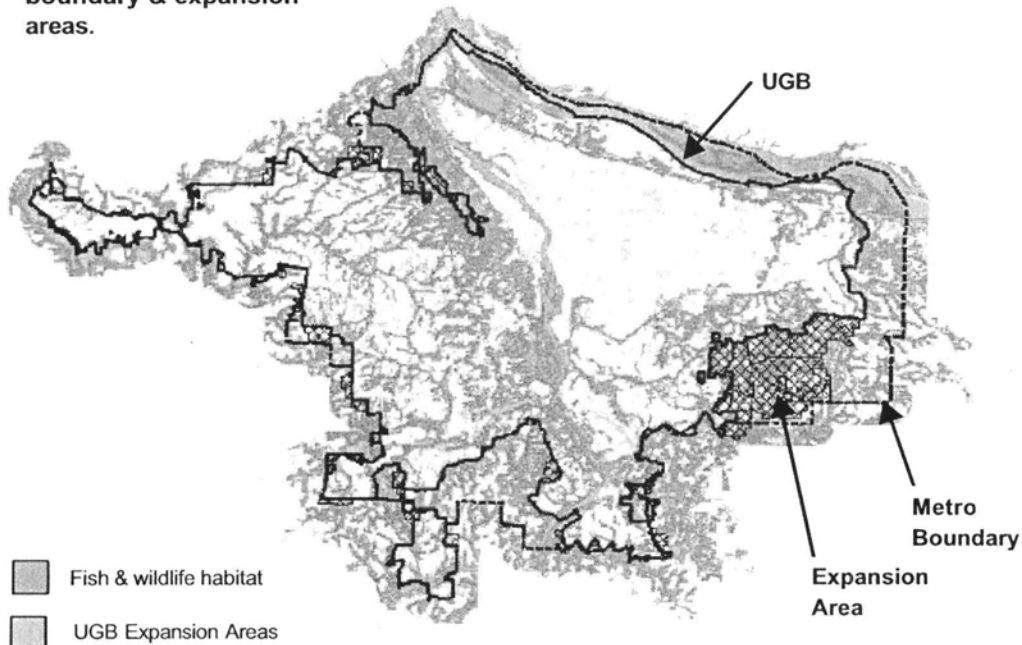
The first steps of the ESEE analysis are to identify the impact area and the conflicting uses that negatively impact fish and wildlife habitat.

### 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.**

<ul style="list-style-type: none"> <li>• Clearing vegetation</li> <li>• Grading, excavation, filling, hauling, and soil compaction</li> <li>• Adding impervious surfaces by constructing buildings, sidewalks, driveways, parking areas and roads</li> <li>• Modifying streams such as channelizing, piping, widening, deepening, straightening and armoring streambanks to confine flows, increase capacity for flood control, and stabilize streambanks</li> <li>• Installing utility connections such as sewers and stormwater pipes; septic tanks (in rural areas); building sewer pump stations and water towers</li> <li>• Building stormwater control structures</li> </ul>	<ul style="list-style-type: none"> <li>• Constructing roads, stream crossings (e.g., bridges), installing culverts</li> <li>• Landscaping with non-native vegetation (e.g., establishment of lawns, addition of non-native landscape features – trees, shrubs, groundcover, etc.)</li> <li>• Introduction of non-native fish and wildlife species</li> <li>• Using fertilizers, pesticides and herbicides</li> <li>• Building fences and other wildlife barriers</li> <li>• Using toxins in households and businesses</li> <li>• Generating runoff from household and business activities</li> <li>• Other (pets, lights, noise, litter, garbage, etc.)</li> </ul>
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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.

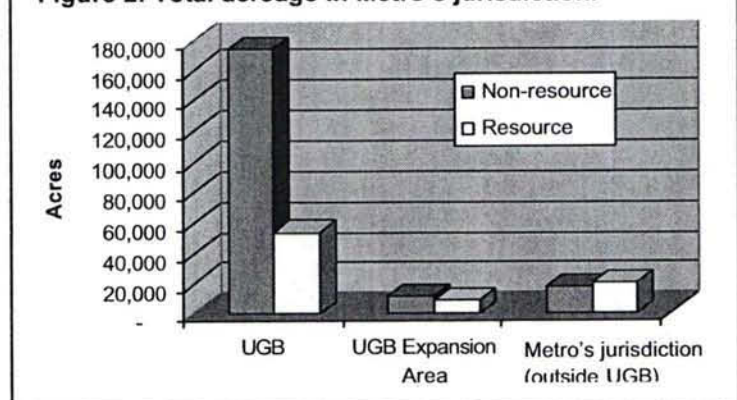
### **All fish and wildlife habitat within Metro’s jurisdiction**

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 the UGB but within Metro’s jurisdiction is in rural use.

**Figure 2: Total acreage in Metro’s jurisdiction.**

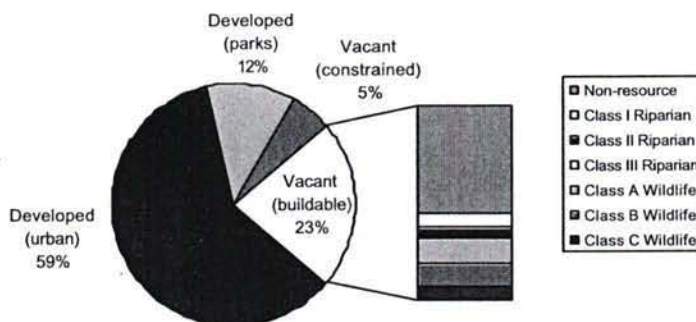


- Twenty-three percent of the total land area (both non-resource and resource) is vacant buildable land (64,178 acres); over half is non-resource land (see Figure 3).
- Twenty-eight percent of vacant resource land is constrained by existing environmental regulations.
- Taken together, the highest quality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

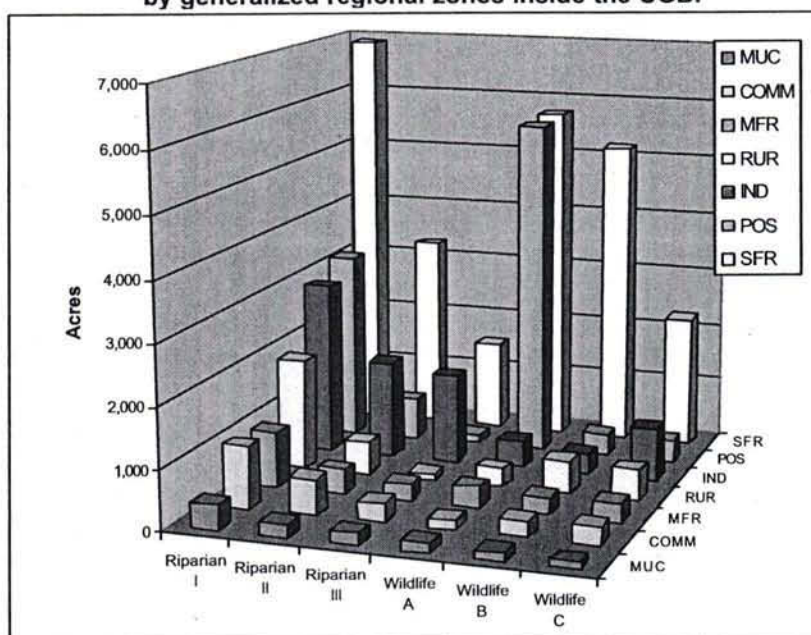
#### **Inside the UGB**

- Forty-six percent of resource land is zoned<sup>1</sup> 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.

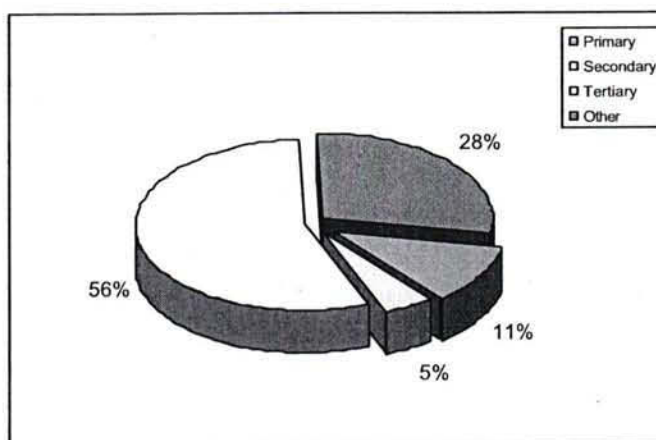
**Figure 3: Percentage of total acreage in Metro's jurisdiction by development status.**



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



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



<sup>1</sup> 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.**

<b>Allow</b>	<b>Limit</b>	<b>Prohibit</b>
<p>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.</p> <p>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.</p>	<p>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."</p> <p>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).</p>	<p>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.</p>

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.**

<b>Economic</b>	<b>Social</b>	<b>Environment</b>	<b>Energy</b>
<ul style="list-style-type: none"> <li>Development values (<i>property values, location and use factors</i>)</li> <li>Economic activity impacts (<i>jobs, income; costs to expand UGB or for regulatory compliance</i>)</li> <li>Policy values and future goals (<i>2040 Growth Concept hierarchy</i>)</li> <li>Ecosystem values (<i>flood management and water quality; salmon habitat; amenities; intrinsic values</i>)</li> <li>Dynamic factors (<i>substitutability of land use; ability/need to expand UGB over time; opportunities for restoring resources</i>)</li> </ul>	<ul style="list-style-type: none"> <li>Cultural heritage and sense of place (<i>nature &amp; wildlife are part of region's unique identity; salmon: important to Metro residents; Native American culture</i>)</li> <li>Public health (<i>recreation; clean air and water; sight of natural areas impacts mental health and reduce stress; spiritual values</i>)</li> <li>Educational opportunities (<i>interdisciplinary education</i>)</li> <li>Public safety (<i>tree canopy, vegetation reduces landslides and floods; may increase wildfires; nuisance species</i>)</li> <li>Land supply (<i>housing &amp; job types, location</i>)</li> <li>Property rights (<i>Americans history of private property rights; takings; personal financial security; public property rights (fish, wildlife, water, air); distribution of benefits and burdens</i>)</li> <li>Intergenerational equity</li> </ul>	<ul style="list-style-type: none"> <li>Hydrology, physical stream condition, floodplain function</li> <li>Water quality</li> <li>Riparian or upland habitat condition</li> <li>Vegetative cover</li> <li>Fragmentation, light and noise</li> <li>Microclimate</li> <li>Woody debris and organic materials</li> <li>Erosion, sedimentation and soil loss</li> <li>Biodiversity; nonnative species invasions</li> </ul>	<ul style="list-style-type: none"> <li>Transportation</li> <li>Regionally, petroleum is second only to hydroelectric in use (<i>transportation is primary petroleum user</i>)</li> <li>Transportation use is affected by urban form – fewer VMT with compact urban form</li> <li>Motor vehicles are the single biggest air polluter (<i>pollution warms air (local and global), increasing smog</i>)</li> <li>Temperature regulation (<i>plants reduce air temperature in urban areas prone to heat island effect; cool by shading and discharging water vapor; helps reduce global warming</i>)</li> <li>Plants reduce energy use (<i>reduces air conditioning demand; reduces need to use energy for salmon protection, restoration by cooling water</i>)</li> </ul>

## **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	<p>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.</p> <ul style="list-style-type: none"> <li>No additional constraints on economic development of property, or on uses of property by landowners.</li> <li>Class I contains 8% of unconstrained, buildable land within the UGB; if more vacant land fell within these areas the tradeoffs would be higher.</li> <li>Of the 17% of land zoned for employment in Class I, none is considered high employment value, limiting economic benefits of allowing conflicting uses.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>Loss of trees and vegetation would also lead to higher air temperatures and increased energy demand for temperature regulation.</li> <li>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.</li> <li>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.</li> </ul>	<p>Would allow some resource preservation while mitigating the negative economic, social and energy consequences.</p> <ul style="list-style-type: none"> <li>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.</li> <li>The retention of ecological functions through a limit decision is affected by the degree to which medium and low value habitats are protected.</li> <li>Using best management practices and low impact development standards to mitigate the impacts of development could reduce negative environmental, social, energy and economic consequences.</li> <li>Retention of existing habitat would be much cheaper than restoring it later, and also would require less energy.</li> </ul>	<p>Would result in the most positive environmental consequences.</p> <ul style="list-style-type: none"> <li>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).</li> <li>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.</li> <li>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.</li> <li>Preserves the value of ecosystem services provided by high quality habitat.</li> <li>Preserves the public social values of habitat (cultural heritage, public health and safety, education, etc.) but may negatively impact private property rights.</li> <li>Would likely require additional density elsewhere in the UGB or an expansion of the UGB to provide sufficient buildable land.</li> </ul>

Resource class	Allow	Limit	Prohibit
Class II Riparian/wildlife Class B Upland wildlife	<p>The tradeoffs would not be as great as in Class 1 riparian/wildlife but still would have a substantial negative impact on ecological function.</p> <ul style="list-style-type: none"> <li>No additional constraints on economic development of property, or on uses of property by landowners.</li> <li>Potential for losing existing ecological functions is reduced because fewer functions are present. May result in the loss of restoration opportunities.</li> <li>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.</li> <li>Would have a negative environmental impact on Class I riparian/wildlife by removing areas that contribute secondary function to the streams and water bodies.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<p>The tradeoffs of preserving these habitat areas may be addressed by mitigating the negative consequences with a Limit decision.</p> <ul style="list-style-type: none"> <li>The impact of limiting development would depend on the type of program implemented.</li> <li>Using best management practices and low impact development standards to mitigate the impacts of development could reduce negative environmental, social, energy and economic consequences.</li> <li>Retention of existing habitat would be much cheaper than restoring it later, and also would require less energy.</li> <li>These habitat types that are not currently high quality may benefit from limited development if tied to restoration and mitigation.</li> </ul>	<p>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.</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Would retain restoration opportunities where ecological functions could be regained by increasing tree canopy or removing nonnative plants.</li> </ul>

Resource class	Allow	Limit	Prohibit
Class III Riparian wildlife Class C Upland wildlife	<p>The tradeoffs would not be as great as in the higher value resource areas.</p> <ul style="list-style-type: none"> <li>No additional constraints on economic development of property, or on uses of property by landowners.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<p>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.</p>	<p>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.</p>
Impact areas	<p>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.</p> <ul style="list-style-type: none"> <li>Impact areas provide little existing ecological function, so the environmental benefit of prohibiting conflicting uses is low.</li> <li>These areas provide important opportunities for landowner education, stewardship and restoration.</li> <li>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.</li> </ul>		

**Table 6. Regional zone perspective of ESEE tradeoffs.**

Regional zone	Tradeoffs of allowing, limiting, or prohibiting conflicting uses
Single family residential	<p>For single family uses the tradeoffs include many of the most sensitive social issues.</p> <ul style="list-style-type: none"> <li>• Largest portion (46%) of the inventory; includes 23% of the total unconstrained buildable land within the UGB.</li> <li>• A decision to allow minimizes additional restrictions on development potential, reducing possible impacts on personal financial security and regulatory or perceptual takings.</li> <li>• Allowing conflicting uses on vacant land may adversely impact established neighborhoods, changing neighborhood character, and resulting loss of trees and vegetation.</li> <li>• 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.</li> <li>• Prohibiting conflicting uses completely would adversely affect many residential property owners, but would retain resources and neighborhood character.</li> </ul>
Multi-family residential	<p>The most important tradeoff for multi-family is the impact on capacity within the UGB.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Fewer infrastructure requirements per dwelling unit as compared to single family, reducing cost of development (economic and energy) but increasing vegetation loss &amp; impervious surfaces.</li> <li>• 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).</li> </ul>
Mixed use centers	<p>A key tradeoff is supporting the 2040 Growth Concept and providing housing &amp; employment capacity in the UGB.</p> <ul style="list-style-type: none"> <li>• Comprises only 2% of the inventory, and almost 2% of the total unconstrained buildable land in the UGB.</li> <li>• 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.</li> <li>• Increased impervious surfaces and tree loss add to the urban heat island effect, contributes to global warming.</li> <li>• May provide some opportunity for resource preservation along with development, depending on the program.</li> </ul>
Commercial	<p>For commercial uses the most important tradeoff is the impact on employment and shopping opportunities.</p> <ul style="list-style-type: none"> <li>• Accounts for 5% of the inventory, and 1.5% of the total unconstrained buildable land in the UGB.</li> <li>• Allowing conflicting uses reduces employment impacts specific to development; does not affect related income &amp; tax revenue to municipalities.</li> <li>• Increased levels of on-site impervious surfaces have negative environmental and energy impacts.</li> <li>• Limit decision would allow some retention of ecological functions by requiring LID and BMPs.</li> </ul>
Industrial	<p>For industrial uses the most important tradeoff is provision of employment and an income base for the region.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Instituting LID and BMPs may preserve some ecological functions, reducing negative economic impacts.</li> </ul>
Rural	<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Limit decision would provide opportunities to preserve habitat while allowing some development.</li> </ul>
Parks and open space	<p>A key consideration is the need for active recreation facilities versus using public land to preserve habitat.</p> <ul style="list-style-type: none"> <li>• Makes up 20% of the inventory, but provides a negligible amount of unconstrained buildable land.</li> <li>• Publicly owned lands offer the main opportunity to preserve habitat for the public benefit without negatively impacting private property owners.</li> </ul>

## 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 <i>transportation facilities</i>	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on <i>other infrastructure</i>	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on the <i>ability to provide security for public infrastructure</i> 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 <i>public and private institutions</i>	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	<ol style="list-style-type: none"> <li>1. Presentation bias/unbalanced treatment of economic effects</li> <li>2. Positive values of ecological services are over-emphasized and costs of limit or prohibit decisions are de-emphasized</li> <li>3. Statements not backed up by quantifiable information should be presented as value judgements</li> <li>4. The conflict between the development of industrial sites and riparian protection is missing from several parts of the reports</li> <li>5. 2040 growth concept is not included in key parts of the report</li> <li>6. Costs of not expanding the UGB are not considered</li> <li>7. Several important economic factors appear to be missing from the analysis</li> <li>8. Not enough emphasis on the economic values of open space that would be enhanced or preserved by prohibit or limit decisions</li> </ol>	<ol style="list-style-type: none"> <li>1. Staff will consider</li> <li>2. Staff will consider</li> <li>3. Staff will address</li> <li>4. Staff will address</li> <li>5. Staff will address</li> <li>6. Staff will address</li> <li>7. Staff will consider</li> <li>8. Staff will address</li> </ol>

		<p>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.</p> <p>10. Reports imply a cost-benefit analysis when they only provide a consideration of the costs and benefits.</p> <p>11. Economic equity discussion should be expanded.</p> <p>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</p> <p>13. Reports need to define terms and use them consistently</p> <p>14. Include more description of Goal 5 rule and policies influencing analysis</p> <p>15. State that the expansion of the UGB is a possible policy consideration</p> <p>16. Add more clarification of the 2040 design types in the ECO report</p> <p>17. Review tables to ensure the numbers reported are accurately described</p>	<p>9. Staff will address</p> <p>10. Staff will address</p> <p>11. Staff will address</p> <p>12. Staff will address</p> <p>13. Staff will address</p> <p>14. Staff will consider</p> <p>15. Staff will address</p> <p>16. Staff will address</p> <p>17. Staff will address</p>
IEAB Individual reviewers	ESEE Report	<p>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:</p> <p>1. Color maps would be helpful – or a link to a website that contains the color maps (NN, SH, TM)</p> <p>2. Concern about describing Multi-family as not supporting employment (RM)</p> <p>3. Economic chapter in ESEE Report is much clearer and better written than ECO Report. (SH, TM)</p> <p>4. Changes in timber production are not solely the result of restrictions due to the spotted owl and Canadian policies. (HR)</p> <p>5. Ranking all jobs together is very simplistic, at least two categories are needed: average income per job and multiplier effect. (HR)</p> <p>6. Describe maps when they appear in the report (TM)</p>	<p>1. Staff will consider</p> <p>2. Staff will consider</p> <p>3. Thanks!</p> <p>4. Staff will consider</p> <p>5. Staff will consider</p> <p>6. Staff will address</p>
	ECO Report	<p>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:</p> <p>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)</p> <p>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)</p> <p>3. Add more of a discussion of substitutability of lands (RM)</p> <p>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)</p> <p>5. Add some examples of types of areas that receive a low or medium land value or employment potential. (TM)</p> <p>6. Add discussion of intrinsic value of built environment to the literature review. (TM)</p>	<p>1. Staff will address</p> <p>2. Staff will consider</p> <p>3. Staff will consider</p> <p>4. Thanks!</p> <p>5. Staff will consider</p> <p>6. Staff will consider</p>

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**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.<sup>1</sup>

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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<sup>1</sup> 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

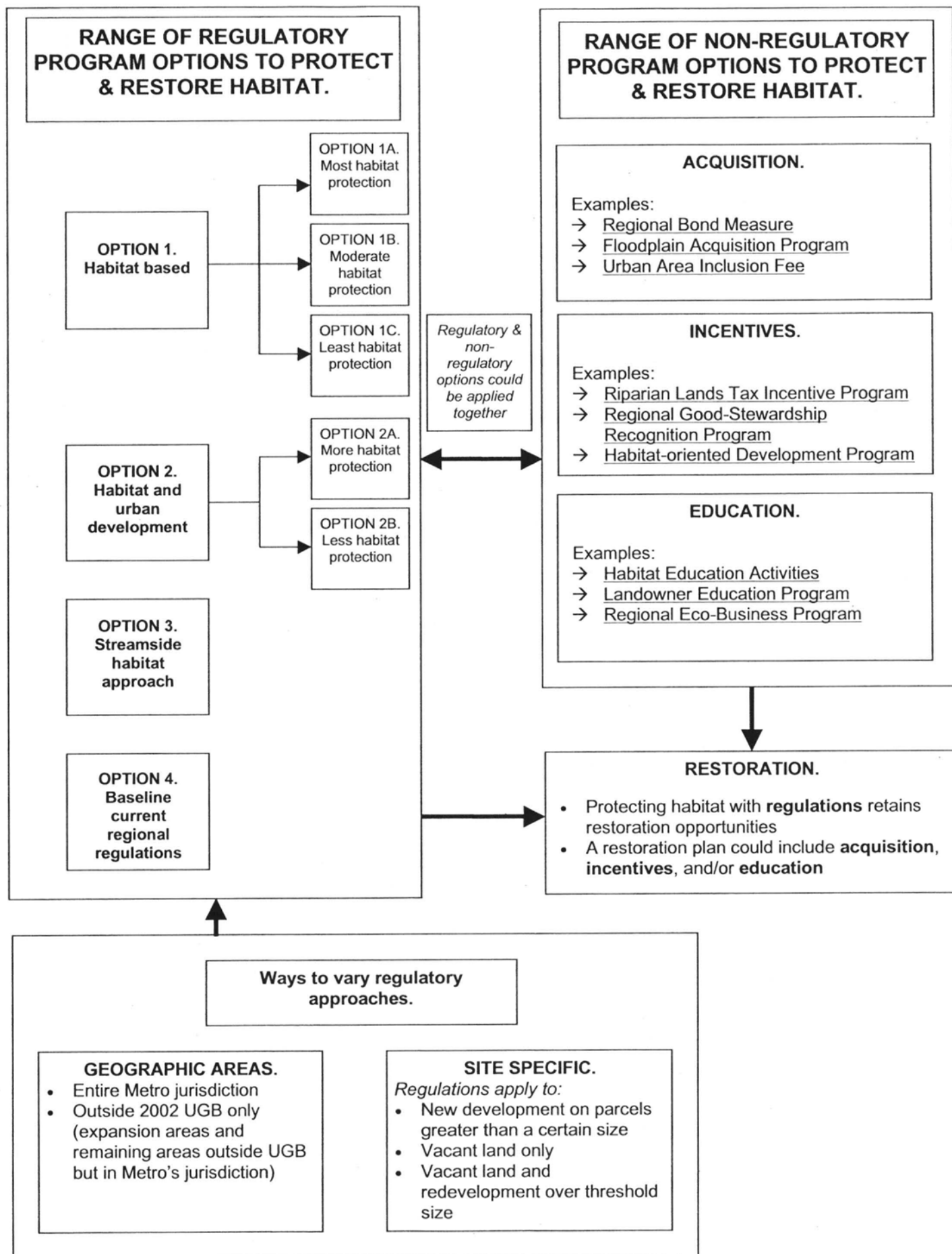
be protected, and conversely, how much development will be accommodated under various options.

#### **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, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value	Parks and Open Spaces, <u>interim design types, or no design types</u>
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

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>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, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value	Parks and Open Spaces, <u>interim design types, or no design types</u>
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

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>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.**

<b>Resource type</b>	<b>Slopes less than 25%</b>	<b>Slopes greater than 25%</b>
Primary Streams Draining > 100 acres	Moderately limit within 100 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.**

<b>Resource type</b>	<b>Slopes less than 25%</b>	<b>Slopes greater than 25%</b>
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		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	Examples of potential programs				
Natural areas (includes riparian and upland areas)	<ul style="list-style-type: none"> <li><i>Metro Openspaces Acquisition Program.</i> Funded through \$135 million bond measure approved by voters in 1995. Focuses on targeted natural areas and regional trails.</li> <li><i>Three Rivers Land Conservancy Acquisition Program.</i> Works to encourage donation of conservation easements to protect targeted open space in the Metro region.</li> </ul>	<ul style="list-style-type: none"> <li><i>Regional Bond Measure.</i> Focused on purchasing targeted Habitats of Concern and connector habitat from willing sellers and restoration.</li> </ul>	4	4		4
		<ul style="list-style-type: none"> <li><i>Regional Revolving Land Purchase Fund.</i> Develop a program to purchase habitat land, place development restrictions or conservation easements to protect habitat areas, and then sell remaining land for development.</li> </ul>	4	4	4	
Watersheds	<ul style="list-style-type: none"> <li><i>Oregon Watershed Enhancement Board (OWEB) General Grant Program.</i> 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.</li> <li><i>Metro/USFWS Greenspaces Grant Program.</i> Provides funding for urban projects that emphasize environmental education, habitat enhancement and watershed health.</li> </ul>	<ul style="list-style-type: none"> <li><i>Regional Restoration Plan.</i> 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.</li> </ul>		4	4	4
		<ul style="list-style-type: none"> <li><i>Regional stormwater management fee.</i> Implement a regional fee on stormwater to fund watershed based restoration activities.</li> </ul>				4
		<ul style="list-style-type: none"> <li><i>Habitat Education Activities.</i> Focus efforts to increase awareness of connection to streams and rivers, similar to fish stencil programs.</li> </ul>			4	
Floodplains	<ul style="list-style-type: none"> <li><i>Sherwood program.</i> Requires SDC for development in floodplains, fee waived in flood area is donated to the city.</li> <li><i>Johnson Creek Willing Seller Program.</i> 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.</li> </ul>	<ul style="list-style-type: none"> <li><i>Regional SDC Program.</i> Develop a regional SDC program similar to the City of Sherwood to protect and restore floodplain function to reduce development's impact on stormwater.</li> </ul>	4	4		4
		<ul style="list-style-type: none"> <li><i>Floodplain Acquisition Program.</i> Coordinate and facilitate expansion of a willing seller program similar to Portland's to purchase and restore land within floodplains.</li> </ul>	4		4	4
Streamside areas	<ul style="list-style-type: none"> <li><i>East Multnomah Soil &amp; Water Conservation District grants.</i> Provides awards for conservation and restoration projects, ranging from \$200-2,500.</li> <li><i>Wildlife Habitat Incentives Program (WHIP).</i> 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.</li> </ul>	<ul style="list-style-type: none"> <li><i>Regional Streamside Restoration Grant Program.</i> Program to target education and fund restoration projects in streamside areas. (May be part of a <i>Regional Restoration Plan</i>).</li> </ul>			4	4
		<ul style="list-style-type: none"> <li><i>Riparian Lands Tax Incentive Program.</i> 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.</li> </ul>		4	4	4

POTENTIAL FOCUS	HOW		Acquisition	Incentives	Education	Restoration
	Examples of existing programs	Examples of potential programs				
Rural land	<ul style="list-style-type: none"> <li><i>Environmental Quality Incentives Program (EQIP)</i>. 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.</li> </ul>	<ul style="list-style-type: none"> <li><i>Urban Area Inclusion Fee</i>. 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.</li> </ul>	4		4	4
Property owners	<ul style="list-style-type: none"> <li><i>Metro's Natural Gardening and Landscaping Program</i>. Metro offers free natural gardening seminars and workshops in spring and fall. Also includes a demonstration garden, summer garden tour, and educational materials.</li> <li><i>Downspout Disconnect Program</i>. Portland program that provides property owners with funds and technical expertise to disconnect downspouts to reduce flow into the stormsewer system.</li> </ul>	<ul style="list-style-type: none"> <li><i>Stewardship Certification Program</i>. 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.</li> </ul>		4	4	4
		<ul style="list-style-type: none"> <li><i>Regional Good-Stewardship Recognition Program</i>. 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).</li> </ul>		4	4	4
		<ul style="list-style-type: none"> <li><i>Landowner Education Program</i>. Target landowners in regionally significant habitat areas to raise awareness of how individual activities impact fish and wildlife habitat.</li> </ul>			4	
Businesses	<ul style="list-style-type: none"> <li><i>Eco Biz Program</i>. City of Portland program, started to recognize auto repair and service facilities that minimize their environmental impacts. Currently being extended to landscaping business.</li> </ul>	<ul style="list-style-type: none"> <li><i>Regional Eco-Business Program</i>. Develop a regional program to recognize and certify good business practices. Include an educational component describing ways to minimize impact on habitat.</li> </ul>		4	4	
Design and construction practices	<ul style="list-style-type: none"> <li><i>Metro's Green Streets Handbook</i>. A resource for designing environmentally sound streets that can help protect streams and wildlife habitat.</li> <li><i>Eco-roof Program</i>. 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.</li> <li><i>G-Rated Incentive Program</i>. 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.</li> </ul>	<ul style="list-style-type: none"> <li><i>Regional Habitat Friendly Development Program</i>. 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.</li> </ul>		4	4	4
		<ul style="list-style-type: none"> <li><i>Habitat-oriented Development Program</i>. 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.</li> </ul>		4	4	4
		<ul style="list-style-type: none"> <li><i>Model Wildlife Crossing Program</i>. Develop a grant program to construct wildlife crossing facilities in key movement corridors.</li> </ul>		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
<b>Economic factors</b> <ol style="list-style-type: none"> <li>1. Higher market value areas retained for development</li> <li>2. Key employment areas conserved for employment</li> <li>3. Reflects 2040 design hierarchy priorities</li> <li>4. Promotes retention of ecosystem services</li> <li>5. Promotes potential for non-use or use for recreational economic purposes</li> <li>6. <u>Economic equity</u></li> </ol>	<ol style="list-style-type: none"> <li>1. Acres of buildable land with high land value affected</li> <li>2. Acres of buildable land with high employment value affected</li> <li>3. Acres of buildable land by 2040 hierarchy affected</li> <li>4. Number of functions/ecosystem services affected</li> <li>5. Acres of public land with resource function located near population centers</li> <li>6. <u>Distribution of allow, limit, prohibit treatments</u></li> </ol>
<b>Social factors</b> <ol style="list-style-type: none"> <li>1. Maintains cultural heritage and sense of place</li> <li>2. Reduces impact on types/location of jobs and housing</li> <li>3. Minimizes impact on individual landowner rights</li> <li>4. Preserves amenity value of resources</li> <li>5. Preserves resources for future generations</li> </ol>	<ol style="list-style-type: none"> <li>1. Qualitative measure</li> <li>2. Number of potential housing units or jobs affected</li> <li>3. Number of tax lots by zoning type affected</li> <li>4. Extent of reliability of protection</li> <li>5. Total resource acres protected</li> </ol>
<b>Environmental factors</b> <ol style="list-style-type: none"> <li>1. Retains forest canopy cover</li> <li>2. <del>Protects primary riparian corridor functions</del></li> <li>3. <del>Protects secondary riparian corridor functions</del></li> <li>2. <u>Conserves existing watershed health (retains primary and secondary riparian corridor functions)</u></li> <li>3. Promotes conservation of sensitive habitats and species</li> <li>4. Promotes habitat connectivity <u>and riparian corridor continuity</u></li> <li>5. Promotes large habitat patches</li> <li>6. Promotes restoration</li> <li>7. <u>Promotes no net loss of ecological function</u></li> </ol>	<ol style="list-style-type: none"> <li>1. Total acres forest cover affected</li> <li>2. Total acres containing primary <u>and secondary</u> riparian corridor functions affected</li> <li>3. <del>Total acres containing secondary riparian corridor functions affected</del></li> <li>3. Acres of Habitats of Concern affected</li> <li>4. Total acres in medium or high connectivity scores; maintains/enhances continuity of riparian corridors</li> <li>5. Number of acres/patches in largest category affected</li> <li>6. Acres of protected resource land in low structure vegetation</li> <li>7. <u>Acres of habitat land protected</u></li> </ol>

<p>Energy factors</p> <ol style="list-style-type: none"> <li>1. Promotes compact urban form</li> <li>2. Promotes retention of green infrastructure</li> </ol>	<ol style="list-style-type: none"> <li>1. Potential for displacement of land uses by protection of habitat within UGB.</li> <li>2. Percent vegetative cover (or tree canopy) affected</li> </ol>
<p><i>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.</i></p>	<ol style="list-style-type: none"> <li>1. Protects slopes, wetlands, and areas of high habitat value</li> <li>2. Maintains hydrological conditions</li> <li>3. Protects area within one site potential tree height of all streams</li> <li>4. Maintains &amp; restores native vegetation along stream corridors</li> <li>5. Minimizes stream crossings</li> <li>6. Retains channel migration zone (primary function for <i>Large wood and channel dynamics</i>)</li> <li>7. Reduces and prevents erosion and sediment run-off (primary function of <i>Bank stabilization, sediment, and pollution control</i>)</li> <li>8. Includes mechanism for monitoring, enforcement, funding and implementation of protection</li> </ol>
<p><i>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.</i></p>	<ol style="list-style-type: none"> <li>1. Number of primary and secondary functions maintained</li> <li>2. Miles of stream within a watershed with Class I &amp; II status protected</li> </ol>
<p>Funding challenges</p>	<ol style="list-style-type: none"> <li>1. Funding required to effectively carry out program elements, such as acquisition, conservation easements, education, technical assistance, incentives to landowners, and restoration</li> <li>2. New authority needed (such as for the Riparian Tax Incentive) for implementation</li> </ol>
<p>Effectiveness for habitat protection</p>	<ol style="list-style-type: none"> <li>1. Level of certainty as assessed from experiences with compliance or voluntary actions</li> <li>2. Potential use of incentive</li> <li>3. Reliability of protection</li> </ol>
<p>Increment of additional protection</p>	<ol style="list-style-type: none"> <li>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)</li> </ol>

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## 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 <i>transportation facilities</i>	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on <i>other infrastructure</i>	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on the <i>ability to provide security for public infrastructure</i> 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 <i>public and private institutions</i>	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	<ol style="list-style-type: none"> <li>1. Presentation bias/unbalanced treatment of economic effects</li> <li>2. Positive values of ecological services are over-emphasized and costs of limit or prohibit decisions are de-emphasized</li> <li>3. Statements not backed up by quantifiable information should be presented as value judgements</li> <li>4. The conflict between the development of industrial sites and riparian protection is missing from several parts of the reports</li> <li>5. 2040 growth concept is not included in key parts of the report</li> <li>6. Costs of not expanding the UGB are not considered</li> <li>7. Several important economic factors appear to be missing from the analysis</li> <li>8. Not enough emphasis on the economic values of open space that would be enhanced or preserved by prohibit or limit decisions</li> </ol>	<ol style="list-style-type: none"> <li>1. Staff will consider</li> <li>2. Staff will consider</li> <li>3. Staff will address</li> <li>4. Staff will address</li> <li>5. Staff will address</li> <li>6. Staff will address</li> <li>7. Staff will consider</li> <li>8. Staff will address</li> </ol>

		<p>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.</p> <p>10. Reports imply a cost-benefit analysis when they only provide a consideration of the costs and benefits.</p> <p>11. Economic equity discussion should be expanded.</p> <p>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</p> <p>13. Reports need to define terms and use them consistently</p> <p>14. Include more description of Goal 5 rule and policies influencing analysis</p> <p>15. State that the expansion of the UGB is a possible policy consideration</p> <p>16. Add more clarification of the 2040 design types in the ECO report</p> <p>17. Review tables to ensure the numbers reported are accurately described</p>	<p>9. Staff will address</p> <p>10. Staff will address</p> <p>11. Staff will address</p> <p>12. Staff will address</p> <p>13. Staff will address</p> <p>14. Staff will consider</p> <p>15. Staff will address</p> <p>16. Staff will address</p> <p>17. Staff will address</p>
IEAB Individual reviewers	ESEE Report	<p>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:</p> <p>1. Color maps would be helpful – or a link to a website that contains the color maps (NN, SH, TM)</p> <p>2. Concern about describing Multi-family as not supporting employment (RM)</p> <p>3. Economic chapter in ESEE Report is much clearer and better written than ECO Report. (SH, TM)</p> <p>4. Changes in timber production are not solely the result of restrictions due to the spotted owl and Canadian policies. (HR)</p> <p>5. Ranking all jobs together is very simplistic, at least two categories are needed: average income per job and multiplier effect. (HR)</p> <p>6. Describe maps when they appear in the report (TM)</p>	<p>1. Staff will consider</p> <p>2. Staff will consider</p> <p>3. Thanks!</p> <p>4. Staff will consider</p> <p>5. Staff will consider</p> <p>6. Staff will address</p>
	ECO Report	<p>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:</p> <p>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)</p> <p>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)</p> <p>3. Add more of a discussion of substitutability of lands (RM)</p> <p>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)</p> <p>5. Add some examples of types of areas that receive a low or medium land value or employment potential. (TM)</p> <p>6. Add discussion of intrinsic value of built environment to the literature review. (TM)</p>	<p>1. Staff will address</p> <p>2. Staff will consider</p> <p>3. Staff will consider</p> <p>4. Thanks!</p> <p>5. Staff will consider</p> <p>6. Staff will consider</p>

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## **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.

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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 22<sup>nd</sup>.

This Staff Report summarizes the comments received from Metro's advisory committees on this Resolution and public comments received before October 22<sup>nd</sup>. 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 5<sup>th</sup> 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 protect fish and wildlife habitat.

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

<b>Newsletters</b>	<b>Publication Date(s)</b>
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
<b>E-news Submissions</b>	
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
<b>Media coverage</b>	
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)

<b>Event and location</b>	<b># of attendees</b>
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  
TEL 503 797 1700 | FAX 503 797 1794



**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

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



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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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 4<sup>th</sup> 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 5<sup>th</sup> 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.

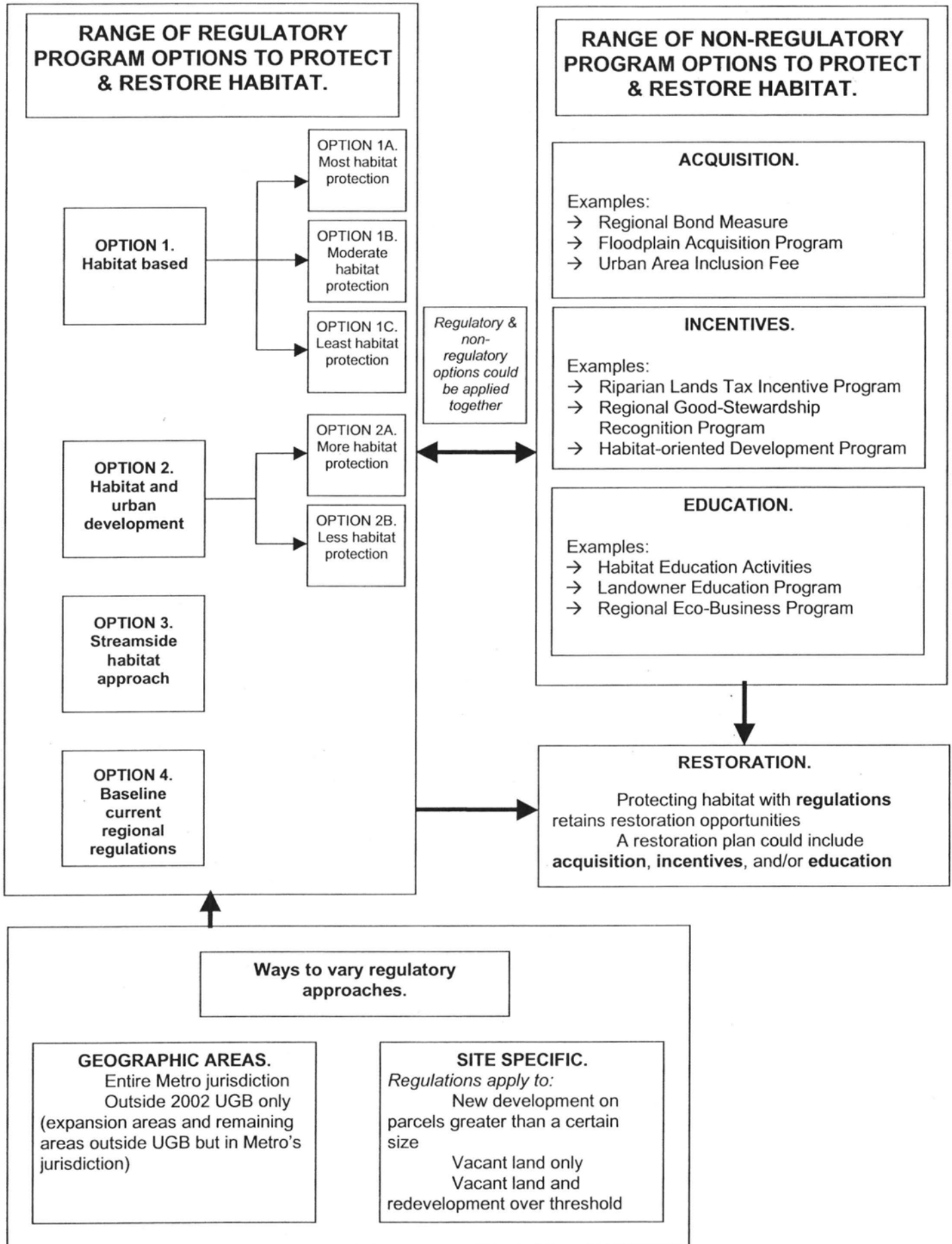
10. Consider simplifying and refining the options to reduce confusion.
11. Consider treating residential land consistently in the program options instead of varying treatment as would result in Options 2 where land value of all lands is used to assess economic priority. Under this measure, higher-valued 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
<ul style="list-style-type: none"> <li>• <i>Metro Openspaces Acquisition Program.</i> Funded through \$135 million bond measure approved by voters in 1995. Focuses on targeted natural areas and regional trails.</li> <li>• <i>Three Rivers Land Conservancy Acquisition Program.</i> Works to encourage donation of conservation easements to protect targeted open space in the Metro region.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Regional Bond Measure.</i> Focused on purchasing targeted Habitats of Concern and connector habitat from willing sellers and restoration.</li> <li>• <i>Regional Revolving Land Purchase Fund.</i> Develop a program to purchase habitat land, place development restrictions or conservation easements to protect habitat areas, and then sell remaining land for development.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Oregon Watershed Enhancement Board (OWEB) General Grant Program.</i> 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.</li> <li>• <i>Metro/USFWS Greenspaces Grant Program.</i> Provides funding for urban projects that emphasize environmental education, habitat enhancement and watershed health.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Regional Restoration Plan.</i> 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.</li> <li>• <i>Habitat Education Activities.</i> Focus efforts to increase awareness of connection to streams and rivers, similar to fish stencil programs.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Sherwood program.</i> Requires SDC for development in floodplains, fee waived in flood area is donated to the city.</li> <li>• <i>Johnson Creek Willing Seller Program.</i> 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Regional SDC Program.</i> Develop a regional SDC program similar to the City of Sherwood to protect and restore floodplain function to reduce development's impact on stormwater.</li> <li>• <i>Floodplain Acquisition Program.</i> Coordinate and facilitate expansion of a willing seller program similar to Portland's to purchase and restore land within floodplains.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>East Multnomah Soil &amp; Water Conservation District grants.</i> Provides awards for conservation and restoration projects, ranging from \$200-2,500.</li> <li>• <i>Wildlife Habitat Incentives Program (WHIP).</i> 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Regional Streamside Restoration Grant Program.</i> Program to target education and fund restoration projects in streamside areas. (May be part of a <i>Regional Restoration Plan</i>).</li> <li>• <i>Riparian Lands Tax Incentive Program.</i> 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.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Environmental Quality Incentives Program (EQIP).</i> 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Urban Area Inclusion Fee.</i> 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.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Metro's Natural Gardening and Landscaping Program.</i> Metro offers free natural gardening seminars and workshops in spring and fall. Also includes a demonstration garden, summer garden tour, and educational materials.</li> <li>• <i>Downspout Disconnect Program.</i> Portland program</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Stewardship Certification Program.</i> 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.</li> </ul>

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.	<ul style="list-style-type: none"> <li>• <i>Regional Good-Stewardship Recognition Program.</i> 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).</li> <li>• <i>Landowner Education Program.</i> Target landowners in regionally significant habitat areas to raise awareness of how individual activities impact fish and wildlife habitat.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Eco Biz Program.</i> City of Portland program, started to recognize auto repair and service facilities that minimize their environmental impacts. Currently being extended to landscaping business.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Regional Eco-Business Program.</i> Develop a regional program to recognize and certify good business practices. Include an educational component describing ways to minimize impact on habitat.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Metro's Green Streets Handbook.</i> A resource for designing environmentally sound streets that can help protect streams and wildlife habitat.</li> <li>• <i>Eco-roof Program.</i> 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.</li> <li>• <i>G-Rated Incentive Program.</i> 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Regional Habitat Friendly Development Program.</i> 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.</li> <li>• <i>Habitat-oriented Development Program.</i> 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.</li> <li>• <i>Model Wildlife Crossing Program.</i> Develop a grant program to construct wildlife crossing facilities in key movement corridors.</li> </ul>

**Exhibit B: Comments on program options**

<b>Reviewer</b>	<b>Topic</b>	<b>Comment</b>	<b>Response</b>
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

## Title 4 RSIA Code

Ordinances 03-1021 and 03-1022  
Critical Dates Timeline

*Revised October 29, 2003*

Date	Committee	Item(s)	Action
October 30	Council Meeting	Ordinances 03-1021 & 03-1022	First Reading
November 5	MTAC	Discussion	No Action
November 6	Council Meeting	Public Hearing	No Action
November 12	MPAC	Discussion	No Action
November 13	Metro Council	Public Hearing	No Action
November 19	MTAC	Recommendation to MPAC	Recommendation
November 19	MPAC	Deliberation	
December 4	Metro Council	Public Hearing	No Action
December 10	MPAC	Recommendation to Council	Recommendation
December 11	Metro Council	MPAC recommendation to Council (only)	
December 18	Metro Council	Council Deliberation and Decision	Decision

# TECHNICAL AMENDMENTS

## To Resolution No. 03-3376A

Recommended by the Office of the Metro Attorney

1. Revise the fifth recital ("Whereas") on page 1, to read as follows:

"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 20022000, serves as the overall goal for the Regional Fish and Wildlife Protection Program; and"

2. Revise the text of the first resolution item ("Be It Resolved") on page 3, entitled, "Endorse Draft Phase 1 ESEE Analysis, Exhibit A," to read as follows:

"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."

3. Revise the text of the fifth resolution item ("Be It Resolved") on page 4, entitled, "Program Shall Not Affect Existing Uses of Property," to read as follows:

"The Metro Council concludes, following the analysis in Exhibit A, that adopting a Program to Achieve Goal 5 that would requires property owners to discontinue a use on, or remove structures ~~on~~ 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, ~~and~~ The Metro Council therefore concludes that, balancing such effects against any resulting positive environmental, social, economic, and energy effects, the Program to Achieve ~~g~~Goal 5 that Metro develops shall not require property owners to discontinue uses or remove structures on their properties ~~for which it was allowed, but may affect the expansion to of~~ existing structures into the regionally significant resource sites may be affected."

## 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 <i>transportation facilities</i>	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on <i>other infrastructure</i>	Staff will address
		Address the effect of a decision to allow, limit, or prohibit conflicting uses in fish and wildlife habitat areas on the <i>ability to provide security for public infrastructure</i> 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 <i>public and private institutions</i>	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	<ol style="list-style-type: none"> <li>1. Presentation bias/unbalanced treatment of economic effects</li> <li>2. Positive values of ecological services are over-emphasized and costs of limit or prohibit decisions are de-emphasized</li> <li>3. Statements not backed up by quantifiable information should be presented as value judgements</li> <li>4. The conflict between the development of industrial sites and riparian protection is missing from several parts of the reports</li> <li>5. 2040 growth concept is not included in key parts of the report</li> <li>6. Costs of not expanding the UGB are not considered</li> <li>7. Several important economic factors appear to be missing from the analysis</li> <li>8. Not enough emphasis on the economic values of open space that would be enhanced or preserved by prohibit or limit decisions</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Staff will consider</li> <li>2. Staff will consider</li> <li>3. Staff will address</li> <li>4. Staff will address</li> <li>5. Staff will address</li> <li>6. Staff will address</li> <li>7. Staff will consider</li> <li>8. Staff will address</li> <li>9. Staff will address</li> </ol>

		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

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**Amendment to Resolution No. 03-3376A for Council Consideration**  
**Based on staff recommendation**

Amend Program Option 2 to remove “interim design types” from protection treatment applied to “other areas.”

**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, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> 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

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

**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, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> 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

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

103003c-04

**Amendments to Resolution No. 03376A for Council Consideration**  
**Based on Metro Committee comments as of 10/22/03**

1. Amend the program options in Exhibit B to combine riparian impact areas and other impact areas in Tables 1, Option 1 (habitat based) Table 2, Option 2A and Table 3, Option 2B (habitat and urban development) into one category for further evaluation in the ESEE analysis as shown below.

**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	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
Impact Areas	Lightly limit	Lightly limit	Allow

**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, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value	Parks and Open Spaces, <u>interim</u> <u>design types, or no</u> <u>design types</u>
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
Impact Areas	Allow	Lightly limit	Lightly limit	Lightly limit

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

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

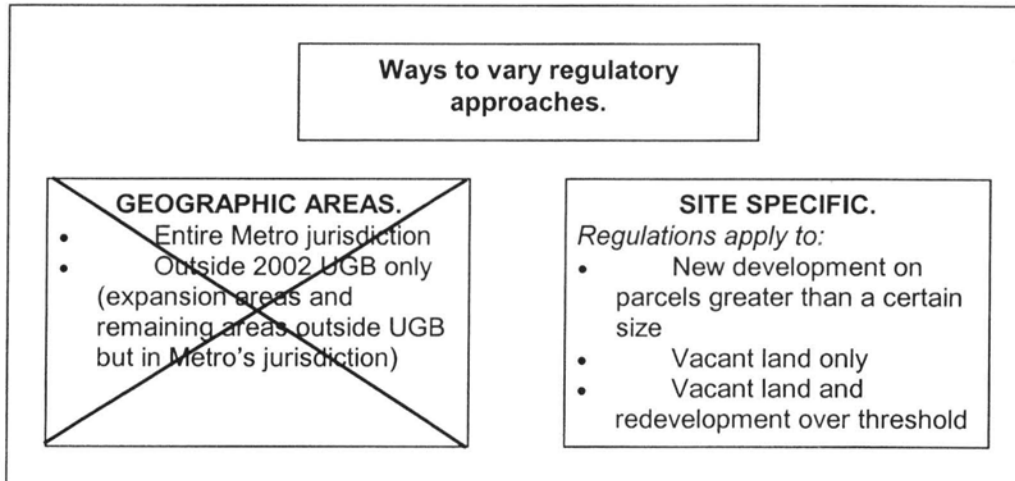
Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value	Parks and Open Spaces, <u>interim design types, or no design types</u>
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
Impact Areas	Allow	Allow	Lightly limit	Lightly limit

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

- Amend the Program Option Chart in Exhibit B to eliminate program variables that would vary regulatory approaches by geographic area (e.g., inside/outside 2002 UGB) and eliminate description in Exhibit B to reflect this amendment.



- Amend the program options in Exhibit B to eliminate Option 1 from further evaluation in the ESEE analysis and modify description in Exhibit B to reflect this amendment.

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	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

- Amend Program Option 1A to increase the maximum protection level for Class II riparian/wildlife corridors from strictly limit to prohibit and from moderately limit to strictly limit for Class III riparian/wildlife corridors for evaluation in the ESEE analysis.

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	<del>Strictly limit</del> Prohibit	Moderately limit	Lightly limit
Class III Riparian/Wildlife	<del>Moderately Strictly limit</del>	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	<del>Moderately Strictly limit</del>	Lightly limit	Allow
Impact Areas--Riparian	Lightly Limit	Lightly limit	Allow
Impact Areas--Other	Lightly Limit	Allow	Allow

- Amend Program Option 1C to increase the minimum protection level for Class III riparian/wildlife corridor, Class C upland wildlife habitat, and riparian impact areas from allow to lightly limit for evaluation in the ESEE analysis.

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	<del>Allow</del> Lightly limit
Class A Upland Wildlife	Prohibit	Strictly limit	Moderately limit
Class B Upland Wildlife	Strictly limit	Moderately limit	Lightly limit
Class C Upland Wildlife	Moderately limit	Lightly limit	<del>Allow</del> Lightly limit
Impact Areas--Riparian	Lightly Limit	Lightly limit	<del>Allow</del> Lightly limit
Impact Areas--Other	Lightly Limit	Allow	Allow

6. Amend 2040 Design Type Hierarchy (used to determine high, medium and low urban development values in the ESEE analysis) to move employment centers and corridors from Tertiary 2040 components to Secondary 2040 components, and to add a category of Regionally Significant Public Facilities.

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value	Parks and Open Spaces, <u>interim design types, or no design types</u>
Class I Riparian/Wildlife	Lightly limit	Moderately limit	Strictly limit	Strictly limit
Class II Riparian/Wildlife	Lightly limit	Lightly limit	Moderately limit	Moderately limit
Class III 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

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas, Regionally Significant Public Facilities

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, other Industrial Areas, Employment Centers and Corridors

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

7. Amend Program Option 2 to eliminate residential land values from the land value measure and only use the 2040 Design Type Hierarchy as the method to determine the level of protection for residential areas.

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components, <sup>1</sup> high employment value, or high land value <sup>4</sup>	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value <sup>4</sup>	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value <sup>4</sup>	Parks and Open Spaces, <u>interim design types, or no design types</u>
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

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

<sup>4</sup>Land value excludes residential lands.

8. Amend Program Option 2 in Exhibit B to add a new option that provides stronger fish and wildlife habitat protection and modify description in Exhibit B to reflect this amendment.

**Option 2AA: Habitat and urban development.**

Resource Category	High urban development value	Medium urban development value	Low urban development value	Other areas
	Primary 2040 components, <sup>1</sup> high employment value, or high land value	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value	Parks and Open Spaces, <u>interim design types, or no design types</u>
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--Riparian	Lightly limit	Lightly limit	Lightly limit	Lightly limit
Impact Areas--Other	Lightly limit	Lightly limit	Lightly limit	Lightly limit

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Employment Centers, Corridors

9. Amend Exhibit B to eliminate Program Option 3 (Streamside Habitat Approach) from further evaluation in the ESEE analysis and modify description in Exhibit B to reflect this amendment.

**Table 4. Option 3: Streamside habitat emphasis.**

Resource type	Slopes less than 25%	Slopes greater than 25%
Primary Streams Draining > 100 acres	Moderately limit within 100 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.

10. Amend Exhibit B to eliminate Program Option 4 (Baseline Current Regional Regulations) from further evaluation in the ESEE analysis and modify description in Exhibit B to reflect this amendment.

**Table 5. Option 4: Baseline current regional regulations.**

<b>Resource type</b>	<b>Slopes less than 25%</b>	<b>Slopes greater than 25%</b>
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

11. Amend Exhibit B to change the name from Option 4, Baseline current regional regulations to Baseline for Evaluation and modify description in Exhibit B to reflect this amendment.

**Option 4: Baseline for evaluation (current regional regulations).**

<b>Resource type</b>	<b>Slopes less than 25%</b>	<b>Slopes greater than 25%</b>
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

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## Exhibit B: Comments on program options

**Table 1. Comments from committees**

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

103003C-05

Reviewer	Topic	Comment	Response
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

**Table 2. Comments received on or after 10/23/03 (public hearing).**

Comment	Provided by
<b>MISCELLANEOUS</b>	
Educational institutions should be fit into the program framework.	Michael Sestril (Lewis & Clark College)
Refine factors that distinguish between limit categories – make assumptions clear (e.g., no takings, existing development can be repaired and maintained...)	City of Portland
Riparian District Plans, Local Options must be incorporated into Metro's programs.	Port of Portland
Confirm the status of intermodal facilities as a primary 2040 design type; not specifically called out in program options.	Port of Portland
Classify ALL industrial areas as primary 2040 design type designation.	Port of Portland
<b>PROGRAM OPTIONS AND VARIABLES</b>	
Proposed program options and variables – most will not achieve overall goal of protecting and restoring continuous stream corridors, nor will it meet minimum criteria for ESA compliance. Particularly true for Options 3 and 4.	Jim Labbe + 15 (hearing) Pat Russell Ron Carley
Eliminate program variation by geographic area. Doing nothing new inside the UGB should not be an option.	Jim Labbe + 15 (hearing) Pat Russell Ed Labinowicz Sue Marshall Mary Kyle McCurdy Friends of Forest Park Lynn Herring Johnson Cr. WS Council Steve Mullinax Richard Shook

Applying regulations based on development status, lot size, or land-use category will fragment habitat and ecological functions that transcend such boundaries. Based on definition of limit, it is not clear how continuity of primary function riparian habitats will be achieved through that means.	Jim Labbe + 15 (hearing) Pat Russell Mary Kyle McCurdy Johnson Cr. WS Council Steve Mullinax Richard Shook
Eliminate Option 4 as an actual option. Option 4 would fail to meet most of proposed evaluation criteria.	Jim Labbe + 15 (hearing) Pat Russell City of Portland Steve Mullinax USFWS
Establish "no net loss" of riparian function of Options 1C, 2A, and 2B by replacing "allow" with a minimum mitigation requirement. Metro should dispense with ALLOW as it has with PROHIBIT.	Jim Labbe + 15 (hearing) Pat Russell City of Portland Lynn Herring Johnson Cr. WS Council Steve Mullinax USFWS
Need a more protective Option 2.	Jim Labbe + 15 (hearing) Pat Russell Tom Wolf City of Portland USFWS
Simplify and clarify program options: reduce "limit" from three to two categories; consolidate or eliminate Options 3 and 4.	City of Portland Port of Portland
Option 3 should be eliminated.	City of Portland Port of Portland USFWS
Option 1 does not include the full range of resource protection levels – modify to include strict limitations for high-value upland habitats.	City of Portland
Diversify treatments for impact areas to include more than just allow or lightly limit. Different protection levels should be analyzed to facilitate discussion of the role of these areas.	City of Portland
ESEE analysis should only include non-regulatory elements that can be implemented with certainty (although uncertain elements are also vital).	USFWS
There should be more "prohibits" in other resource categories and program options so as to consider a wider range of potential outcomes.	USFWS
Option 1 is the only program option with a chance of accomplishing the overall goal for fish and wildlife habitat protection.	Jeffry Gottfried
Option 1 may not have the desired outcome – analyze carefully.	Port of Portland
Option 2A, combined with non-regulatory options, would be best.	Port of Portland
All program options should incorporate "avoidance, minimization and mitigation" as does Title 3.	USFWS
<b>EVALUATION CRITERIA</b>	
Environmental justice should be a criterion in program evaluation.	JoAnn Bowman, hearing

Retention of restoration opportunities should be included as one of the primary evaluation criteria for program options.	USFWS
ESA 4(d) and Clean Water Act compliance should be evaluation criteria. (Also comments that Metro should mandate and enforce these acts.) USFWS believes Metro should develop specific criteria to clarify what this would entail so that the degree to which program options will enable local governments to achieve compliance can be evaluated.	Pat Russell Sue Marshall City of Portland Lynn Herring Richard Shook USFWS
Issue of resource site analysis needs to be clarified. Watershed-scale analyses would be more meaningful than only region-wide analyses.	City of Portland
<b>RESOLUTION LANGUAGE</b>	
Include language in the Resolution or elsewhere as appropriate to ensure that existing regulations will not be weakened.	USFWS
Add language regarding Metro's authorities under Oregon's Statewide Planning Goal 6 (water quality) and Goal 7 (natural hazards/floodplains) resources.	USFWS

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103003C-06

**Resolution No. 03-3376**

**Procedural Agenda for Council Meeting**

October 30, 2003

**I. Introduce Resolution**

**STAFF**

- A. Brief summary of Metro's Fish and Wildlife Habitat Planning Process
- B. Description of the resolution, including exhibits
- C. Description of "A" Amendments that were included in Council Agenda Packet; indicate that staff does not view these as significant policy choices and that if the Council believes any item is a policy choice, they should be taken up individually.
- D. Description of additional "Technical Amendments" recommended by OMA, and Staff Amendment re: "interim design types" approach
- E. Description of additional potential policy amendments recommended by several Metro advisory committees
- F. Describe other comments received beyond committees; highlight items that would be policy choices that the Council may choose to take up; indicate that public comments will continue to come in today and that a final public comment document will be published next week.

**II. Public Hearing**

**PUBLIC**

**III. Consider Amendments**

**COUNCIL**

- A. Approve "A" version amendments described in packet

NOTE: For the sake of clarity, OMA and staff recommend that, after Council has approved the "A" version, you state that all additional amendments will be creating a "B" version. (They all could be considered "A" amendments, since Council has not yet approved any amendments, but we think it will be cleaner to refer to a new "B" version.)

- B. Approve "Technical Amendments" to A version

- C. Approve staff's recommended amendment to A version (regarding treatment of "interim design types")
- D. Consider each of the proposed amendments from advisory committees (some Councilors indicated an intention to move certain of these proposed amendments as a package)
- E. Consider other amendments—if any are proposed by Councilors



## TUALATIN Riverkeepers

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Oct. 30, 2003

RE: Resolution No. 03-3376A Endorsing Phase I ESEE  
and Fish and Wildlife Protection Program Options

President Bragdon and Council Members:

The Tualatin Riverkeepers (TRK) urge the Metro Council to support the following policy options as described under **Issues for Council Considerations listed** on page three and four of the Staff Report in Consideration of Resolution No. 03-3376A.

*Comments that apply to all options*

1. Consider simplifying and refining options to reduce confusion.

**Yes, as I participated in discussions of MTAC and Goal 5 TAC/WRPAC, simplifying the options was uniformly supported. There is a concern that the number of options upon further analysis will be over burdensome to the staff and result in a document that is too complex.**

2. Eliminate program variables that would vary regulatory approaches by geographic area (e.g., inside/outside 2002 UGB).

**We support elimination of the geographic variable. Goal 5 should be uniformly applied within the UGB regardless of when areas came into the UGB. The baseline analysis and range listed under Option #2 will allow for comparisons based on economic priorities.**

3. Strengthen restoration element to have high importance in all of the regulatory and non-regulatory options.

**Yes, restoration via mitigation under all limit situations is very important to at a minimum assure no net loss and under the highest level of protection should improve riparian function in order to comply with ESA and CWA requirements.**

**Please support 1, 2, and 3.**

*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.

**We strongly urge your support 4 and 5. Goal 5 TAC was very concerned that there was no option that would lead to improvement of environmental health. Without a strong protection option, there is no assurance that Metro's vision and goal for the program will be achieved. Demonstrating measurable improvement is essential to comply with CWA and ESA requirements. It is existing conditions, the existing build environment for which streams do not meet state water quality standards and salmon are listed as threatened. Also, there are many jurisdictions who do not have the resources for this level of planning who are relying on Metro to develop a program that will provide them with a reasonable level of protection that there**

decision do not result in a jeopardy situation for salmon that may leave them vulnerable to "takings" litigation under the ESA.

6. Drop Option 1 from further evaluation since it does not explicitly reflect the economic consequences from the ESEE analysis.

**We strongly OPPOSE 6.**

*Option 2*

7. Consider the implication of the economic importance of Regionally Significant Industrial Areas, employment land, and corridors.

I assume this will be considered within the existing framework of the proposed program options.

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.

Yes, this is a good idea.

9. Create a new option within the habitat and urban development category that provides stronger fish and wildlife habitat protection.

**We agree that there should be a stronger environmental option under 2. This may be one of the most important options to explore in determining how much tradeoff can occur and still move toward functional improvement of the system.**

**TRK strongly supports #9.**

*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.

**Yes, we agree that Option 3 should be dropped as it does not include all of the resource mapped and under consideration. It does not include wildlife and in removing wildlife, important headwater streams are eliminated. Dropping Option 3 will accomplish much needed simplification of the next step of ESEE analysis.**

**Please support #10.**

*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.

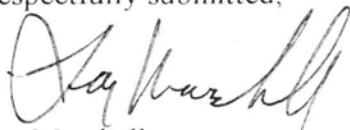
12. If this option remains for evaluation, call it the "baseline" rather than an option.

**Option 4 serves a purpose of baseline and we support inclusion of it under the heading of baseline rather than elevate its status as an option.**

**Please support #12.**

Thank you very much for your consideration.

Respectfully submitted,



Sue Marshall  
Executive Director  
Tualatin Riverkeepers

103003c-08

October 30, 2003

David Bragdon, President  
Metro Council  
600 NE Grand Avenue  
Portland, OR 97232

Dear President Bragdon and Metro Councilors,

I thank you for your attention to natural resources in the urban area. Your leadership is laying the foundation for a healthy society and economy. We sometimes forget that our lives depend upon the natural riches that existed before the first settlers arrived, and must continue to exist if we are to exist and thrive. I'm glad that you haven't forgotten.

As you select programs based on the ESEE analysis, I urge that it be based on protecting and enhancing fish and wildlife habitats. Once lost, the function of both wetland and upland habitat are very hard to replace. The opposite, pick what's left after development is maximized, would be foolish and make us all poorer.

Of course, it's not that simple, is it? You'll have to trade off between natural and economic and other values. I urge that you keep uppermost the vision of a healthy environment, healthy for fish runs, healthy for wildness and wild animals distributed throughout, and healthy for you and me and our neighbors with clean air and water and refuges for our spirits and sanity always nearby. If you achieve that, our lives and economic vitality will be enhanced.

By way of a specific request, consider protection for trees, which are a significant component of habitat. Such protection is hit-and-miss by locality. It should exist region-wide so habitat values are not lost before planning officially begins for an undeveloped parcel. That has happened in Washington County—cut down the trees now before initiating a planning request for development. End of story for yet another priceless habitat before its value can be considered.

As a second request, I ask that you give attention to restoration for important habitat that has been lost. Some might say "What's done is done" and walk away from degraded watersheds and lost habitat. An urban area with an interconnected, functioning network of streams and upland habitats is possible through sustained effort, but only if you plan for restoring missing links.

Sincerely,



Jim Kimball  
17645 NW Rolling Hill Ln  
Beaverton, OR 97006

My name is Linda S. Craig. I live at 17645 NW Rolling Hill Lane, Beaverton, OR, in the unincorporated area between Beaverton and Hillsboro. I am a CPA and financial planner, and an owner of a CPA and investment management business in Portland.

Last week, I was attending a financial seminar in Portland, and I met the Oregon State president of a national company. He had recently moved here from the Midwest. He said that he was semi-retired, and had not planned to move, but when he was offered a position in Portland, he jumped at the chance.

Despite all of the disparaging comments that we've been seeing about our business environment in the local press, people keep coming here, and people keep starting businesses. We see it all of the time in our business as accountants. People come because the Portland metro region is a great place to live.

Your predecessors in local government did the planning that makes the Portland metro region what it is today. Forest Park, Washington Park, Mt Tabor, and more recently Rood Bridge Park and the Nature Park. Beautiful places like these, that they set aside, define our metro area. The voters took the next step with the Urban Greenspaces measure in 1995.

Now it is your turn. I ask you to approve the tools tonight that you'll need to maximize protection for open spaces and fish and wildlife habitat in the metro area.

I know that you're hearing pressure from development interests to provide minimal protection. But I think those viewpoints are short-sighted.

My husband and I having been shopping recently for a place to live near a wetland or creek. We know that property values are higher when they are adjacent to natural areas.

I recently read in the Wall Street Journal a summary of studies showing that people are healthier, or sick people get well sooner, if they have access to green, growing spaces.

We also know that riparian protection upstream prevents flooding downstream.

Strong protection for fish and wildlife habitat is better in the long-run for all of us. So I ask you to adopt the strongest possible tools for your analysis in the months ahead.

If we don't save what makes this region special, we'll all be poorer in the future.



## What do you think?

Your ideas and comments will help the Metro Council as it works toward identifying an integrated habitat protection program for the region.



Should all habitat areas be protected equally? Or should we focus more attention on regulating the most ecologically valuable habitat areas first and look to other less-stringent regulations and/or incentives for protecting less ecologically critical areas?

*Class I + II riparian resources should have the strongest regulations for protection*



For areas that are important for economic development, should there be less or varying levels of habitat protection? If you favor varying levels of protection, what areas – single-family residential neighborhoods, commercial office and retail property, mixed-use industrial property – should get more, or less, protection? Should habitat protection be a factor in determining where roads and utilities are placed?

*Habitat protection should be a factor in deciding where roads + utilities placed*



Since habitat areas that provide connections to other habitat areas are especially important for fish and wildlife, should these areas be treated differently?

*Yes Contiguous areas are critical for wildlife movement and survival*



Should land that is already developed be exempt from new protection standards? Or are new levels of protection needed for redevelopment or additional development on the same land? If exceptions from development restrictions are allowed, should property owners be required to take additional actions to avoid or reduce negative effects on habitat? If so, should such actions be required at all levels or only on the most valuable habitat?

*Land that is developed can still be viable habitat and still require regulations. I believe that in these situations a case by case analysis be done.*



What incentives would be the most effective for voluntary protection of fish and wildlife habitat?

*Tag reductions  
public recognition*



How should fish and wildlife habitat protection programs be funded? Are you willing to support public financing mechanisms?

*I am willing to support a public financing mechanism -*

Name \_\_\_\_\_

Home address \_\_\_\_\_

City/state/ZIP \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Metro Planning Department  
Attention: Fish and Wildlife Protection  
600 NE Grand Ave.  
Portland, OR 97232

Protecting the nature of the region  
Your comments help shape the future

600 NE Grand Ave.  
Portland, OR 97232

PEOPLE PLACES  
OPEN SPACES

METRO



Place  
stamp  
here

## What do you value?

In the coming months, the Metro Council will be looking at possible combinations of program options that address the many competing interests related to habitat protection. The council is legally required to look at a full range of program options. Ultimately, this will lead to consideration of a regional habitat protection program.

As the council deliberates, it will face a number of choices. It is important to be mindful that there are tradeoffs with any of these choices. If voluntary efforts are chosen over regulatory efforts, for example, research tells us that the effect of actually protecting habitat will be reduced. Conversely, if more effective regulatory options are chosen, some property activities or rights might be impacted. Cost is a factor for both regulatory and non-regulatory approaches.

Please e-mail written comments to [habitat@metro.dst.or.us](mailto:habitat@metro.dst.or.us), give them to Metro staff or mail this form back to the Metro Planning Department, Attention: Fish and Wildlife Protection, 600 NE Grand Ave., Portland, OR 97232



103003c-1)

The Metro Fairmount Plan Portney Neighborhood Coalition  
Amends Title 4 of The Urban Growth Management  
Functional Plan should incorporate a restriction  
on newly identified and brought in UGB land - ~~of~~ of  
which, Metro's Goal 5 inventory must remain intact  
~~that~~ until the completion of the mandatory  
concept plan has taken place. There are several  
instances occurring today, in addition to the Jenkins/kin  
site, - that are removing any <sup>goal 5</sup> obstacles to development  
before the concept planning process takes shape.

May Mansaray

Much of the economic success in Washington County is due to the abundance of nature at our doorstep. High-Tech companies are willing to locate and expand in Washington County because of the long track record of the willingness of high quality employees to relocate in beautiful, pristine Oregon.

With the pressures of development, not only are we at risk of losing the quality and quantity of our streams, wetlands, riparian areas and other fish and wildlife habitat, but we are also at risk of losing the very element that has allowed Washington County to become an economic success. To protect our economic ~~success~~ viability I encourage you to ~~make~~ <sup>maximize</sup> restrictions on development of Goal 5 resources



103003c-12

October 30, 2003

David Bragdon, Metro President  
And Metro Council  
600 NE Grand Avenue  
Portland, OR 97232

Dear President Bragdon and Metro Councilors,

I am testifying on behalf of the Audubon Society of Portland and the Society's 10,000 members living in the Portland Metropolitan region.

I want to begin by honoring the staff for their work to date in preparing the first phase of the ESEE Analysis and in attempting to craft workable program options for the next phase. I want to particularly thank Chris Deffenbach for her tremendous service in jumping into this process mid-stream, rapidly comprehending both the details and the varied perspectives, and moving the planning process forward.

By way of general comment, the ESEE analysis- and particularly the economic component- tends to treat the consequences of limit decisions as merely consisting of an in-between the "book ends" of allow and prohibit rather than potentially yielding outcomes that, while more design intensive, would align economic, social, environmental, and energy benefits. In other words, the ESEE understates the value of a limit decision in furthering the goal of integrating the built and natural environments in a fashion that enhances both.

With respect to the draft program options, it is vital that the Council move forward with a fair and equitable range of alternatives that reflect the goals and purpose outlined in the Vision Statement. The decision about the range of options must stay cognizant of what we are actually trying to achieve for the region's future. We have been concerned that too few of the draft program options have a chance of fulfilling the overall goal of protecting and restoring continuity in the region's stream corridors and the ecological functions they provide.

Through the input from the advisory committees over the last month, we believe there have been a number of suggestions to address this shortcoming. These same recommendations could help simplify the program options considerably.

In particular, we strongly support the Goal 5 TAC's recommendation to eliminate program variables that would apply regulations only to resource areas outside the 2002 UGB. Metro's inventory accounts for this variability in the quantity and quality of habitat within the regions watersheds; more developed watersheds have fewer and lower quality resources. Both regulatory and non-regulatory program options must be applied consistently across the region in order to 1.) move all watersheds sites toward overall environmental improvement and 2.) achieve the

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over all goal of conserving, protecting and restoring continuity in stream corridors and the ecological functions they provide.

We also support eliminating the program variable that would vary the regulatory program based on parcel size or development status. Apart from adding considerable complexity to the analysis and the program option, this approach would fail conserve and protect existing continuity in the stream corridors.

We oppose the elimination of option 1. We would support the elimination of options 1B and 1C if we strengthened 1a and 2A. The key value of option 1 is that it would apply limit designations without differentiating between riparian and wildlife habitat the way option 2 does. This and the greater protection it affords to all resources make it an option that must be considered.

We also support committee recommendations to add a stronger option 2 that increases limit designations for high value riparian resources in medium and high development value categories.

We support the recommendations to replace allow decisions on riparian resources with lightly limit in Options 1 and 2 to ensure, at very least, that any loss of riparian habitat is mitigated, preferably within the watershed or resource site area. In other words, Metro should dispense with an ALLOW decision for riparian resources in the same way it has dispensed with an outright prohibit decision for these resources.

We are concerned about proposals to move employment lands and corridors (Tertiary 2040 design types) from low to medium development value because it would reduce the limit designations for high value resources in option 2. To what degree would this amendment impact stream corridor continuity and relevant upland wildlife habitats? We cannot support this change without knowing the consequences for both the total acreage and the spatial distribution of inventoried habitats.

We support eliminating the land value data to rank the development value of residential lands. Currently the inclusion of land value data for ranking residential lands leads to high value residential lands being ranked medium development value. Residential land is probably the most substitutable land-use in the region. However there is no reason to assume that high-value residential lands are any less substitutable than lower value residential land.

We support eliminating option 3. Title 3 has programmatic features that could be incorporated in to a Goal 5 program but this option would not address wildlife use of both riparian and upland areas and dispense with the inventory- probably the most scientifically reviewed natural resource inventory in the country- as a tool for prioritizing resources for protection.

Finally we recommend eliminating Options 4 would essentially allow development on almost 30,000 acres of regionally significant fish and wildlife habitat. Option 4 would fail to meet most of the proposed criteria for evaluating program options and contradicts both the Goal 5 Vision statement and the entire 2040 planning process to date. Hence, while this option may have value for analysis purposes, it is inappropriate and misleading to consider it as a serious program outcome.

The Audubon Society of Portland remains committed to finding workable solutions to achieve this region's goals for environmental protection and restoration. I look forward to working with you and the staff toward that end. Thank you for listening this afternoon.

Sincerely,

Jim Labbe  
Urban Conservationist  
Audubon Society of Portland

October 30, 2003

To Metro Council:

I grew up on a farm in Wisconsin in the 1950's, and one lesson I learned from my parents was that it was our responsibility as good citizens and caretakers of the planet to protect and conserve our natural resources, including our wetlands, meadows and forests and the many species of fish and wildlife they provide homes for. Fifty years later, I find myself fighting to protect fish and wildlife and their habitats in the Portland area, and I am greatly concerned as to where we are headed.

Two years ago I formed a neighborhood group called The Biodiversity Project of Tigard, in response to the lack of knowledge of what species are in the city, and also in response to the completely unchecked and irresponsible growth that is occurring where we live. Forests that contain unique plant species such as Oregon white oak and Ponderosa pine are falling as I write this. If things continue on this course, there will be no upland forests left in the city within two years except for small, fragmented and narrow bands along streams that in many cases are not large enough for most species to survive. **WE ARE AT A CRISIS POINT HERE IN TIGARD AND WILDLIFE AND THEIR HABITATS NEED YOUR HELP!!!!** Our surveys of many upland forest habitats have shown that rare species such as the olive-sided flycatcher (a songbird on the federal list of candidate species) and red-legged frogs have disappeared due to the massive clearcutting that is occurring in Tigard and across other parts of the metro area. And these are just two of the species disappearing, not to mention the many other species of birds, frogs, bats, owls, raptors, etc. that are a necessary part of our ecosystem and on which we depend for our communities to survive.

What should be done to protect our fish, wildlife and habitats in our communities?

- 1) First and foremost I recommend adopting the highest level of protection and conservation of what is left of our natural resources, meaning **All remaining forests, meadows, wetlands, etc. inside the urban growth boundary should be protected and no more development of these habitats should occur.** This will insure that remaining fish and wildlife species in these areas are protected, and will help to ensure a more ecologically vibrant and healthy system and will also help to ensure that citizens live in a healthy environment.
- 2) Next, we should eliminate the program variables that would vary regulatory approaches by geographic area, since this would lead to more habitat fragmentation and loss of ecological functions. Both regulatory and non-regulatory program options must be applied consistently across the region in order to achieve the overall goal of conservation, protection and restoration of streams, wetlands and forests.
- 3) We recommend revising Option 2, so that for it to really "provide more habitat protection" it must, at a minimum, ensure the continuity of primary function riparian habitats.
- 4) Most of our streams and watersheds are in poor condition and in most cases highly degraded. This needs to change if we want to live in a healthy community and have a healthy environment. To achieve both, we should establish a "No Net Loss" of riparian function as a

programmatic feature of program options 1C, 2A, and 2B by replacing “allow” decisions for primary and secondary riparian resources and substituting a minimum mitigation requirement. We HIGHLY recommend that Metro get rid of an ALLOW decision for riparian resources in the same way it has dispensed with a Prohibit decision. Having a minimum mitigation requirement will ensure the loss of existing or potential riparian function will be compensated where development is allowed to entirely displace the resource.

- 5) Please!! Eliminate Option 4, since it would allow development of about 28,000 acres of regionally significant fish and wildlife habitat inside the August 2000 UGB and outside existing parks and regulated areas. We need to protect what is left!

Having said this, I would like to give several examples of what is happening when we allow development of forested areas with steep slopes and the resulting negative effects.

- In Tigard, a developer was given a permit to develop a parcel of land that included the steepest slope allowed under city code. He clearcut the slope last year, and this past winter the soil erosion was so horrific that the wetland below filled with soil, the city then had to replace a nearby culvert which became filled with the soil, and then during the work the city illegally filled the adjacent wetland with riprap. So who payed for this?? The developer?? NO. I and the other citizens of Tigard did to the tune of thousands of dollars, along with the additional loss of trees, wetlands, and wildlife. This slope should have never been clearcut.
- On one of the buttes off I 205, a developer clearcut a steep slope two years ago. In the wetlands below, which did not get developed and which contains many Oregon ash trees, a Bureau of Environmental Services of Portland employee has observed that now all of the ash trees are dying, since the hydrology has been altered due to the clearcut above. Who will correct this!! No one, certainly not the developer, who is making millions of dollars in profit at the expense of our natural resources.

If we want to maintain a high quality of livability here in the metro region, and conserve our wonderful natural resources for ourselves and future generations, we must do everything possible to protect all of the habitats that are remaining by implementing the strongest protections possible. I want to say thank you to all of the council members who work so hard to ensure that our communities remain vibrant and that we continue to work toward the goal of long-term conservation of our fish, wildlife and habitats.

Sincerely,



Sue Beilke, Director  
The Biodiversity Project of Tigard

103003c-141




MEMORANDUM

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

DATE: October 29, 2003

TO: David Bragdon, Metro Council President  
Metro Council

FROM: Lee D. Leighton, AICP 

RE: Metro Goal 5 ESEE Analysis Issues and Requests

CC: Christina Deffebach, Metro  
Michael Sestric, Lewis & Clark College  
Steve Pfeiffer, Perkins Coie  
Nancy D'Urso, Perkins Coie

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Executive Summary of Issues and Requests

- Adjustments are needed to correctly represent certain institutions' economic, social and energy values within the Draft ESEE Analysis. Lewis & Clark College wishes to provide Metro with specific supporting information for making such adjustments with respect to Lewis & Clark College campus sites, prior to adoption of components of the ESEE Analysis in final form. **Metro needs to clarify for its constituents the process it will use for receiving and responding to new information from property owners as part of the draft ESEE Analysis finalization process, over the coming months.**
- The draft Economic Analysis uses a variety of indicators (e.g., assessed values, employment density, Region 2040 node location) to identify economic values associated with land areas. However, these particular indicators tend to downplay the economic significance of some educational institutions' campuses. **Before the draft economic analysis is considered complete, the Metro Council should direct its consulting economists and staff to examine the effects that use of the indicators listed above has on institutional campus sites, and apply corrective adjustments to affected campus locations within the analysis area.** Lewis & Clark College expects that such an examination will demonstrate that the relative economic value associated with its campus areas – Law School, Fir Acres (Main), and South Campus – should be increased, and that this revision should be reflected in revised mapping of economic values as part of the economic analysis.
- The Social and Energy Analysis elements of the draft Goal 5 ESEE Analysis document are heavily biased in favor of environmental conservation and restoration values, to the diminishment of competing – but real and important – other social and energy values and consequences. **These elements should be scrutinized and revised to arrive at more balanced analysis results.**

- At institutional campus locations, the potential for severe, moderate, or slight impacts on master development plan implementation – with corresponding impacts on associated economic, social and energy values – does not necessarily correspond directly with the development limitation concepts formulated by Metro for the ESEE Analysis (i.e., strictly, moderately, and slightly limit). Moreover, at this time Metro has not published any specific programmatic descriptions corresponding to the development limitation concepts, e.g., indications of the spatial requirements each category would involve for resource buffering or other strategies. As a result, it is literally not possible to assess the impact each limitation concept would have on campus master plan follow-through. In the upcoming program formation phase, Metro should consider the effects of specific proposed protective measures on campus areas, in light of approved master development plans, using information provided by owners of affected campus sites. Protective environmental measures should avoid impinging on institutions' ability to follow through on master planned development, by making an "allow" decision at specific locations, by allowing mitigation measures to compensate for resource impacts, or through some combination of similar methods.
- The process of long-range campus master planning, as practiced by Lewis & Clark College, includes identification and consideration of resource values, in a process that requires local jurisdictional approval in a public hearing process. Such master planning – where the duration of the resulting local jurisdiction approval is seven years or more – should be recognized as an appropriate local-level Goal 5 environmental program implementation mechanism within the Metro region.
- As part of the implementation process, local jurisdictions will be required to adopt new local regulations consistent with the Metro Goal 5 inventory and analysis work. Within that process, local jurisdictions should have authority to adopt revised local resource inventory maps that more correctly represent the status of resources at that time, based on evidence developed by the local jurisdiction or submitted by constituents. The implementing language the Metro Council ultimately adopts should clearly identify this authority on the part of local implementing jurisdictions.
- To help reduce severe impacts, especially on institutions that have engaged in long-range master planning for development over time, program implementation should include flexible mitigation measures, to allow master planned development to proceed while protecting and enhancing resources at less critical locations.

This information is presented on behalf of Lewis & Clark College, as testimony concerning the proposed Metro Council endorsement of the Draft Goal 5 Phase 1 Economic, Social, Environmental and Energy (ESEE) Analysis, per proposed Resolution No. 03-3376.

**Interest.** Lewis & Clark College is interested in Metro's Goal 5 ESEE process because:

- Anticipated regulations could directly impact the College's ability to follow through on its long-range planning.
- The College uses an environmentally informed approach to campus planning, beginning with physical inventories and resulting in sensitive, landscape-driven use concepts and plans.
- In practice, institutional master planning is consistent with resource conservation goals, and should be recognized as a viable resource conservation strategy in the implementation program formation process.

**Purpose.** Lewis & Clark's engagement in the ESEE Analysis and Program phases of the Goal 5 process is intended to:

- Raise awareness and visibility (within the analysis parameters) of the educational institution's important economic, social, and energy values.
- Provide the best available technical information about environmental features and functions within campus areas. The College has worked with Fishman Environmental Services to develop detailed environmental inventory information for campus areas, which we shared with the City of Portland for use in the Healthy Portland Streams project.
- Help Metro develop program implementation measures that include recognition of the value of master planning and long-range development visioning on the part of institutions, which demonstrably yield benefits in all four Goal 5 elements (Environmental, Social, Economic and Energy factors).
- Lewis & Clark wants to be part of the regional solution by helping Metro complete an ESEE Analysis that is well-rounded with respect to institutional uses in the region, including, of course, Lewis & Clark College in particular).

**Institutions and Region 2040.** The Metro Region 2040 Growth Concept de-emphasizes the importance of educational institutions in several subtle but significant ways:

- Institutions as development/activity nodes are not given adequate consideration as a component of the Region 2040 Growth Concept and mapping.
- Several educational institutions in the region, including Lewis & Clark, are not located in designated Region 2040 Design Type areas (other than inner or outer neighborhoods).
- Nevertheless L&C contributes to Region 2040 objectives through its master planning, which embodies Region 2040 values; examples:
  - **Housing:** Expansion of on-campus housing as approved in the College's Conditional Use Master Plan, for up to 600 students, is analogous to mixed-use development and offers similar benefits (community vitality, reduced VMT/congestion, etc.) Additional housing opportunities are possible on properties already owned by the College, but not currently included in its Master Plan boundary, or in the surrounding community if permitted by zoning regulations.
  - **Affordable Housing:** Because college students typically live in low-cost rental housing, every unit of housing the college builds reduces demand on affordable housing in the market. 600 more students on campus equal about 200 units of affordable housing in other parts of the city.

- **Transportation:** Private shuttle services, good pedestrian and bicycle circulation, and convenient access to TriMet transit service reduce demand for single-occupant vehicle travel. Employee Commute Option surveys have shown that Lewis & Clark's program has increased the overall mobility of its faculty, staff and students, while reducing vehicle miles traveled (VMT). For every additional student or employee who lives within walking distance of campus, we can conservatively expect a trip reduction of 1.5 to 2 trips per day. Based on the College's 2002-2003 ridership survey, the College's shuttle bus services accommodate over 106,000 riders annually.
- **UGB:** Denser development, especially housing, takes pressure off the need for expanding the UGB. On- and near-campus college housing is part of the regional housing solution.
- **Development Density:** By building more densely and providing services for both the college and surrounding community, we use our land more efficiently. The College's Master Plan calls for multi-story buildings that will accommodate space needs while preserving existing resource areas and defining open space quads throughout the pedestrian-oriented campus. At completion, building floor area will be double the square footage when the Master Plan was first approved by the City of Portland (1.8 million square feet, compared to 900 thousand).
- In practice, educational institutions further important Region 2040 design goals, effectively creating dense, mixed-use environments. These functional contributions should be recognized in the context of the Goal 5 ESEE Analysis.

**Economic Analysis Issues.** The methodology used in the economic analysis is substantially "blind" to the real economic value of higher education institutions, for several reasons, e.g.,

- Nonprofit entities are not subject to the same property tax assessment rules as private properties. As a result, using assessed valuation of property as an indicator of economic value tends to yield artificially low values at non-profit campuses. This effect is reflected in the mapping contained within the draft economic analysis document.
- These low values are misleading because institutions are substantial employers, as well as preparing students for productive careers in the future workforce.
- Metro zoning categories do not account for "institutional" zoning. As a result, some educational institutions, including Lewis & Clark, are located in residential zoning in the Metro analysis data. This tends to further reduce economic value attribution in the economic analysis.
- To the extent the economic analysis method increases values in designated Region 2040 Design Type node locations, it consequently undervalues existing centers of educational employment and related economic activity that are not at nodal locations, i.e., in Inner Neighborhood or Outer Neighborhood areas.
- In the draft economic analysis, employment density is used as a measure of economic value; however, the campus setting of some educational institutions dramatically reduces the statistical density of their employment as compared to city centers – even though activity may be concentrated in a small portion of the overall campus holdings.
- Institutions contribute to a diversified economic base and relatively stable employment base. These contributions are not recognized qualitatively or quantitatively in the economic analysis. Thus some institutions' economic values are more masked than revealed by the economic analysis method.
- Before the draft economic analysis is considered complete, the Metro Council should direct its consulting economists and staff to examine the effects of the factors listed above, and apply corrective adjustments to affected campus locations within the analysis

area. Lewis & Clark College expects that such an examination will demonstrate that the relative economic value associated with its campus areas – Law School, Fir Acres (Main), and South Campus – should be increased, and that this revision should be reflected in revised mapping of economic values as part of the economic analysis.

**Social and Energy Analysis Issues.** The Social and Energy elements of the draft ESEE Analysis are deficient for many of the same reasons listed above as a critique of the economic analysis. More particularly:

- The social value contributions of educational institutions are not adequately recognized.
- Energy efficiency contributions arising from the mixed-use aspects of campus environments (close integration of campus housing, recreation facilities, offices and classrooms/meeting rooms; transportation demand reduction strategies; and so forth) tend to be overlooked.
- Transportation Demand Management (TDM) programs managed by most institutions substantially reduce single-occupant vehicle (SOV) usage; however there is no clear mechanism for recognizing the energy benefits associated with such programs.
- The social element of the ESEE analysis essentially, and almost exclusively, sets out an advocacy position for the social value of wildlife protection. It does not address the social value of our institutions (education, public services, government, health care, etc.) through a mapping process comparable to the economic analysis maps. This begs the following questions:
  - What is the social value of institutions that contribute to Region 2040 Concept Plan implementation?
  - What are the real energy benefits associated with the mixed-use characteristics achieved by master planned institutional campuses?
  - How will Metro recognize and respond to those values in the program development phase?
- The Social and Energy Analysis elements of the draft Goal 5 ESEE Analysis document are heavily biased in favor of environmental conservation and restoration values, to the diminishment of competing – but real and important – social and energy values and consequences. These elements should be scrutinized and revised to arrive at more balanced analysis results.

#### **Local Adoption Phase of Program Implementation.**

- Lewis & Clark College anticipates that the implementation process will be similar to that of Title 3, that is, the Metro framework will require local jurisdictions to adopt local regulations consistent with Metro's program.
- Within that framework, local jurisdictions should be allowed to incorporate new and more detailed information in locally adopted significant resource inventories and program implementation maps, in a manner consistent with the "Map Administration" provisions associated with Title 3 (MC 3.07.340.E).
- Unlike Title 3, this mapping flexibility must allow for changes that recognize all types of mapping errors, even to the extent of removing "resources" mapped by Metro in the Goal 5 Inventory phase, but which are demonstrated to be non-existent or incorrectly classified on the basis of detailed, site-specific field inspection reports at the time of local adoption.
- Metro should clearly recognize the importance of local discretion to respond to timely information, including revised resource inventory mapping, when local implementing ordinances are being considered for adoption.

### Mitigation Measures as an Element of Program Implementation.

- In many urban locations, but especially for institutional campuses where substantial long-range utilization and development planning is the norm, inflexible new environmental regulations would be very disruptive, with potential to severely compromise the intended follow-through of the best-laid plans.
- Institutional uses are generally not mobile or geographically substitutable in the way that business operations can be. In that sense, they are captive at their campus locations.
- The implementation program should allow flexible mitigation techniques to be used in cases where resource impacts will be associated with continuing implementation of established master plans.
- Rather than obstruct master plan follow-through, mitigation provisions would, for example, allow for compensatory resource remediation, enhancement or creation activities at other resource locations where there is less conflict with economic, social and energy factors.
- In the context of master planning for long-term use and development of institutional campus sites, flexible provisions should allow mitigation actions to compensate for resource impacts. This approach will give institutions and permitting jurisdictions critical "balancing" strategies, allowing them to weigh the impacts and costs of development proposals, and arrive at workable solutions that can offer "no net loss" – and possibly even net benefit increases – in resource values within the region.

### Potential Goal 5 Impacts on Lewis & Clark College Property

#### Summary of existing site and program conditions:

- Land Area (including acres in conservation zoning)
  - The total area zoned for Lewis & Clark College development (IR) and included in the College's long-range development plan is approximately 137 acres.
  - Approximately 30% is already in environmental protection classification.
  - Resource area expansion opportunities identified in the Goal 5 and Healthy Portland Streams projects may combine to result in a 120 percent increase in areas regulated by some type of conservation zoning (about 80 acres in HPS and about another 10-15 in Metro Goal 5). The majority of this increase is in locations critical to the College's long-term development strategy, where development has already been approved by the City of Portland as part of the College's development master plans.
- Enrollment and programs
  - There are approximately 3,000 students at Lewis & Clark College.
  - Programs include the undergraduate college, law school, and graduate program in teacher education.
  - There are approximately 90,000 post-K-12 students enrolled in institutions within the Portland metropolitan UGB, and another 11,000 in the Vancouver, Washington area.
- Physical location (watersheds vs. drainage basins vs. management basins, etc.)
  - Lewis & Clark College campus areas drain either to the Tryon Creek watershed or to the Willamette River
  - Drainage sub-areas within campus areas have different environmental characteristics, and call for different resource management strategies.
  - Regulatory mechanisms that recognize site-specific resource management strategies are appropriate to implement in such a context.

- Sustainable development practices: for example, steps taken to achieve Kyoto compliance at L&C:
  - Over the past decade, the College encouraged more students to live on campus, started charging for parking on campus, and developed better transit options for student, staff and faculty that cut single-occupancy travel by nearly 50 percent.
  - Students worked proactively to inventory the College's greenhouse gas emissions. They found that Kyoto compliance was affordable through the purchase of offsets. Students are purchasing offsets to mitigate the school's impact on the climate, while simultaneously working to reduce emissions on campus.
  - Students raised \$16,400 for the purchase of offsets.
- The College upgraded its natural gas boilers in the mid-1990s so that, even as campus square footage increased by 10 percent, the College's natural gas usage actually declined. This is a case-in-point example of the College's commitment to implementing sustainable development practices.
- Lewis & Clark College is in the vanguard of institutions within the region that are proactively and creatively implementing environmentally beneficial design, development and management practices. This leadership should be recognized as part of the regional solution through program implementation techniques that foster continued creative leadership, and correspondingly reduce prescriptive mandates and standards that may compromise or constrain those efforts.

**Master Planning** (with City of Portland Conditional Use Review) is in itself a tool for achieving regional resource conservation and enhancement objectives.

- Institutional master plan processes contribute to regional growth management and resource conservation objectives through discretionary public review and approval procedures and development standards.
- Lewis & Clark College has a 50-year development plan that is consistent with 2040 concepts and objectives (although the College is not mapped as a Region 2040 Design Type node).
- Institutional master plans respect environmental protection/conservation zone boundaries.
- Institutions make improvements continuously over time with typically beneficial results; in the case of Lewis & Clark College:
  - **Reduction of impervious area:** the College projects an approximately 7% reduction of impervious area over the life of its master plan, in addition to resource impact mitigation on a project-by-project basis.
  - **Integration of resource conservation strategies:** campus design practices seek to create natural resource buffers with little human activity.
  - **Site-specific mapping and resource analysis:** science classes in geology, biology, and environmental studies all use the surrounding natural areas as laboratories for education and training.
  - **Management of natural resources over large campus areas.** LC has approximately 137 acres, of which over 30% are in long-term environmental protection. Additionally, the protected area is surrounded by a development category that will afford long term protection through low density development, minimized intrusion of vehicles, reduced pollution generation, and similar benefits.
  - **Implementation of long term resource conservation and restoration projects.** The College organizes and implements ivy pulls, education, professionally managed landscape management programs with certified arborists on staff, annual tree plantings, and so forth.

- Master planning furthers resource conservation. Using the recent planning for South Campus utilization as an example,
  - Environmental/physical features inventory, assessment and analysis were first steps in the planning process.
  - Resource conservation a priority.
  - Located human activity and new development in least sensitive areas.
  - Buffered resources, e.g., existing environmental conservation overlay zone.
  - Result: a long-term development strategy compatible with resource values.
- The Metro Goal 5 implementation program should recognize the practical benefits and achievements of long-range campus master planning, by identifying local jurisdictional discretionary approval of master plans as a Goal 5 compliance strategy that can be adopted at the local implementation stage of the Goal 5 process.

#### Regulatory impact issues.

- Conceptually, Metro has approached the analysis of Goal 5 implementation impacts by characterizing them as Severe, Moderate or Slight according to the degree of environmental regulation applied. However, where impacts on master planned campus sites is concerned, these categories do not necessarily correspond with the conceptual categories used in Metro's Draft ESEE Analysis, i.e., strictly limit, moderately limit, or slightly limit.
- Severe implementation impacts:
  - Generally, would not allow the College to follow through on its Conditional Use Master Plan (CUMP) approvals to build buildings and accommodate specific functions at key campus locations.
  - Some CUMP-approved buildings or additions could not be constructed at their specific proposed locations, due to footprint and height restrictions. Of particular concern are buildings whose scale and dimensions are defined by specific functions. Examples include the proposed Theater and Science (Olin Hall) buildings, Garden Houses 1 & 2, and new buildings in the northern part of the South Campus.
  - Re-planning the campus to relocate certain functions and buildings would be necessary, including obtaining new CUMP approval.
  - Could potentially preclude the College from realizing its CUMP-approved building square footage plans, due to new footprint limitations together with existing building height restrictions.
  - Would constrain access (general as well as emergency and service-related), negatively impacting campus-wide circulation planning.
- Moderate implementation impacts:
  - Generally, would allow the College to follow through on its CUMP approvals to build buildings and accommodate specific functions at key campus locations, with adjustments at the site design and development phase to respect environmental resource protections.
  - CUMP-approved buildings or additions could be constructed at or near their specific proposed locations, with modifications of building location and form to avoid resource areas and buffers. For example, the new Student Union proposal could be modified to reduce its footprint. However, some facilities with specific spatial needs or forms (i.e., Theater, Science building) cannot be adapted in this manner and could not be built as planned.
  - Use of techniques such as buffer width averaging or mitigation to allow moderate encroachments into buffer or resource areas.

- Excessive mitigation requirements would have the effect of suppressing a wide range of potential development.
- Could require taller buildings with reduced footprints to meet square footage needs. However, such changes in building forms and volumes would dramatically affect the appearance and character of the College campus, and tall buildings would conflict with neighboring residential uses, particularly in the southeastern portion of the South Campus.
- Slight implementation impacts:
  - Would allow the College to follow through on its CUMP approvals to build buildings and accommodate specific functions at key campus locations.
  - CUMP-approved buildings or additions could be constructed at their specific proposed locations, using techniques such as buffer width averaging or mitigation to allow moderate encroachments into buffer or resource areas.
- It is very possible that regulations intended to "moderately" or even "slightly" limit resource impacts could in turn produce severe impacts on economic, energy and social values within campus areas, by complicating or disallowing completion of approved long-term plans. In framing the Goal 5 implementation program, Metro should recognize the important social, economic and energy values associated with consistent follow-through on approved long-range campus master planning. Protective environmental measures should avoid impinging on institutions' ability to follow through on master planned development, by making an "allow" decision at specific locations, by allowing mitigation measures to compensate for resource impacts, or through some combination of such methods.

103003c-15

**Schnitzer Investment Corp.**

# Fax

<b>To:</b> Metro Council	<b>From:</b> Marion Haynes
<b>Co:</b>	<b>Pages:</b> 3 (including cover page)
<b>Fax:</b> 503-797-1911	<b>Date:</b> 10/30/2003
<b>Re:</b> Goal 5 Comments	<b>CC:</b>

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

# SCHNITZER

INVESTMENT CORP.

October 30, 2003

The Honorable David Bragdon  
Council President  
Metro Regional Services Center  
600 NE Grand Avenue  
Portland, Oregon 97232-2736

Dear David:

The purpose of this letter is to provide comments to Metro Council regarding the "September 2003 Economic, Social, Environmental, and Energy (ESEE) Analysis Discussion Draft" and "October 1, 2003 Fish and Wildlife Habitat Protection Program Options Report" for Metro's Goal 5 program. Schnitzer Investment Corp (SIC) has significant real estate holdings throughout the Metro region and thus has a keen interest in the outcome of Metro's effort to comply with Statewide Land Use Goal 5.

We recognize that compliance with Goal 5 is a complex task. Given these realities, SIC supported Metro's creation of an Economic Technical Advisory Committee (ETAC), as well as financially supported the involvement of the Independent Economic Analysis Board (IEAB). In our continuing effort to cooperatively work with Metro to ensure a balanced Goal 5 program, we offer the following comments.

First, SIC encourages Metro to take steps to refine the documents in order to take into account the recommendations of the IEAB, which focus on concerns regarding "shortcomings in the methods, presentation and comprehensiveness" of the Draft ESEE. In particular, SIC agrees with the IEAB's apprehension regarding bias in the treatment of economic effects, completeness of the analysis, and economic equity. Based on the IEAB's comments and our own observations of the ESEE, we do not believe the model has economic sufficiency. Efforts should be made to ensure a rigorous treatment of all the potential economic impacts of a limit or prohibit decision.

Second, SIC objects to Metro's decision to downgrade industrial lands to the secondary design type from its position as a primary design type in the 2040 Growth Concept. The provision of adequate industrial lands is critical to the economic health of the region. Even more, this issue has risen to a level of statewide concern, with the 2003 legislative session recognizing the need for enough industrial sites to assist economic development and recovery. The elevation of this issue to such importance is based on the recognition of the critical role manufacturing and industrial lands play in a vital economy, such as

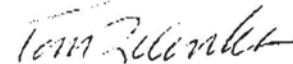
providing family wage jobs, generating wealth through the manufacturing process, and the multiplier effect on other economy sectors.

The critical nature of industrial lands to the economic well being of the region must be adequately taken into account. Yet, the three measurements used to define development value fail in this respect. Both land value and employment density are necessarily low for industrial lands due to the nature of the businesses that occupy these properties. The Metro 2040 Growth Concept acknowledges the importance of industrial lands by designating them a primary design type. Yet, despite such classification's importance, industrial lands are relegated to a secondary design type. Admittedly, Regionally Significant Industrial Areas will remain a primary design type, but given the attention focused on adequate supplies of industrial land, it is inconsistent to take any steps that will serve to demote *any* industrial lands to a category which lowers development value.

Finally, SIC urges Metro to reject program options 1 and 3. Option 1, Habitat based, "uses habitat quality as the basis of assigning regulatory treatments regardless of land uses or economic priorities." Option 3, Streamside habitat approach, does not assign protection levels according to ecological values or urban development priorities. Both of these options appear not to conform to the spirit and intent of Statewide Land Use Goal 5, which requires a balancing of interests. In fact, both options seem to specifically reject any balancing. Development and economic priorities must be taken into consideration because all lands are not the same from a development or economic standpoint. Industrial lands, and the businesses that locate on those lands, choose to do so based on a number of factors including proximity to infrastructure (including roads, rail, marine and air) and similar or interdependent businesses. Thus, industrial lands, unlike housing, cannot easily be accommodated elsewhere in the region or through a UGB expansion. Options which do not account for the true economic value of these land uses do not comport with Goal 5's mandate to balance actual competing interests and should be rejected outright.

Thank you again for the opportunity to comment on this important effort. The impact of this program will have far reaching consequences and benefits for the region and we urge Metro to undertake an approach that understands and incorporates all the economic impacts of an allow, limit or prohibit decision in order to realize a truly balanced program.

Sincerely,



Tom Zelenka  
Vice President

103003c-16

October 30, 2003

HAND-DELIVERED

The Honorable David Bragdon  
Council President  
Metro Regional Services Center  
600 NE Grand Avenue  
Portland, OR 97232-2736

Dear President Bragdon:

Reference: Metro Goal 5 Fish and Wildlife Habitat Protection Program  
ESEE Analysis and Program Options

Dear David:

The Columbia Corridor Association is continuing to closely follow and participate in the development of the Metro Goal 5 Program. We are doing this because of the tremendous impact that regulation of natural resources has on predominantly industrial Columbia Corridor and because we want to work constructively to influence the shape of that regulation. In that spirit of constructive advocacy, we offer the following comments on the items currently before you – the ESEE Analysis Discussion Draft and Goal 5 Program Options.

**GENERAL COMMENTS**

Current and proposed mapped resource area in all of the City of Portland constitutes 29% of the City's entire acreage. In comparison, **over 51% of the Corridor is mapped for the protection of natural resources**. Yet the Columbia Corridor is designated as an industrial sanctuary, and figures prominently in the RSIA mapping. It features millions of dollars of public infrastructure investment, much of it undertaken with Urban Renewal Funds for Economic Development Purposes. Further, the Columbia Corridor contains 4,275 businesses, providing 88,400 jobs, and paying over \$2.2 billion dollars in annual wages.

And, according to the RILS 2000 Industrial Lands Inventory, the majority of the region's buildable land is in the Columbia Corridor.

Finally, the Corridor is home to some of the region's most important freight transportation assets. The region's marine container terminal and international airport, a large share of the region's freight handling facilities such as truck terminals and reload centers, three Interstate freeways, and a transcontinental rail line are all located in the Corridor. Preserving land here for industrial development not only leverages the investments the region has made in the transportation system, but also helps minimize "freight/industrial sprawl". Supporting these businesses elsewhere in the region would require investment in suitable infrastructure, and potentially increase the amount of truck VMT. These indicators of the Corridor's key economic role in the region are important to keep in mind as the Goal 5 process continues.

Metro's commitment to understand the economic consequences of Goal 5 natural resource protection has been thorough in scope and broad in diversity of input. CCA has served with dedication and pleasure on the Economic Technical Advisory Committee (ETAC), which Metro seated in 2002. Metro's pledge to outline the economic consequences was further demonstrated by the creation of an independent economic peer review panel, to which CCA contributed funding. This panel's review of the scope and methodology, as well as the draft report, was an important and necessary component of the ESEE process.

## **ESEE**

**1. Lower employment densities in Industrial Areas understate their regional economic importance.** One of the three mechanisms that the ESEE utilizes for determining economic worth is employment density. However, by their very nature, industrial land uses reveal lower employment densities than in commercial or downtown office settings. Yet, traditional economic models prove that traded sector industries provide the very foundation of most other job types. This point was discussed in ETAC meetings, but did not find its way into the ESEE draft report. CCA feels strongly that Metro should find a way to evaluate and attribute the real economic value of traded sector industrial jobs in any overall economy, as employment densities alone will understate these lands' value.

**2. No assessed land values for public lands.** Another of the mechanisms that the ESEE utilizes for determining economic worth is assessed land values. Public-owned lands (drainage district property, military bases, Port of Portland airport and marine terminal properties, jails, municipal maintenance yards, etc.) are tax exempt and thus possess no assessed values, so this method of determining economic worth of Corridor lands is seriously flawed. While the ETAC participants discussed this land valuation shortfall with Metro staff on several occasions, this point never found its way into the ESEE draft report. CCA strongly feels that Metro should develop an alternate approach to valuing public lands and incorporate it into the ESEE report and maps.

3. **New Work and Studies Not Yet Included.** Ongoing work on the Regionally Significant Industrial Area (RSIA) policy and the just-published Portland Harbor Industrial Lands Study (PHILS) have not yet been included in the ESEE work and report. Both feature economic impacts essential to a complete and meaningful Goal 5 protection program, and should be considered as part of the ESEE analysis and included in the ESEE report.

4. **Economic Consequences not considered for prime industrial redevelopment lands.** Chapter 4 of the ESEE draft addresses economic consequences of limiting or prohibiting decisions on built residential lands and on buildable or vacant lands, but it does not address potential consequences on industrial land prime for redevelopment. Given the quantity of obsolete or abandoned structures on industrial properties in the Corridor and the current emphasis in the state and region on maximizing existing industrially zoned lands in the UGB, there should be additional analysis and comment on the prohibit or limit implications for industrial lands prime for redevelopment.

### **Program Options**

1. **Option 2 - Habitat and Urban Development.** In reviewing the four regulatory program options proposed by Metro staff, CCA supports Option 2A (Habitat and Urban Development) in conjunction with a strong menu of non-regulatory options (including property acquisitions, conservation easements, property exchanges, tax incentives, and private management) accompanied by formal business outreach and technical assistance programs.

Bundling Option 2A with the menu of non-regulatory options, including the potential for strategic restoration, allows site-specific work that will target real protection opportunities while preserving economic activity and growth.

2. **Riparian District Plans.** Beyond the menu of program options, CCA continues to strongly support Metro's proposal to provide the Riparian District Plan Option. Metro should be aware that the Columbia Corridor Association, the Multnomah County Drainage District, the Port of Portland, the Cities of Portland, Gresham, Troutdale, Fairview and Wood Village, and the Columbia Slough Watershed Council, have all discussed the applicability of using a Riparian District Plan to achieve natural resource protection in an area as unique as the Columbia Corridor. Absent any printed reference to the Riparian District Plan option since its original Goal 5 program proposal, CCA requests that Metro insert a reference to the Riparian District Plan concept in Metro's Figure 1: Program Options Chart.

3. **Reclassification of Industrial Areas to Secondary Land Use Category.** In Metro's Program Options report, all non-Regionally Significant Industrial Areas (RSIAs) have been recategorized as a secondary land use category. This is a redefinition of the 2040 land use category, and doesn't match up with the way industrial lands are addressed in the ESEE. While CCA notes that much of the Corridor is mapped as an RSIA, we

cannot support downgrading any industrial lands to a lower 2040 land use category. We ask that Metro classify all industrial lands as primary land uses.

We look forward to working together to achieve a well-balanced program that protects regionally significant resources and works positively for all.

Best Regards,

Patti McCoy,  
Executive Director

Attachments

cc: Metro Councilors



Thursday, October 30, 2003

David Bragdon, Metro Council President and Metro Council

RE: **Metro Goal 5 ESEE Analysis Issues**

Dear President Bragdon and Metro Council Members;

I am writing to you on behalf of the Institutional Facilities Coalition. The Institutional Facilities Coalition includes both health care and higher education institutions in the Portland region that do a large, ongoing volume of land use approvals and building permits. Members include:

**Health Care Institutions**

Kaiser Permanente  
Legacy  
Portland Adventist  
Providence

**Higher Education Institutions**

Lewis & Clark  
Oregon Health Sciences University  
Portland Community College  
Portland State University

3334 NW Vaughn St  
Portland, OR 97210  
Tel 503.227.4968  
Fax 503.228.3572  
gabdevs@teleport.com

Coalition members represent some of the areas largest employers and serve the majority of students in the region. For example, almost half, 48,418, of the 102,000 higher education students in the region are enrolled either at Portland Community College or Portland State University. Oregon Health Science University, one of the top ten employers in the region, employs 11,375 people. Kaiser Permanente, the granddaddy of health member organizations, serves 560,000 members in the region. In addition to Coalition members, there are several smaller hospitals and 18 other institutions of higher education within the UGB with enrollments greater than 500 students. The attached map and table illustrates the locations and enrollments of these institutions

The Coalition wishes to express its concern about how the draft Goal 5 ESEE analysis reflects the economic, social and energy values of area institutions and urges the Council to consider adjustments that will correctly represent certain institutions' economic, social and energy values. In this regard, we ask that Metro clarify the process it will use for receiving and responding to new information from Institutional property owners as part of the draft ESEE Analysis finalization process, over the coming months.

Following are specific Institutional concerns and recommendations about the ESEE analysis:

1. The draft Economic Analysis uses a variety of indicators (e.g., assessed values, employment density, Region 2040 node location) to identify economic values associated with land areas. However, these particular indicators tend to downplay the economic significance of some institutions. For example, land values based on residential land may not reflect the true nature of institutional worth. Also economic values predicated on employment densities may not accurately reflect the inherent low development density of many institutions. **Before the draft economic analysis is considered complete, we ask that Metro Council direct its consulting economists and staff to examine the effects that use of the indicators listed above has on institutional campus sites, and apply corrective adjustments to affected campus locations within the analysis area. The Coalition believes that such an examination will demonstrate that the relative economic value associated with area institutions should be increased, and that this revision should be reflected in revised mapping of economic values as part of the economic analysis.**
2. The Social and Energy Analysis elements of the draft Goal 5 ESEE Analysis document are heavily biased in favor of environmental conservation and restoration values, to the diminishment of competing – but real and important – social and energy values and consequences. For example, the social values indicators do not give adequate weight to the value that area institutions provide to the region in community in health care, cultural resources and educational alternatives. Likewise the energy analysis fails to recognize the conservation efforts made by most area institutions through transportation alternatives programs, sustainable development, and long range investment in physical infrastructures that support energy conservation. Many area institutions are leaders in these areas and **these elements should be scrutinized and revised to arrive at more balanced analysis results. Mapping the social and energy contributions made by institutions may be an effective way to address these issues.**

3. At institutional campus locations, the potential for severe, moderate, or slight impacts on master development plan implementation – with corresponding impacts on associated economic, social and energy values – does not necessarily correspond directly with the development limitation concepts formulated by Metro for the ESEE Analysis (i.e., strictly, moderately, and slightly limit). Moreover, at this time Metro has not published any specific programmatic descriptions corresponding to the development limitation concepts, e.g., indications of the spatial requirements each category would involve for resource buffering or other strategies. As a result, it is literally not possible to assess the impact each limitation concept would have on campus master plan follow-through. **In the upcoming program formation phase, Metro should consider the effects of specific proposed protective measures on institutional campus areas, especially in light of approved master development plans, using information provided by owners of affected institutional campus sites. Protective environmental measures should avoid impinging on institutions' ability to follow through on master planned development, by making an "allow" decision at specific locations, by allowing mitigation measures to compensate for resource impacts, or through some combination of similar methods.**
4. The process of long-range campus master planning, as practiced by many area institutions, includes identification and consideration of resource values, in a process that requires local jurisdictional approval in a public hearing process. **Such master planning – where the duration of the resulting local jurisdiction approval is seven years or more – should be recognized as an appropriate local-level Goal 5 environmental program implementation mechanism within the Metro region.**
5. As part of the implementation process, local jurisdictions will be required to adopt new local regulations consistent with the Metro Goal 5 inventory and analysis work. Within that process, local jurisdictions should have authority to adopt revised local resource inventory maps that more correctly represent the status of resources at that time, based on evidence developed by the local jurisdiction or submitted by constituents. **The implementing language the Metro Council ultimately adopts should clearly identify this authority on the part of local implementing jurisdictions. Such authority should not be limited to expansion of resource areas but should necessarily include diminishment of mapped resource areas.**

To help reduce severe impacts, especially on institutions that have engaged in long-range master planning for development over time, **program implementation should include flexible mitigation measures, to allow master planned development to proceed while protecting and enhancing resources at less critical locations.**

Thank you in advance for your consideration. Representatives of the Institutional Facilities Coalition are available to discuss their concerns with Metro staff at the earliest opportunity.

Sincerely,



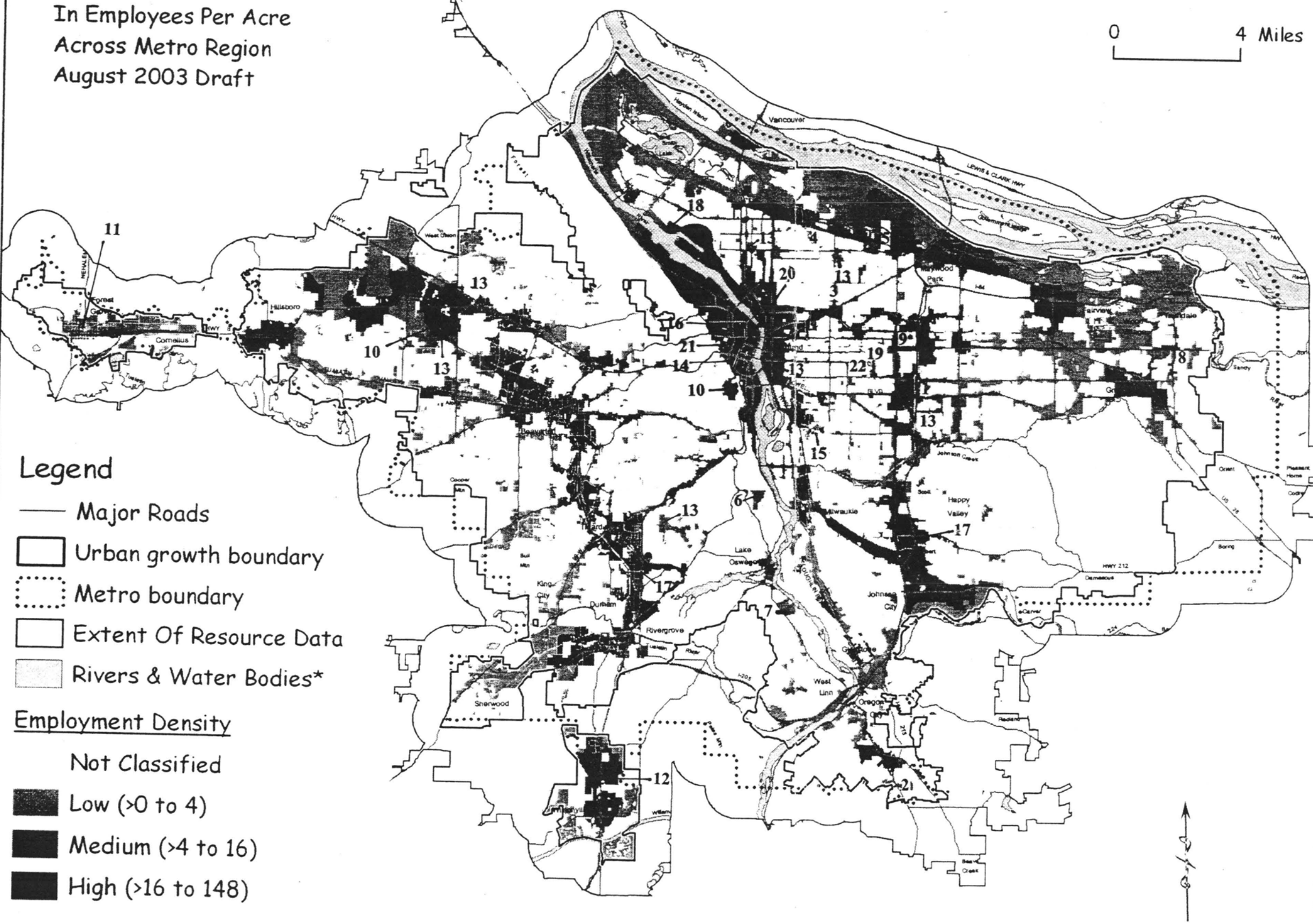
Thomasina Gabriele (SFS)

Encl Higher Education Map and Table

Cc Institutional Facilities Coalition members

Map 2: Employment Density

In Employees Per Acre  
Across Metro Region  
August 2003 Draft



Legend

- Major Roads
- Urban growth boundary
- Metro boundary
- Extent Of Resource Data
- Rivers & Water Bodies\*

Employment Density

- Not Classified
- Low (>0 to 4)
- Medium (>4 to 16)
- High (>16 to 148)

Educational Institutions with  
Enrollment of 500 or more students  
Within the Portland Metro UGB

REF #	INSTITUTION	TOTAL ENROLLMENT
1	APOLLO COLLEGE	752
2	CLACKAMAS COMMUNITY	6,866
3	CONCORDE CAREER INSTITUTE	740
4	CONCORDIA UNIVERSITY	1,091
5	ITT TECHNICAL INSTITUTE	516
6	LEWIS & CLARK COLLEGE	3,051
7	MARYLHURST UNIVERSITY	1,078
8	MT HOOD COMMUNITY	9,167
9	MULTNOMAH BIBLE COLLEGE	827
10	OREGON HEALTH & SCIENCE UNIVERSITY	2,524
10	OREGON HEALTH & SCIENCE UNIVERSITY - OGI	
11	PACIFIC UNIVERSITY	2,414
12	PIONEER PACIFIC COLLEGE	510
13	PORTLAND COMMUNITY COLLEGE	26,746
13	PCC - Cascade Campus	
13	PCC - Rock Creek Campus	
13	PCC - Southeast Center	
13	PCC - Central Portland Workforce Training	
13	PCC - Washington County Workforce Training	
13	PCC - Portland Metro Workforce Training	
14	PORTLAND STATE UNIVERSITY	21,672
15	REED COLLEGE	1,389
16	THE ART INSTITUTE OF PORTLAND	1,108
17	UNIVERSITY OF PHOENIX - TIGARD CAMPUS	1,536
17	UNIVERSITY OF PHOENIX - CLACKAMAS CAMPUS	
18	UNIVERSITY OF PORTLAND	3,234
19	WARNER PACIFIC COLLEGE	523
20	WESTERN BUSINESS COLLEGE	586
21	WESTERN CULINARY INSTITUTE	906
22	WESTERN SEMINARY	681

\*rivers & water bodies greater than 2 acres in size - J:\houk\60a15\ESEE\EconomicAnalysis\ECONorthwest\maps091103\Map 2 Employment Density.mxd