

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: April 15, 2004
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the April 1, 2004 Metro Council Regular Meeting.

3.2 **Resolution No. 04-3443**, For the Purpose of Confirming the Appointments of Mike Huycke and Ray Phelps to the Regional Solid Waste Advisory Committee (SWAC)

3.3 **Resolution No. 04-3444**, For the Purpose of Reappointing Tanya Schaefer to the Regional Solid Waste Advisory Committee (SWAC).

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 04-1040**, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to Increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment. (*Available at April 15, 2004 Council Meeting*)

4.2 **Ordinance No. 04-1048**, For the Purpose of Amending Metro Code Chapter 7.01 to Increase the Amount of Additional Excise Tax Dedicated to Funding Metro's Regional Parks and Greenspaces Programs and to Provide Dedicated Funding for Metro's Tourism Opportunity and Competitiveness Account.

5. ORDINANCES - SECOND READING

- 5.1 **Ordinance No. 03-1021A**, 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. McLain
- 5.2 **Ordinance No. 03-1022A**, 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. Park
- 5.3 **Ordinance No. 04-1042**, For the Purpose of Amending Metro Code Chapter 5.02 to Amend Disposal Charges and System Fees. McLain
- 5.4 **Ordinance No. 04-1043**, For the Purpose of Amending Metro Code Chapter 5.03 to Amend License and Franchise Fees; and Making Related Changes to Metro Code Chapter 5.01. McLain
- 5.5 **Ordinance No. 04-1044**, For the Purpose of Adopting the Annual Budget For Fiscal Year 2004-05, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency. *[PUBLIC HEARING; NO ACTION]* Newman

6. RESOLUTIONS

- 6.1 **Resolution No. 04-3441**, For the Purpose of Authorizing the Chief Operating Officer to Award Additional Regional System Fee and Excise Tax Credits in FY 2003-04. Monroe
- 6.2 **Resolution No. 04-3440**, For the Purpose of Endorsing Metro's Draft Goal 5 Phase 2 ESEE Analysis, Making Preliminary Decisions to Allow, Limit, or Prohibit Conflicting Uses on Regionally Significant Fish and Wildlife Habitat And Directing Staff to Develop a Program to Protect and Restore Regionally Significant Fish and Wildlife Habitat. *(Public Hearing)* Hosticka

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for April 15, 2004 Metro Council meeting

Clackamas, Multnomah and Washington counties, Vancouver, Wash. Channel 11 -- Community Access Network www.yourtv.org -- (503) 629-8534 Thursday, April 15 at 2 p.m. (live)	Washington County Channel 30 -- TVTV www.yourtv.org -- (503) 629-8534 Saturday, April 18 at 11 p.m. Sunday, April 19 at 11 p.m. Tuesday, April 20 at 6 a.m. Wednesday, April 21 at 4 p.m.
Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.	West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.
Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcmv.org -- (503) 288-1515	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

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).

MINUTES OF THE METRO COUNCIL MEETING

Thursday, April 1, 2004
Metro Council Chamber

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

Councilors Absent: Brian Newman (excused), Susan McLain (excused)

Council President Bragdon convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Art Lewellan, 3205 SE 8th, Portland OR, said he normally spoke about light rail. He constantly devoted his time to improving the transportation system around the country. He said he was in support of the light rail lines, the streetcar, and proposed the mall alignment. He then talked about the transit system in Seattle and its problems. He provided the Council with handouts of Seattle's system.

3. CONSENT AGENDA

3.1 Consideration of minutes of the March 25, 2004 Regular Council Meetings.

Motion:

Councilor Monroe moved to adopt the meeting minutes of the March 25, 2004, Regular Metro Council.

Vote:

Councilors Burkholder, Monroe, Park, Hosticka and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.

4. ORDINANCES –FIRST READING

4.1 **Ordinance No. 04-1044**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2004-05, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.

Council President Bragdon presented the proposed FY 2004-05 Annual Budget. He said this year the proposed budget was coming from the Council President and had been a collaborative effort. He felt this proposed budget was aligned with the Council's goals. He spoke to the values he gave staff to guide them in building the budget. He introduced Bill Stringer, Chief Financial Officer (CFO), and asked him to present some of the history and specifics of the budget.

Bill Stringer, CFO, presented an outlook as to the financial environment he found when they began the 2004-05 budget process (a copy of the power point presentation was included in the meeting record). He spoke to the history of personal expenditures, where the money came from, and enterprise revenues. He concluded that expenses had been raising much more rapidly than

revenues. He addressed yields on revenues. He then talked about the Personal Service fringe rate issues including PERS and health care cost increases. He reviewed the guidance given to central services, general fund and operating departments in preparing their budgets. He talked about Metropolitan Exposition-Recreation Commission (MERC) facility issues, its revenues, expenses and ending balances. He addressed issues at the Zoo. He noted last year's budget for the Zoo was balanced. He said costs have increased this year. He detailed the Solid Waste revenues, maintenance needs and expanding programs in waste reduction, latex paint and sustainability programs. He noted that Planning had its own unique characteristics. He said that even with current staffing levels, costs were rising faster than revenues. He said that PERS reserves can't be charged against the grant funding in that department. He addressed the Parks Department maintenance growth compounded by 8000+ acres of open spaces. He summarized the climate of the proposed budget.

Council President Bragdon said the Council had first weighed in on the budget in December 2003. A formal resolution was prepared to include assumptions in putting together the FY 2004-05 budget. He spoke to specific direction from the Council (detailed in the power point presentation). Most of the assumptions that they had adopted had turned out to be true. This meant making difficult choices to balance the budget. His response to the current environment was maintaining fiscal discipline, optimize public services and leverage public investments. When applying these, different departments had different responses. He talked about the strategic planning process that would help in measuring Metro's activities in the future. He said that the Chief Operating Office (COO) and the senior management team he had assembled had accomplished much more with much less. He was recommending the current service level that was proposed to him. He noted two minor changes 1) increasing the reserve maintenance funding and setting aside reserves for Information Technology, and 2) bringing Government Relations in house. He addressed specific proposals for MERC, Parks, Solid Waste, Planning, and the Zoo. He spoke to the direction of the budget and Metro. Budgets were not just about money or policy but about people as well. He noted the Council's priorities and values that shaped Metro and the budget. This budget was about the citizens of the region. The budget was about the future. It was up to the Metro Council to shape the region. He was hopeful they would be making good choices.

Motion:	Councilor Hosticka moved to adopt Ordinance No. 04-1044.
Seconded:	Councilor Monroe seconded the motion.

Council President Bragdon opened a public hearing on Ordinance No. 04-1044

Jim Labbe, Audubon Society of Portland, 5151 NW Cornell, Portland, Oregon, said he was representing the Audubon Society of Portland and its members. He asked the Council to keep in mind the sustainable resources in the region. He thanked the Council for the proposal to increase funding to the parks. He said that we had a long ways to go in natural resource planning. He said there were two specific areas that were critical, Goal 5 and looking ahead towards regional storm water management. He spoke to Metro's contributions in both of these areas.

Rob Guttridge, Recycling Advocates President, 815 Washington Street, Oregon City, OR 07045, said he had a concern about the proposed budget and the recycling outreach programs. He felt that the home composting program cuts had not received adequate citizen input. Elimination of the home composting was inconsistent with the strategic direction of solid waste and waste prevention. He felt this program served Metro's citizens directly. It was valuable for Metro's image. He urged that the Council add back the home composting program into the budget.

Alexis Dow, Metro Auditor, thanked Council President Bragdon and Mr. Stringer for their thoughtful consideration of the budget. She noted that as an elected official she was independent. She spoke to her role as the auditor. She also talked about the primary goals of her office, which was to ensure that the agency ran as efficiently as possible. She felt that her office must be appropriately resourced. She said, in the past, a courtesy had been extended allowing her to present her budget. She said she was disappointed that this courtesy had not been extended this year. Her budget had been cut by approximately 10%. She explained the need for outside consulting. She would be asking the full Council to reconsider her proposed budget.

Council President Bragdon closed the public hearing and announced that the hearing was continued to April 15, 2004.

5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 04-1042**, For the Purpose of Amending Metro Code Chapter 5.02 to Amend Disposal Charges and System Fees

Motion:	Councilor Monroe moved to adopt Ordinance No. 04-1042.
Seconded:	Councilor Burkholder seconded the motion

Councilor Monroe said his understanding was that these ordinances had to be approved today to take effect July 1, 2004. Dan Cooper, Metro Attorney, explained that they had heard from the solid waste industry that their concern was not great and explained why.

Council President Bragdon opened a public hearing on Ordinance No. 04-1042. No one came forward to testify. Council President Bragdon closed the public hearing. He announced that these would be held over until April 15, 2004 with possible final consideration at the April 29, 2004 Council meeting.

5.2 **Ordinance No. 04-1043**, For the Purpose of Amending Metro Code Chapter 5.03 to Amend License and Franchise Fees; and Making related changes to Metro Code Chapter 5.01.

Motion:	Councilor Monroe moved to adopt Ordinance No. 04-1043.
Seconded:	Councilor Hosticka seconded the motion

Council President Bragdon opened a public hearing on Ordinance No. 04-1043. There were no testifiers. Council President Bragdon closed the public hearing. He announced that these would be held over until April 15, 2004 with possible final consideration at the April 29, 2004 Council meeting.

6. CONTRACT REVIEW BOARD

6.1 **Resolution No. 04-3405**, For the Purpose of Authorizing an Exemption from Competitive Bidding Requirements and Authorizing Issuance of RFP #04-XXXX-SWR for Transportation, Processing and Composting Services for Organic Wastes from the Metro Region.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3405.
Seconded:	Councilor Hosticka seconded the motion

Councilor Monroe said Metro has established a goal of recovering 45,000 tons per year of commercially generated organic waste (food waste and soiled non-recyclable paper) Currently the region disposed of over 275,000 tons of organic waste annually (60% from the commercial sector). In January, the Council directed staff to proceed toward securing a processing infrastructure for the region. Initially Metro and the City of Portland worked together on a grant program for this purpose. Since then, the Office of the Metro Attorney has advised staff that the grant program was not sufficient according to law to be used as the basis for public procurement. Therefore, the Solid Waste and Recycling Department is recommending implementing a Request for Proposal (RFP) process.

Councilor Burkholder supported the RFP since there may be multiple providers of a service. They wanted to make sure the public dollar was spent wisely. Councilor Park asked if the RFP bound us to accept a proposal. Mr. Cooper responded that we always have the options of rejecting proposals. He said this RFP would have to come back to the Council for approval.

Councilor Monroe thanked Mr. Cooper for his diligence and urged support.

Vote:

Councilors Park, Hosticka, Burkholder, Monroe and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.

6.2. Resolution No. 04-3438, For the Purpose of Modifying and Extending the Lease Agreement Between Metro and Simex, Inc., Contract No. 924826.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3438.
Seconded:	Councilor Park seconded the motion

Motion:	Councilor Monroe moved to substitute Resolution No. 04-3438A as a friendly amendment.
Seconded:	Councilor Park seconded the motion and agreed to the friendly amendment.

Councilor Monroe explained the lease agreement and the restructure of the agreement. In 2003, Metro entered into an equipment lease agreement with SimEx for a portable simulation theater for use at the Oregon Zoo. Since 2003, simulator sales at the Zoo have raised \$330,000 in gross revenue .Both parties would like to modify the existing agreement to extend it over the next two years. The Zoo expected to receive a minimum of \$100,000 in net revenues in the first year and a minimum of \$150,000 in net revenues in the second year. Extension of the lease contract would help support the Zoo operating budget that was dependent on enterprise income for 60% of its budget.

Councilor Burkholder asked about the changes in the “A” version. David Biedermann, Contract Director, explained the changes, which had to do with the rights of assignment. Councilor Hosticka asked about excise tax issues. Teri Dresler, Oregon Zoo, said excise tax would be paid off the gross ticket sales. Council President Bragdon talked about the program itself, he felt it was a good revenue stream. He felt the program fit with the mission.

Vote:

Councilors Park, Hosticka, Burkholder, Monroe and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.

7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, gave Council a startle by indicating that many of today's homeless were unemployed public managers. Council President Bragdon reminded Council that this was April fools.

8. COUNCILOR COMMUNICATION

Councilor Monroe reported on the Zoo Foundation's meeting today. He noted that the Council President Bragdon had attended and presented issues on the zoo budget and the relationship between the Zoo, the foundation and Metro. He noted that the Zoo Foundation had raised millions of dollars for the Zoo, the latest project was the Condor program. Council President Bragdon said they would be inviting the Oregon Zoo Foundation to have a joint meeting with the Metro Council.

Councilor Hosticka said the Tualatin Basin Partners for Natural Places held a public hearing on Fish and Wildlife Protection this week. It was a constructive discussion and this meeting demonstrated that people were taking the issue seriously and providing constructive feedback.

Councilor Park said they had received many communicate about Urban Growth Boundary industrial lands proposal. He asked about the timeline. Mr. Jordan said the recommendation was due to come out April 15, 2004. Council President Bragdon talked about the public hearing scheduled. A public hearing would be held concurrently on Mr. Hosticka's ordinance.

Council President Bragdon said two individuals had wanted to testify Teri Ciecko and Chuck Geyer on the budget but had to leave. He said the background material was available on the auditor's proposed budget. He announced that there was no Council meeting on April 8th so the next Metro Council meeting would be April 15, 2004.

9. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:35.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 1, 2004

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	3/25/04	Minutes of the Metro Council meeting for March 25, 2004	040104c-01
6.2	Resolution	4/1/04	Resolution No. 04-3438A, For the Purpose of Considering the Assignment and Modification of Metro Contract No. 924826 Concerning a Lease Agreement for A Portable Simulation Theatre at the Oregon Zoo.	040104c-02
4.1	Budget Books	4/1/04	To: Metro Council From: David Bragdon, Council President Re: Proposed Budget Fiscal Year 2004-05 and Line Item Detail	040104c-03
4.1	Power Point Presentation and Talking Points	4/1/04	To: Metro Council From: David Bragdon, Council President and Bill Stringer, CFO Re: FY 2004-05 Power Point Presentation and Budget Talking Points	040104c-04
2	LOTI materials	4/1/04	To: Metro Council From: Art Lewellan Re: The LOTI Project	040104c-05

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 04-3443
APPOINTMENTS OF MIKE HUYCKE AND RAY)
PHELPS TO THE REGIONAL SOLID WASTE) Introduced by David Bragdon,
ADVISORY COMMITTEE (SWAC)) Council President

WHEREAS, Metro Code Chapter 2.19.130 established the Regional Solid Waste Advisory Committee (SWAC) to evaluate policy recommendations to the Metro Council regarding regional solid waste management and planning; and,

WHEREAS, Metro Code Chapter 2.19.030 states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President subject to confirmation by the Council; and,

WHEREAS, Metro Code Chapter 2.19.130 authorizes representatives and alternates for the SWAC; and,

WHEREAS, vacancies have occurred in the SWAC membership; and,

WHEREAS, the Council President has appointed Mike Huycke as a disposal site representative and Ray Phelps as the alternate disposal site representative, subject to confirmation by the Metro Council; now therefore,

BE IT RESOLVED, that the Metro Council confirms the appointments of Mr. Huycke and Mr. Phelps to Metro's SWAC.

ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3443 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENTS OF MIKE HUYCKE AND RAY PHELPS TO THE REGIONAL SOLID WASTE ADVISORY COMMITTEE (SWAC)

Date: March 24, 2004

Prepared by: Michele Adams

BACKGROUND

The 25-member Regional Solid Waste Advisory Committee (SWAC), representing recyclers, the hauling industry, disposal sites, citizen-ratepayers and local governments, evaluates policy options and presents recommendations to the Metro Council regarding regional solid waste management and planning.

Mr. Merle Irvine, Disposal Site Representative, has resigned from the SWAC due to new employment responsibilities, thereby leaving his position vacant. His current alternate, Mr. Mike Huycke, has been regularly attending the meetings. Mr. Irvine recommended Mr. Huycke to replace him as Disposal Site Representative member, with Mr. Ray Phelps as the alternate Disposal Site Representative (see Attachment 1). Mr. Huycke and Mr. Phelps have expressed interest in serving on the SWAC and are qualified to advise Metro in the matters of solid waste management and planning.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition.

2. Legal Antecedents

ORS 192.610 "Governing Public Meetings", Metro Code Chapter 2.19.030, "Membership of the Advisory Committees" and 2.19.130, "Metro Solid Waste Advisory Committee", are the relevant legal documents related to these appointments.

3. Anticipated Effects

This resolution is intended to appoint Mr. Mike Huycke as Disposal Site Representative, with Mr. Ray Phelps as his alternate, for a two-year term of service on the SWAC.

4. Budget Impacts

None.

RECOMMENDED ACTION

The Council President has reviewed the qualifications of Mr. Mike Huycke and Mr. Ray Phelps and finds them qualified to advise Metro in the matters of solid waste management and planning. Therefore, Council confirmation of these appointments by adoption of Resolution No. 04-3443 is recommended.



ALLIED WASTE

-NORTHWEST REGION-
Oregon District

ATTACHMENT 1
RESOLUTION NO. 04-3443

January 28, 2004

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

Dear President Bragdon:

RE: Solid Waste Advisory Committee

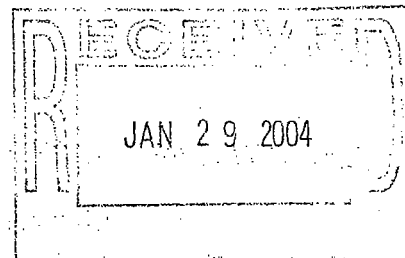
I am no longer able to serve as a "disposal site representative" on Metro's Solid Waste Advisory Committee (SWAC). I enjoy serving on Metro's SWAC, however, my new duties prevent me from regularly attending SWAC meetings.

I would like to recommend Mike Huycke as my replacement on SWAC. Mike replaced me as General Manager of all of our divisions in the Metro area and is currently my alternate on the committee. Mike is familiar with SWAC's agenda and is active in the Metro region's solid waste system.

In addition, Ray Phelps works closely with Mike on solid waste issues. I like to recommend him as Mike's alternate on SWAC. As you know, Ray is knowledgeable regarding Metro's programs and is a long time supporter of regional government. I consider him to be an asset to our company and I believe he will bring a great deal of solid waste experience to SWAC.

Sincerely,

Merle Irvine
Oregon District Manager



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REAPPOINTING TANYA) RESOLUTION NO. 04-3444
SCHAEFER TO THE REGIONAL SOLID WASTE)
ADVISORY COMMITTEE (SWAC)) Introduced by David Bragdon,
) Council President

WHEREAS, Metro Code Chapter 2.19.130 established the SWAC to evaluate policy recommendations to the Metro Council regarding regional solid waste management and planning; and,

WHEREAS, Metro Code Chapter 2.19.030 states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President and shall be subject to confirmation by the Council; and,

WHEREAS, Metro Code Chapter 2.19.030 states that advisory committee members and alternate members are limited to two consecutive two-year terms; and,

WHEREAS, Ms. Tanya Schaefer’s current term as Multnomah County Citizen Rate-payer representative has expired; and

WHEREAS, Ms. Schaefer is a member in good standing, is supported by both the Committee and the Committee Chair, and has agreed to serve one additional term; now therefore,

BE IT RESOLVED that the Metro Council reappoints Ms. Schaefer to the SWAC.

ADOPTED by the Metro Council this ____ day of _____, 2004.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3444 FOR THE PURPOSE OF REAPPOINTING TANYA SCHAEFER TO THE REGIONAL SOLID WASTE ADVISORY COMMITTEE (SWAC)

Date: March 23, 2004

Prepared by: Michele Adams

BACKGROUND

The 25-member SWAC, representing recyclers, the hauling industry, disposal sites, citizen-ratepayers and local governments, evaluates policy options and presents recommendations to the Metro Council regarding regional solid waste management and planning.

Ms. Tanya Schaefer's current term as Multnomah County Citizen Rate-payer representative on the SWAC has expired. Current Metro Code limits committee service for most members to a maximum of two consecutive two-year terms. During her first term, Ms. Schaefer demonstrated dedication in contributing to the SWAC's work to assist in guiding the region's solid waste policy and planning decisions. The Committee and the Committee Chair support continuation of her service as a representative to the SWAC.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition.

2. Legal Antecedents

ORS 192.610 "Governing Public Meetings", Metro Code Chapter 2.19.030, "Membership of the Advisory Committees" and 2.19.130, "Metro Solid Waste Advisory Committee", provide a legal basis for this appointment.

3. Anticipated Effects

This resolution is intended to reappoint Ms. Tanya Schaefer to a second two-year term of service on the Regional Solid Waste Advisory Committee (SWAC).

4. Budget Impacts

None.

RECOMMENDED ACTION

The Council President recommends approval of Resolution No. 04-3444.

Agenda Item Number 4.1

Ordinance No. 04-1040, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to Increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment

First Reading – Document Available 4/15/04

Metro Council Meeting
Thursday, April 15, 2004
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 04-1048
METRO CODE CHAPTER 7.01.023 TO)
INCREASE THE AMOUNT OF)
ADDITIONAL EXCISE TAX DEDICATED) Introduced by Metro Council
TO FUNDING METRO'S REGIONAL PARKS) President David Bragdon
AND GREENSPACES PROGRAMS AND TO)
PROVIDE DEDICATED FUNDING FOR)
METRO'S TOURISM OPPORTUNITY AND)
COMPETITIVENESS ACCOUNT)

WHEREAS, In July 1992, the Metro Council approved Resolution No. 92-1637, thereby adopting the Metropolitan Greenspaces master plan that identifies a desired regional system of parks, natural areas, trails and greenways for fish, wildlife and people; and

WHEREAS, The Metropolitan Greenspaces Master Plan states that Metro will seek a regional funding mechanism to assemble and develop a regional greenspaces system and assume operations and management for components of the system in cooperation with local governments; and

WHEREAS, In December 1997, the Metro Council approved Resolution No. 97-715B, thereby adopting the Regional Framework Plan that set regional policy to inventory, protect and manage a regional system of parks, natural areas, trails and greenways for fish, wildlife and people; and

WHEREAS, The Regional Framework Plan states that Metro, in cooperation with local governments, shall pursue the identification and implementation of a long-term, stable funding source to support the planning, acquisition, development, management and maintenance of the regional greenspaces system; and

WHEREAS, in December 2001, the Council-appointed "Green Ribbon Committee" of citizens and local officials designated a specific list of parks maintenance and facility development needs and recommended solid waste excise tax revenue be dedicated to this purpose; and

WHEREAS, On March 28, 2002, the Metro Council approved Ordinance No. 02-939A, amending the Metro Excise Tax set forth in Metro Code Chapter 7.01 to provide revenues for Metro's Regional Parks and Greenspaces Programs; and

WHEREAS, over the course of the last year, the Regional Parks and Greenspaces staff has developed and presented to Council specific, detailed expenditure plans for developing and operating 4 new facilities open for public use, expanding habitat restoration and landbanking on open space properties, providing enhanced environmental education and volunteer stewardship activities at the new facilities, and fully funding the renewal and replacement needs of the current and proposed facilities managed by Metro; and

WHEREAS, enhancing the revenues directed to the operations of the Oregon Convention Center through Metro's Tourism Opportunity and Competitiveness Account will benefit the economic development of the entire Metro region; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 7.01.023 is amended to read as follows:

7.01.023 Amount of Additional Excise Tax; Budgeting of Additional Revenue for Regional Parks and Greenspaces Programs and Tourism Opportunity and Competitiveness Account

Commencing ~~with the Metro fiscal year beginning July 1, 2002~~ on the first day of the month following the effective date of this Ordinance No. 04-1048, the additional excise tax authorized in Section 7.01.020(c) shall be ~~\$1-\$3~~ per ton. ~~Such Of such~~ additional excise tax, \$2.50 per ton shall be dedicated to funding Metro's Regional Parks and Greenspaces programs, and \$0.50 per ton shall be dedicated to funding Metro's Tourism Opportunity and Competitiveness Account. For each fiscal year ~~thereafter~~, following the fiscal year during which this Ordinance No. 04-1048 is enacted, the additional excise tax dedicated to Metro's Regional Parks and Greenspaces programs and Metro's Tourism Opportunity and Competitiveness Account shall be not less than the amount of the additional excise tax in the previous fiscal year increased by a percentage equal to (a) the annualized rate of increase in the Consumer Price Index, All Items, for Portland-Salem (All Urban Consumers) reported for the first six (6) months of the federal reporting year as determined by the appropriate agency of the United States Government or (b) the most nearly equivalent index as determined by the Metro Council if the index described in (a) is discontinued, or such lesser amount as the Chief Operating Officer deems appropriate.

ADOPTED by the Metro Council this ____ day of _____ 2004.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1048 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 7.01.023 TO INCREASE THE AMOUNT OF ADDITIONAL EXCISE TAX DEDICATED TO FUNDING METRO'S REGIONAL PARKS AND GREENSPACES PROGRAMS AND TO PROVIDE DEDICATED FUNDING FOR METRO'S TOURISM OPPORTUNITY AND COMPETITIVENESS ACCOUNT

Date: April 7, 2004

Prepared by: Jim Desmond
Mark B. Williams

BACKGROUND

1. Regional Parks and Greenspaces Program

On March 28, 2002, the Metro Council passed Ordinance 02-939A to provide for interim funding for Regional Parks and Greenspaces programs by increasing the Excise Tax on Solid Waste by \$1.00 per ton and dedicating that funding to the Regional Parks and Greenspaces Department. That ordinance provided that this additional excise tax was to be repealed June 30, 2004. On March 25, 2004, that repeal date was eliminated.

The \$1 per ton achieves several goals within the Regional Parks and Greenspaces programs. Most importantly, it stopped the significant draws on fund balance that were projected, just to maintain the core programs and keep the parks open. Some additional resources were allocated to the Natural Resources Stewardship program to better manage the open space properties purchased under the 1995 Open Spaces bond measure. The new resources provided for the continuation of the Regional Trails program beyond the 1995 Open Spaces bond measure and partially funded the renewal and replacement needs of the department. This \$1 per ton stopped the financial hemorrhaging of the regional park system, but did not solve the longer term financial problems or provide for public access to open space sites.

Implicit in the purchase of over 8,000 acres of natural areas and trail access with the 1995 Open Spaces bond measure is the opening of some of these properties for public use and enjoyment. Currently, access to these sites is limited to educational programs and tours lead by staff.

In the fall of 2001, a committee of interested citizens and government representatives formed the Green Ribbon Committee. Their work resulted in a report to the Metro Council in December 2001, recommending which open space sites should be prioritized for providing public access. It was recommended by the committee that the capital development of these sites be paid for through solid waste excise tax revenue.

The proposed ordinance, establishing an additional \$2 per ton excise tax on solid waste, with \$1.50 dedicated to Regional Parks, sets out to provide the resources necessary to develop the highest priorities in the Green Ribbon Committee's Report. The proposal provides the resources necessary to minimally develop Cooper Mountain (west of Beaverton), Mt. Talbert (east of I-205 near Milwaukie) the Wilsonville Tract property, and Willamette Cove (south of the St. Johns area in North Portland). The proposal also includes the longer term revenue necessary to operate three of these new facilities and provide expanded environmental education programming and volunteer activities at those new parks in suburban portions of the region.

The additional revenue generated from this Ordinance will fulfill our obligation to the residents of the region to take care of what we already have by fully providing for the renewal and replacement needs for the capital developments at the all of the regional park facilities, including the new proposed parks. This prudent action will better balance the operation, maintenance and capital needs of the regional park facilities and avoid the need for future levies, emergency funding measures or park closures.

Additional resources will result in better stewardship of the natural areas acquired under the bond measure through the removal of invasive weeds, restoring wetland and riparian areas, planting trees, shrubs and other plants, all toward the goal of improved water quality and increased watershed health.

The Regional Parks and Greenspaces staff has developed and presented to Metro Council detailed plans for increasing its commitment to renewal and replacement, expanding habitat restoration and environmental education programs, and developing and operating these new facilities. The first year implementation of these plans is incorporated in the Council President's Proposed Budget for FY 2004-05.

Increasing the excise tax support for Regional Parks and Greenspaces programs an additional \$1.50 per ton of solid waste will get Metro most of the way, but additional excise tax support of approximately \$1 per ton will be necessary to fully realize the goals outlined in this staff report. This additional support would be necessary beginning in fiscal year 2005-06.

2. Tourism Opportunity and Competitiveness Account

In fiscal year 2002-03, the \$116 million expansion of the Oregon Convention Center came in on time and under budget. The expansion almost doubled the size of the center, positioning Portland to compete for a much larger share of the national and international convention market, and add jobs to the region's economy. At the time the funding package was assembled for the facility's expansion, operating funds were identified to sustain the facility in the short term, with the recognition that the Metro Council, along with public and private sector stakeholders, would develop a longer term solution. This proposal, to increase the excise tax on solid waste by \$2.00 per ton, with \$.50 per ton allocated to the Tourism Opportunity and Competitiveness Account, would contribute to the long term viability and competitiveness of the Oregon Convention Center, helping to enable the center to achieve its intended economic benefits for the region.

A recent study performed by a national consultant confirmed that the Oregon Convention Center is underfunded. The study by C. H. Johnson and Associates shows that the Convention Center is operating at a fraction of the average subsidy that its competitors enjoy. The lack of additional funding to help pay for the operation and maintenance of the expanded Convention Center has resulted in MERC being required to operate a facility which has been doubled in size with only 5 additional staff persons. Staffing levels now are insufficient to meeting the building's operational and maintenance needs, and no funds are available to contribute to renewal and replacement—thus putting this important public asset at risk for the future.

Since the events of September 11, 2001 and the downturn in the national travel and meeting industries, competition for scarce visitor dollars has become intense. Now, the Metro region must compete with much larger "Tier One" locations such as Las Vegas or San Francisco---parts of the country that never used to compete for the smaller events that typically consider the Portland metro region. These factors led the Council to create the Metro Oregon Convention Center Advisory Committee last year, with representatives from the local hospitality community and civic leaders. That Committee advised Metro to examine the possibility of dedicated excise tax dollars to help fund the Center, so as to keep it competitive with other, better funded jurisdictions.

The Tourism Opportunity and Competitiveness Account will create a fund that will assist the Convention Center in maintaining its competitive position in an increasingly difficult convention and meeting business. The funds generated from the proposed excise tax will be available for specific proposals that will assist with Convention Center operation, maintenance, and marketing. The Council will decide which Convention Center related projects ought to be funded on an annual basis in a manner similar to that employed successfully by the Visitor Development Fund (VDF), which was created to assist in marketing the newly expanded convention center and bring economic impact generating events to the region.

ANALYSIS/INFORMATION

1. **Known Opposition** The solid waste industry has raised concerns about the impact this tax will have on the solid waste tip fee. Staff has been working with representatives of the solid waste industry to discuss these issues.
2. **Legal Antecedents** The Metropolitan Greenspaces Master Plan adopted by Council through Resolution No 92-1637 identifies a desired regional greenspaces system, and the Regional Framework Plan adopted by Metro by Resolution No. 97-715B states Metro, in cooperation with local governments, shall pursue the identification and implementation of a long term, stable funding source to support the planning, acquisition, development, management and maintenance of the regional greenspaces system. Ordinance 02-939A established the \$1 per ton excise tax on solid waste and dedicated it to Regional Parks and Greenspaces programs, and Ordinance 04-1037 eliminated the sunset provision.
3. **Anticipated Effects** This action will establish an additional \$2 per ton of excise tax on solid waste dedicating \$1.50 to Regional Parks and Greenspaces Department and \$0.50 to the Tourism Opportunity and Competitiveness Account. It is anticipated that the additional tax will be passed on directly to the generators of the solid waste through invoices or billings.
4. **Budget Impacts** This action does not authorize any budget authority. It provides for revenues to be allocated through the regular budget process, to be used to balance against authorized expenditures. The full year effect of this action would be to provide \$1.8 million for the Regional Parks and Greenspaces Department and \$595,000 for the Tourism Opportunity and Competitiveness Account; however, the effective date of the ordinance may result in only 10 months of revenue collection for FY 2004-05. The excise tax will increase with CPI and may fluctuate with solid waste tonnage. A full 12 months of revenue is assumed in the Council President's Proposed Budget for FY 2004-05.

RECOMMENDED ACTION

Council President David Bragdon recommends passage of Ordinance No. 04-1048 for the purpose of amending Metro Code Chapter 7.01.023 to increase the amount of additional excise tax dedicated to funding Metro's Regional Parks and Greenspaces programs and to provide dedicated funding for Metro's Tourism Opportunity and Competitiveness Account.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE 4) Ordinance No. 03-1021A
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. 03-1021A

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 Regionally Significant Industrial Areas~~, Industrial Areas 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 limits~~ 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 (Performance Measures), 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 Ordinance No. 02-969~~ Employment and Industrial Areas Map 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, and 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 Regional Significant Industrial Area shall, as part of compliance with ~~Section 3.07.1120~~ Title 11 (Planning for New Urban Areas) 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 as prescribed in this section~~, 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 allow financial, insurance, real estate or other professional office uses unless they are accessory to an industrial or other permitted use.~~ revise its implementing ordinances to limit uses to the following:
1. Industrial uses;
 2. Offices for industrial companies, including research and development; and
 3. Uses that support industrial activities, such as utility facilities and services, employee training facilities, and occupational rehabilitation clinics; and

4. The following non-industrial uses:

- a. Retail commercial uses, such as stores and restaurants, subject to subsection D of this section;
- b. Processing centers, such as call centers, and offices for non-industrial companies and services, such as corporate headquarters, professional services, and medical clinics, all subject to subsection D of this section;
- c. Retail sales of products manufactured on the site; and
- d. Within the boundaries of a public use airport subject to a facilities master plan, 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~~ A city or county shall not approve:

- ~~1. A commercial retail use with more than~~ A retail commercial use described in 3.07.420C(4)(a) that would occupy 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 commercial uses described in 3.07.420C(4)(a) or processing centers or offices described in 3.07.420C(4)(b) 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.

~~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.~~

~~FE.~~ 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 pursuant to a master plan approved by the city or county so long as the resulting division yields ~~the maximum number of lots or parcels~~ at least one lot or parcel of at least 50 acres.
- 3. Lots or parcels 50 acres or larger created pursuant to paragraph (2) of this subsection may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the lot or parcel has been developed with industrial uses described in 3.07.420C(1) or (2).

34. Notwithstanding paragraphs 2, 3 and 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~~

ed. 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 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.~~

HF. 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 E~~ 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. A city or county may allow a change from industrial use to a non-industrial use described in 3.07.420C(4) so long as the changes falls within the limitation prescribed in subsection D(2) of this section.

IG. 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. 02-969B, 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 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 that map in its 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 commercial use ~~with~~ described in 3.07.420C(4)(a) that would occupy 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 commercial uses described in 3.07.420C(4)(a) or processing centers or offices described in 3.07.420C(4)(b) that would occupy more than ten percent of the ~~net developable portion of the area or any adjacent~~ land within that portion of any Industrial Area subject to its land use planning jurisdiction.
- 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. A city or county may allow a change from industrial use to another use so long as the change falls within the limitation prescribed in subsection B(2) of this section.

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. 03-1021A

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. 03-1022A
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 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. 02-969B.

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 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 and Industrial areas. It will be necessary to establish a "base line" from which to evaluate proposals

RECOMMENDED ACTION

Adopt Ordinances 03-1021A and 03-1022A.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) Ordinance No. 03-1022A
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, the Metropolitan Planning Advisory Committee (“MPAC”) recommended that, given the importance of traded-sector industries and the capacity and function of critical transportation facilities to the movement of freight in the region, the Industrial Areas near those transportation facilities that are most critical for the movement of freight should be designated as RSIA’s; 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 November 13 and December 4, 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~~ I of Section 3.07.420 of Title 4 (Industrial and Other Employment Areas) of the UGMFP, in order to ensure more efficient use of the areas for traded-sector and other industries reliant upon the movement of freight and to protect the ~~areas for industrial use following Policies 1.4.1 and 1.4.2 of the RFP and Title 4~~ function and capacity of those transportation facilities within the region that are most critical for the movement of freight.
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

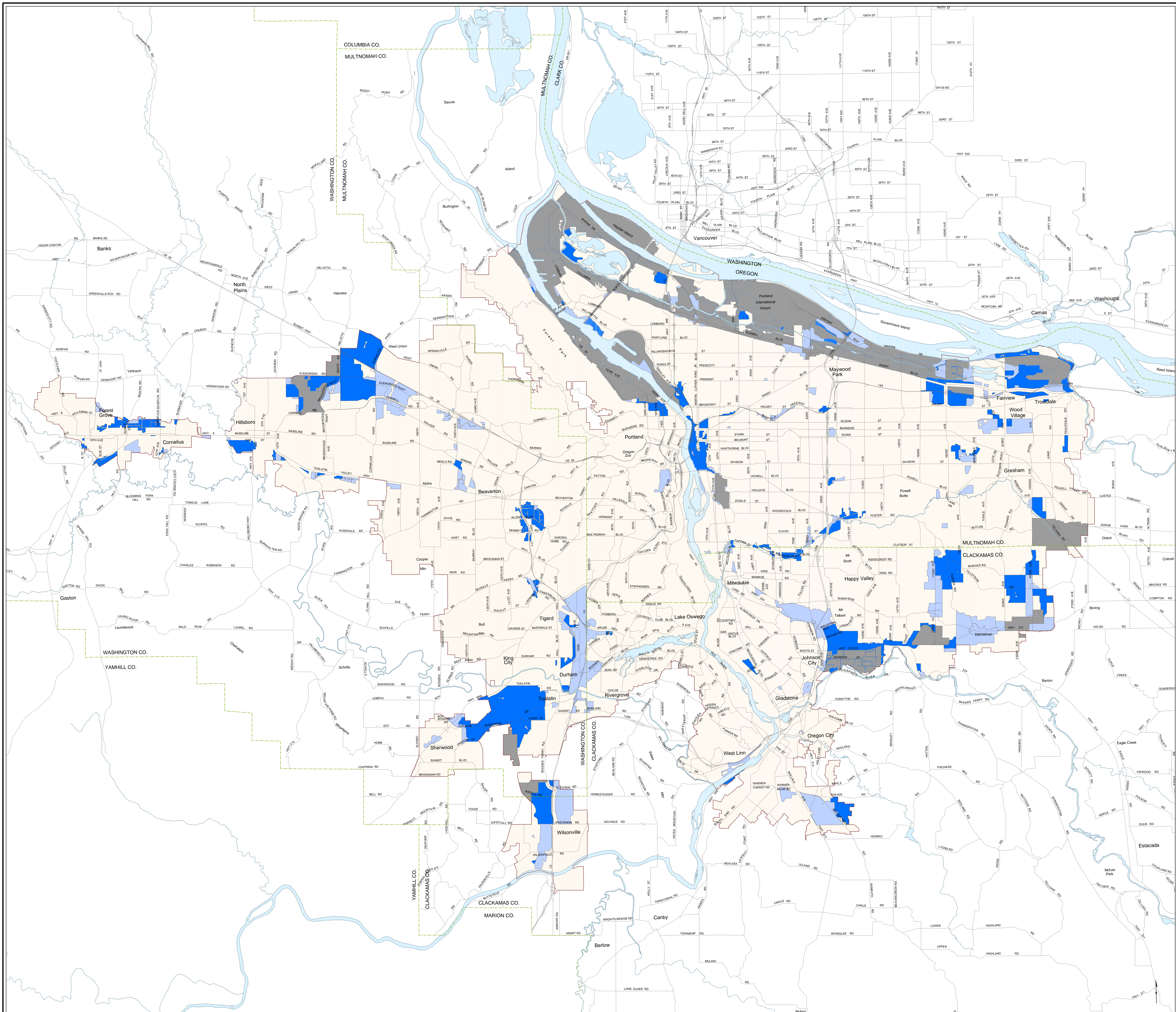
Daniel B. Cooper, Metro Attorney

Regionally Significant Industrial Areas

Ordinance #03-1022 A

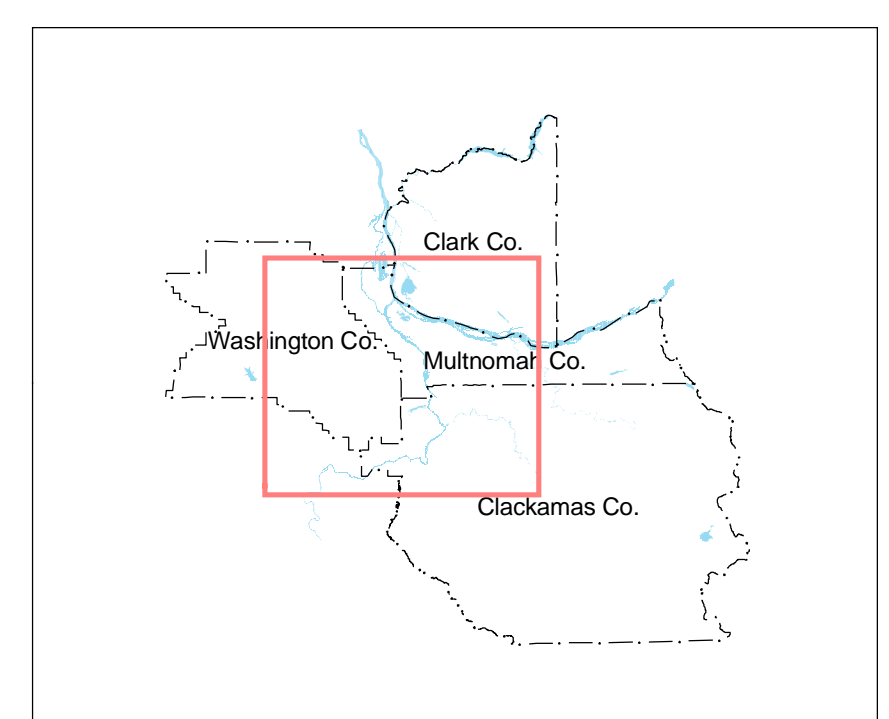
12/10/2003

-  Title 4 Employment Land
-  Title 4 Industrial Land
-  Title 4 Regionally Significant Industrial Area



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

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Location Map



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 600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736
 TEL (503) 797-1742 FAX (503) 797-1909
 dc@metro.dst.or.us www.metro-region.org

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. 03-1021A

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. 03-1022A
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 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. 02-969B.

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 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 and Industrial areas. It will be necessary to establish a "base line" from which to evaluate proposals

RECOMMENDED ACTION

Adopt Ordinances 03-1021A and 03-1022A.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 04-1042
METRO CODE CHAPTER 5.02 TO)
AMEND DISPOSAL CHARGES AND) Introduced by: Michael Jordan, Chief Operating
SYSTEM FEES) Officer, with the concurrence of David Bragdon,
) Council President

WHEREAS, Metro Code Chapter 5.02 establishes solid waste charges for disposal at Metro South and Metro Central transfer stations; and,

WHEREAS, Metro Code Chapter 5.02 establishes fees assessed on solid waste generated within the District or delivered to solid waste facilities regulated by or contracting with Metro; and,

WHEREAS, pursuant to its charge under Metro Code Chapter 2.19.170, the Solid Waste Rate Review Committee, has reviewed the Solid Waste & Recycling department’s budget and organization, and has recommended methodological changes to the calculation of administrative and overhead costs, and the allocation of these costs to rate bases; and,

WHEREAS, Metro’s costs for solid waste programs have increased; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.02.025 is amended to read:

5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

- (1) The following charges for each ton of solid waste delivered for disposal:
 - (A) A tonnage charge of ~~\$42.55~~ 47.75 per ton,
 - (B) The Regional System Fee as provided in Section 5.02.045,
 - (C) An enhancement fee of \$.50 per ton, and
 - (D) DEQ fees totaling \$1.24 per ton;
- (2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and
- (3) A Transaction Charge of ~~\$9.506.00~~ for each Solid Waste Disposal Transaction.

(b) Notwithstanding subsection (a) of this section, there shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing ~~220340~~ pounds or less of \$17, which shall consist of a minimum Tonnage Charge of ~~\$7.5041.00~~ plus a Transaction Charge of ~~\$9.506.00~~ per Transaction.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of the Solid Waste & Recycling Department may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

Section 2. Metro Code Section 5.02.045 is amended to read:

5.02.045 System Fees

(a) Regional System Fee: Solid waste system facility operators shall collect and pay to Metro a Regional System Fee of ~~\$13.20~~~~16.57~~ per ton for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(b) Metro Facility Fee: Metro shall collect a Metro Facility Fee of \$1.09 per ton for all solid waste delivered to Metro Central Station or Metro South Station.

(c) System fees described in paragraph (a) shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

Section 3. Effective Date

The provisions of this ordinance shall become effective on July 1, 2004, or 90 days after adoption by Metro Council, whichever is later.

ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1042 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO AMEND DISPOSAL CHARGES AND SYSTEM FEES

Date: February 24, 2004

Prepared by: Douglas Anderson

BACKGROUND

Summary

Ordinance No. 04-1042, and a companion Ordinance No. 04-1043, would establish solid waste fees (but not excise tax) for FY 2004-05. The two ordinances are related, and changes to one should be reflected in changes to the other.

Ordinance No. 04-1042 is the basic rate ordinance adopted by Council each year. This ordinance amends Metro Code Chapter 5.02 to set three basic rates: the transaction fee and tonnage charge at Metro transfer stations, and the Regional System Fee charged against all regional solid waste disposal. By setting these rates, the Metro tip fee is established. The ordinance also adjusts the minimum load charge to reflect these changes.

Depending on the Council's decisions on the Solid Waste & Recycling budget, acceptance of the recommendations of the Solid Waste Rate Review Committee, and the FY 2004-05 excise tax, the Metro tip fee would rise from its current \$67.18 per ton to either \$68.44 or \$70.97 per ton—an increase ranging from \$1.26 to \$3.79 per ton. This increase is exaggerated by the fact that the current tip fee is subsidized by \$1, but the FY 2004-05 rates are proposed at their full cost recovery levels. Depending on these same decisions, the transaction fee (an important component of the disposal charge at Metro transfer stations) would remain flat at \$6.00 or rise as much as \$3.50, to \$9.50. This difference is largely a function of the Solid Waste Rate Review Committee recommendations.

The companion Ordinance No. 04-1043 amends Metro Code Chapter 5.03 to establish new license and franchise fees to be charged at privately-owned facilities. These new fees, recommended by the Solid Waste Rate Review Committee, are designed to recover Metro's costs of regulating private facilities. Unlike Metro's other rates, the new license/franchise fees would not be incurred by customers of Metro transfer stations. By absorbing some of the costs currently recovered by the Regional System Fee, these new charges reduce the Regional System Fee. If Ordinance No. 04-1043 is not adopted, the level of the Regional System Fee in Ordinance No. 04-1042 would have to be adjusted.

Because of the budget schedule this year, the numerical values of the FY 2004-05 rates had not been reviewed by the Solid Waste Rate Review Committee as of the filing deadline for the ordinances. This review is expected before mid-March, and should be forwarded to Council prior to March 25, which is the last day to make substantive amendments to the ordinances and remain on track for a July 1 implementation date for the new rates.

Every year, the Council adjusts solid waste rates to account for changes in costs, tonnage, and to remain in compliance with the rate covenant of the bonds. Council must adopt rates by ordinance. The Metro Charter requires at least 90-days between adoption of the rate ordinance and the effective date of the rates. Historically, Metro has targeted July 1 as the effective date for new rates. This date is a matter of

convenience, allowing for business planning and coordination by Metro, local governments and the solid waste industry. However, there is no legal requirement to meet this date.

An additional element this year is a detailed study of the Department's cost structure by the Solid Waste Rate Review Committee ("RRC"). The RRC requested this study after the FY 2003-04 rate process, in order to improve the quality of their professional recommendations.

The cost study has implications for rates, because a basic starting principle in rate-setting (and articulated by the RRC) is that recovery of costs should be related to the causes of those costs. More simply put, users (or beneficiaries) should pay for the goods and services they consume, all else equal. If the cost is generated by a public policy choice—say, the provision of hazardous waste collection—then the beneficiaries should pay. For example, in the case of hazardous waste, all regional ratepayers contribute to paying the costs of Metro's program.

The RRC recognizes that this principle is a starting point, and not the only determinant of rates. However, the RRC felt that they were not in a position to give Council the best advice until they had a firmer empirical grasp on the basic mechanisms that generate Metro's solid waste costs.

As a result of the cost study, the RRC makes 3 general recommendations on allocations and rates, listed below. **Ordinances No. 04-1042 and 04-1043 reflect these recommendations on cost allocations.** As mentioned in the summary, however, the RRC has not yet reviewed the specific numerical FY 2004-05 results of these allocation policies, as the budget was not yet available.

Summary

Rate Review Committee Recommendations on Cost Allocations and Rates

1. *Maintain a financial model of the true full cost of programs and services, and allocate fully-loaded programs and services largely according to the current rate model.*

This recommendation is based on the RRC's opinion that the current rate model (1) allocates the direct costs of programs and services appropriately—with the exception of private facility regulatory costs and debt service; and (2) does not work as well for relating the costs of administration and overhead with the activities that cause those costs. See Table 1 (next page) for more details.

2. *Establish a new fee.*

A new fee, to be levied on non-Metro users of the system should be established. This recommendation is consistent with collecting the true and full costs of programs from the persons who cause the cost—in this case, privately-owned and Metro-regulated facilities.

3. *Extend the philosophy above to the recovery of debt service.*

Debt service (amortized capital costs) should be partitioned into two elements, one representing the cost of utilized capital, and the other representing the cost of underutilized, or "stranded" capacity. Users—Metro customers—should pay for the utilized portion, and the entire region should pay for the stranded capacity through the Regional System Fee.

For more background on these points, see Table 1, "Rate Review Committee Preliminary Findings on Cost Allocations," on the following page.

Table 1
Rate Review Committee Preliminary Findings on Cost Allocations

Center	Direct Costs	Administrative Support & Overhead
Disposal services	Currently allocated to Metro customers. RRC agrees with status quo	<p>Administration & overhead are currently allocated to all regional ratepayers through the RSF. Therefore, Metro customers as a group pay for administration & overhead in proportion to tonnage—currently 47.5%, or about \$3.1 million. Non-Metro customers pay the balance.</p> <p>The RRC’s preliminary findings on the \$6.45 million in administration, overhead and service transfers in the FY 2003-04 budget, are:*</p> <ul style="list-style-type: none"> ❑ Disposal operations generate administrative and overhead costs of about \$2.10 million. This amount should be paid by the persons who cause those costs; namely, transfer station customers.
Programs	<p>Currently allocated to all regional ratepayers through the RSF.</p> <p>RRC recommends that regulatory and auditing functions be allocated to a new fee paid by non-Metro customers, and agrees that the balance should remain allocated to the RSF.</p>	<ul style="list-style-type: none"> ❑ Regional programs (such as hazardous waste and waste reduction) are responsible for about \$4.15 million. This amount should be paid by the beneficiaries of those programs; namely, all regional ratepayers. ❑ Private facility regulation generates about \$204,000 of administration and overhead. This amount should be paid by the persons who cause those costs; namely, Metro-regulated facilities. <p>In order to better associate the activities that generate these costs, the RRC recommends that:</p> <ol style="list-style-type: none"> 1. The true administrative costs of programs and services be established; 2. These costs be added to the direct costs of programs and services; 3. These fully-loaded programs and services be allocated to rate bases according to the recommendations on direct costs (column left).
Debt service	Recommend dividing into two parts, representing (1) utilized capacity & (2) underutilized, or “stranded” capacity. Allocate the utilization portion to Metro customers (representing payment for use), and the stranded portion to the RSF (representing policy that all ratepayers should pay for public investments undertaken on the behalf of the region).	

* Observation. A fair allocation of administration & OH costs to Metro customers would be the entire \$2.1 million associated with disposal operations, plus \$2 million (47.5%, the tonnage share) of the costs associated with regional programs, for a total of \$4.1 million. Thus, the “tonnage share” allocation that is implicit within the current rate model collects about \$1 million less from Metro customers than when full costs and cost causation are accounted for.

Comparative Analysis of the Rates

Staff employed the RRC’s allocation recommendations to calculate the rates in this ordinance. These rates and the effect on Metro’s tip fee are shown in the following table. The figures in the column under “This Ordinance” are the rates implemented by Ordinance No. 04-1042 as filed.

Although the overall increase in the tip fee is reasonable and in historical range (less than \$2, or 1.9 percent), the changes in the various components are large (over 50 percent increase in the case of the transaction fee). In the past, the RRC has recommended against abrupt “steps” in the rates; and for this

reason, staff expects the RRC to look critically at the implementation path and phasing of its recommendation once the committee has had the opportunity to review these results.

Table 2
Components of the Metro Tip Fee & Change, FY 2003-04 to 2004-05
 Shown for 2 Different Rate Models and 2 Excise Tax Scenarios
 (all figures in dollars per ton)

Rate Component	Current Rates (FY 2003-04)	FY 2004-05 Rates			
		Based on Current Rate Model		This Ordinance	
		Rates	Change	Rates	Change
Transaction Fee	\$6.00	\$6.00	-	\$9.50	\$3.50
Disposal Operations	\$ 42.55	\$ 43.79	\$1.24	\$ 47.45	\$4.90
Regional System Fee	\$ 16.57 ¹	\$ 16.30	(\$0.27) ¹	\$ 13.20	(\$3.37) ¹
Excise Tax	\$ 6.32	\$ 6.61 ²	\$0.29	\$ 6.61 ²	\$0.29
DEQ Fees	\$ 1.24	\$ 1.24	-	\$ 1.24	-
Host Fee	\$ 0.50	\$ 0.50	-	\$ 0.50	-
Tip Fee	\$ 67.18 ¹	\$ 68.44	\$1.26	\$69.00	\$1.82
<i>With new excise tax³</i>	<i>\$67.18</i>	<i>\$70.41</i>	<i>\$3.23</i>	<i>\$70.97</i>	<i>\$3.79</i>

- 1 The FY 03-04 rate is subsidized (“bought down”) by the fund balance. The unit cost is about \$1 higher at \$17.56, making the unsubsidized tip fee \$68.18/ ton. For better comparability, \$1 should be subtracted from the changes. (For example, the 2004-05 tip fee under the current rate model would become an increase of only 26¢ rather than \$1.26.)
- 2 Assumes extension or elimination of the sunset on the tax for Parks. The resulting total rate of \$6.61 is: base excise tax rate of \$5.58, plus \$1.03 for Parks.
- 3 Assumes \$8.58 total rate = base excise tax rate of \$5.58 + \$3.00 additional tax.

Metro also imposes charges on privately-owned facilities and non-system licensees. These charges are added to the private per-ton costs. The fees are shown in Table 3.

Table 3
Components of Metro Charges on Privately-Owned, Metro-Regulated Facilities
 Rates and Changes, FY 2003-04 to 2004-05
 Shown for 2 Different Rate Models and 2 Excise Tax Scenarios
 (all figures in dollars per ton)

Private Facility Charges	Current Rates (FY 2003-04)	FY 2004-05 Rates			
		Based on Current Rate Model		This Ordinance	
		Rates	Change	Rates	Change
Regional System Fee	\$ 16.57 ¹	\$ 16.30	(\$0.27)	\$ 13.20	(\$3.37)
Excise Tax	\$ 6.32	\$ 6.61 ²	\$0.29	\$ 6.61 ²	\$0.29
License/Franchise Fee ³	-	-	-	\$ 0.88 ³	\$0.88
Total charges	\$ 22.89	\$ 22.91	\$0.02	\$20.69	(\$2.20)
<i>With new excise tax⁴</i>	<i>\$22.89</i>	<i>\$24.88</i>	<i>\$1.99</i>	<i>\$22.66</i>	<i>(\$0.23)</i>

—Footnotes to this table may be found at the top of the next page—

- 1 This rate is subsidized (“bought down”) by the fund balance. Unit cost rate is ~\$1 higher at \$17.56. All other rates in this table are unsubsidized rates. The excise tax is calculated by a separate formula set forth in Metro Code Chapter 7.01.
- 2 Assumes extension or elimination of the sunset on the tax for Parks. The resulting total rate of \$6.61 is: base excise tax rate of \$5.58, plus \$1.03 for Parks.
- 3 The License/Franchise Fee shown is the average rate per ton. Rates incurred at individual facilities may be higher or lower than this figure.
- 4 Assumes \$8.58 total rate = base excise tax rate of \$5.58 + \$3.00 additional tax.

INFORMATION/ANALYSIS

1. Known Opposition.

Although no specific opposition has been voiced as of this writing, there is precedent for opposition to solid waste rate increases. The following are historical reactions from various user groups:

Haulers. Haulers’ reactions to rate increases have been mixed. But generally, haulers tend to dislike rate increases because these costs are passed on to their customers, and the haulers are typically the first in line to field the resulting complaints and potential loss of business. In some local jurisdictions that regulate haulers’ service charges, the allowed rate-of-return is based on the cost-of-sales; and in some of these cases, haulers may profit mildly from a rate increase because it increases the base on which their rate of return is calculated. However, historically, the majority of haulers have testified that negative customer relations issues outweigh any other advantages to rate increases, and therefore haulers have generally opposed such increases.

Ratepayers. Ratepayers’ costs will go up. Ratepayers typically oppose rate increases, although increases of \$1 to \$2 per ton have historically not motivated significant opposition. However, the current economic climate may magnify the effect of any rate increase.

Mixed Reaction.

Recycling Interests. Recycling interests have historically supported higher disposal fees, because that makes recycling relatively more attractive. However, because the Regional System Fee is levied on disposal only, it is a powerful region-wide price incentive for recycling—and for this reason, recycling interests would tend to disagree with reductions in the Regional System Fee.

Probable Support.

Private Facility Operators. Private solid waste facility operators have historically supported increases in Metro’s tip fee because their own private tip fees can follow the public lead—so long as the increase is not due primarily to the Regional System Fee, which is a cost to these same operators. Because this ordinance raises the tip fee through an increase in the tonnage charge and transaction fee, and at the same time *reduces* the Regional System Fee (although this reduction is partially offset by the imposition of the new license/franchise fee), facility operators are likely to support this change.

Private Disposal Site Operators. Landfills and private transfer stations simply pass any changes in the Regional System Fee on to their customers. The reduction of the system fee means that private operators have an opportunity to reduce or hold the line on their own tip fees. As all but one local private disposal operation are rate regulated (the exception being Forest Grove Transfer Station), the increase in the Metro tip fee is not likely to confer any relative pricing advantages.

2. **Legal Antecedents.** Metro's solid waste rates are set in Metro Code Chapter 5.02. Any change in these rates requires an ordinance amending Chapter 5.02. Metro reviews solid waste rates annually, and has amended Chapter 5.02 when changes are warranted.
3. **Anticipated Effects:** This ordinance will increase the cost of disposal at Metro transfer stations. Historically, most private facilities have mirrored the Metro increases. The reduction of the Regional System Fee will improve operating margins at private facilities, which provides Metro with an opportunity to examine the level of Regional System Fee credits.
4. **Budget Impacts.** These rates are designed to recover fully the department's budgeted costs. These rates are in full compliance with the rate covenant of the solid waste revenue bonds.

RECOMMENDATION

The Chief Operating Officer generally recommends adjustment of solid waste rates to recover costs and remain in compliance with the bond covenant. However, the Chief Operating Officer awaits the final findings and recommendations of the Solid Waste Rate Review Committee before taking a specific position on Ordinance No. 04-1042.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 04-1043
METRO CODE CHAPTER 5.03 TO)
AMEND LICENSE AND FRANCHISE) Introduced by: Michael Jordan, Chief Operating
FEES, AND MAKING RELATED) Officer, with the concurrence of David Bragdon,
CHANGES TO METRO CODE) Council President
CHAPTER 5.01)

WHEREAS, Metro Code Chapter 5.03 establishes fees for solid waste facilities that are franchised by Metro; and,

WHEREAS, the Solid Waste Rate Review Committee has reviewed the Solid Waste & Recycling Department’s budget, and has recommended that certain costs of regulating solid waste facilities, currently recovered from the Regional System Fee, instead be recovered from license or franchise fees; and,

WHEREAS, the FY 2004-05 Regional System Fee set forth in Metro Code section 5.01.045, as amended by Section 2 of Ordinance No. 04-1042, reflects the reallocation of certain regulatory costs to license and franchise fees; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 5.03 shall be retitled “License and Franchise Fees and Related Fees.”

Section 2. Metro Code Section 5.03.010 is amended to read:

5.03.010 Purpose and Authority

It is the purpose of this chapter to establish ~~solid waste disposal license and~~ franchise fees charged to persons regulated pursuant to Metro Code Section Chapter 5.01.140; fees on persons licensed to use a non-system facility pursuant to Metro Code section 5.05.035; and fees collected from users of facilities operating under special agreements with Metro adopted pursuant to Metro Code section 5.05.030, hereafter “Designated Facility Agreements.”

Section 3. Metro Code Section 5.03.020 is repealed.

Section 4. Metro Code Section 5.03.030 is amended to read:

5.03.030 Annual License, Franchise and Designated Facility Fees

(a) Licensees, Franchisees and parties to Designated Facility Agreements, issued a solid waste disposal franchise, shall pay to Metro an annual franchise fees as set forth in this section. Such fees shall be paid in the manner and at the time required by the Chief Operating Officer on or before January 1 of each year for that calendar year.

(b) Annual ~~solid waste disposal franchise~~ fees shall ~~be~~ consist of a fixed charge \$300 per site as set forth in the following table; plus a charge per ton of solid waste, exclusive of source-separated material, accepted by the site, as set forth in the following table.

<u>Entity</u>	<u>Fixed Site Fee</u>	<u>Tonnage Fee</u>
<u>Party to a DFA</u>	<u>\$0</u>	<u>\$0.77</u>
<u>Licensees:</u>		
<u>Tire Processor</u>	<u>\$300</u>	<u>- \$0 -</u>
<u>Yard Debris</u>	<u>\$300</u>	<u>- \$0 -</u>
<u>Roofing Processor</u>	<u>\$300</u>	<u>- \$0 -</u>
<u>Non-System</u>	<u>\$300</u>	<u>\$0.77</u>
<u>Mixed waste/other</u>	<u>\$3,000</u>	<u>\$0.77</u>
<u>Franchisee</u>	<u>\$5,000</u>	<u>\$0.77</u>

(c) ~~Notwithstanding the charges set forth in subsection (b), provided, however, that~~ said Fixed Site Fee shall be \$100 per site ~~with no (\$0) Tonnage Fee~~ for each ~~non-system licensee franchised site that only transports/receives~~ waste exclusively from the a licensed or franchisee facility, or a company, partnership or corporation in which the franchisee has a financial interest in, and is held in the same name as, the non-system licensee.

(d) Licensees, franchisees and parties to Designated Facility Agreements who are issued licenses, franchises or Designated Facility Agreements during a calendar year shall pay a fee computed on a pro-rated ~~quarterly~~ basis such that ~~one quarter the same proportion~~ of the annual fee shall be charged for any ~~quarter or~~ portion of a year quarter that the license, franchise or Designated Facility Agreement is in effect. The franchisee shall thereafter pay the fee annually as required by subsection (a) of this section. Franchise fees shall not for any reason be refundable in whole or in part. Annual franchise fees shall be in addition to franchise application fees.

Section 5. Metro Code Section 5.03.040 is amended to read:

5.03.040 Non-Payment of ~~Franchise Fees~~

(a) The issuance of any license, franchise or Designated Facility Agreement shall not be effective unless and until the annual franchise fee has been paid for the calendar year for which the franchise is issued.

(b) Annual franchise fees are due and payable on January 1 of each year. Failure to remit said fee by said date shall constitute a violation of the Metro Code and of the franchise and shall subject the franchisee to enforcement pursuant to Code Section 5.01.180 in addition to any other civil or criminal remedies Metro may have.

Section 6. Metro Code Section 5.03.050 is amended to read:

5.03.050 Transfer and Renewal

For purposes of this chapter, issuance of a franchise shall include renewal and transfer of a franchise; provided, however, that no additional annual franchise fee shall be paid upon transfer or renewal when the annual franchise fee for the franchise being renewed or transferred has been paid for the calendar year in which the transfer or renewal becomes effective.

Section 6. Metro Code Section 5.01.140 is amended to read:

5.01.140 License and Franchise Fees

(a) The annual fee for a solid waste License ~~or shall not exceed three hundred dollars (\$300), and the annual fee for a solid waste Franchise shall be as set forth in Metro Code Chapter 5.03 not exceed five hundred dollars (\$500).~~ The Council may revise these fees upon 90 days written notice to each Licensee or Franchisee and an opportunity to be heard.

(b) The License or Franchise fee shall be in addition to any other fee, tax or charge imposed upon a Licensee or Franchisee.

(c) The Licensee or Franchisee shall pay the License or Franchise fee in the manner and at the time required by the Chief Operating Officer.

Section 7. Effective Date

The provisions of this ordinance shall become effective on July 1, 2004 or 90 days from the date this ordinance is adopted, whichever is later.

ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1043 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.03 TO AMEND LICENSE AND FRANCHISE FEES, AND MAKING RELATED CHANGES TO METRO CODE CHAPTER 5.01

Date: February 24, 2004

Prepared by: Douglas Anderson

BACKGROUND

Summary

Ordinance No. 04-1043, and a companion Ordinance No. 04-1042, would establish solid waste fees (but not excise tax) for FY 2004-05. The two ordinances are related, and changes to one should be reflected in changes to the other.

This Ordinance No. 04-1043 amends Metro Code Chapter 5.03 to establish new license and franchise fees to be charged at privately-owned facilities. These new fees, recommended by the Solid Waste Rate Review Committee, are designed to recover Metro's costs of regulating private facilities. Unlike Metro's other rates, the new license/franchise fees would not be incurred by customers of Metro transfer stations. By absorbing some of the costs currently recovered by the Regional System Fee, these new charges reduce the Regional System Fee. If Ordinance No. 04-1043 is not adopted, the level of the Regional System Fee in Ordinance No. 04-1042 would have to be adjusted.

Because of the budget schedule this year, the numerical values of the FY 2004-05 rates had not been reviewed by the Solid Waste Rate Review Committee as of the filing deadline for the ordinances. This review is expected before mid-March, and should be forwarded to Council prior to March 25, which is the last day to make substantive amendments to the ordinances and remain on track for a July 1 implementation date for the new rates.

This ordinance emerged from the detailed study of the Department's cost structure by the Rate Review Committee ("RRC") this year. A basic starting principle in rate-setting (and articulated by the RRC) is that recovery of costs should be related to the causes of those costs, all else equal. Through their work this year, the RRC came to understand that certain of Metro's costs—regulation and auditing—are incurred because of the existence and operation of private solid waste facilities. Therefore, according to the basic principle, the regulated community should bear those costs. The RRC recommended that Metro investigate annual license and franchise fees to recover those costs.

This ordinance amends Metro Code Chapter 5.03, Disposal Site Franchise Fees, to accomplish this task. As Ordinance No. 04-1043 is closely related to the elements of the annual rate ordinance amending Metro Code Chapter 5.02 (Ordinance No. 04-1042), the reader is directed to the staff report for that ordinance for more information on the RRC's findings and recommendation.

INFORMATION/ANALYSIS

1. **Known Opposition.**

Although no specific opposition has been voiced as of this writing, this ordinance represents a new concept that has not had wide distribution and review.

Because this ordinance would reduce the Regional System Fee by reallocating costs to the new license and franchise fees, in general, persons who currently pay the RSF would be in favor of this ordinance. This is a broad class of persons, as the RSF is levied on all regional waste.

The licensees and franchisees who would be subject to the new fee can generally be assumed to be in opposition. However, two points argue against them being in strong opposition: (1) the license/franchise fee is less than the amount by which the RSF dropped, and so their entire fee burden will drop; (2) facility owners were well represented and participated in the public meetings when this fee was developed.

2. **Legal Antecedents.** Metro's license and franchise fees are set in Metro Code chapters 5.01 and 5.03 (where they currently conflict). Any change in these fees requires an ordinance amending Chapter 5.03 (and by implication, 5.01). This ordinance also corrects the discrepancies between Chapters 5.01 and 5.03.
3. **Anticipated Effects:** This ordinance will decrease the Regional System Fee levied on all regional ratepayers. The separate funding base helps to stabilize revenue.
4. **Budget Impacts.** These rates are designed to recover fully the department's costs of regulating private disposal facilities.

RECOMMENDATION

The Chief Operating Officer agrees with the principles embodied in this ordinance. However, the Chief Operating Officer awaits the final findings and recommendations of the Solid Waste Rate Review Committee before taking a specific position on Ordinance No. 04-1043.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE) ORDINANCE NO 04-1044
ANNUAL BUDGET FOR FISCAL YEAR 2004-)
05, MAKING APPROPRIATIONS, AND)
LEVYING AD VALOREM TAXES, AND) Introduced by
DECLARING AN EMERGENCY) David Bragdon, Council President

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2004, and ending June 30, 2005; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 2004-05 Metro Budget," in the total amount of TWO HUNDRED EIGHT THREE MILLION SIX HUNDRED THIRTEEN THOUSAND FOUR HUNDRED FOURTY SIX (\$283,613,446) DOLLARS, attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per thousand dollars of assessed value for Zoo operations and in the amount of EIGHTEEN MILLION SIXTY FOUR THOUSAND FIVE HUNDRED TWENTY FOUR (\$18,064,524) DOLLARS for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2004-05. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from the <u>Limitation</u>
Zoo Tax Rate Levy	\$0.0966/\$1,000	
General Obligation Bond Levy		\$18,064,524

3. The Regional Parks Fund is hereby renamed the Regional Parks Operating Fund. The purpose of the fund remains the same.

4. The Regional Parks Capital Fund is hereby created for the purpose of accounting for major capital improvement and renewal and replacement reserves for the Regional Parks & Greenspaces Department and facilities. Major revenue sources for the fund include but are not limited to

grants, donations, excise tax contributions from the General Fund, and other revenues or contributions identified for capital purpose. In the event of the elimination of this fund, any fund balance shall revert to any fund designated for similar purpose, or to the Regional Parks Operating Fund.

5. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 2004, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

6. The Chief Financial Officer shall make the filings as required by ORS 294.555 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

7. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2004, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this _____ day of June, 2004.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 04-1044 FOR THE PURPOSE OF ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2004-05, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

Date: March 12, 2004

Presented by: David Bragdon
Council President

BACKGROUND

I am forwarding to the Council for consideration and approval my proposed budget for fiscal year 2004-05.

Council action, through Ordinance No. 04-1044 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Council to adopt this plan must be completed by June 30, 2004.

Once the budget plan for fiscal year 2004-05 is adopted by the Council, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's appropriations in the period between Council approval at the end of April and adoption in June.

Exhibits B and C of the Ordinance will be available at the public hearing on April 1, 2004.

ANALYSIS/INFORMATION

1. **Known Opposition** – Council hearings will be held on the Proposed Budget during the month of April 2004. Several opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 2004. The Commission will conduct a hearing during June 2004 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2004-05 budget, effective July 1, 2004.
4. **Budget Impacts** – The total amount of the proposed FY 2004-05 annual budget is \$283,613,446 and 650.85 FTE.

RECOMMENDED ACTION

The Council President recommends adoption of Ordinance No. 04-1044.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 04-3441
CHIEF OPERATING OFFICER TO AWARD)	
ADDITIONAL REGIONAL SYSTEM FEE AND)	Introduced by: Michael Jordan,
EXCISE TAX CREDITS IN FY 2003-04)	Chief Operating Office, with the
)	concurrence of David Bragdon,
)	Council President

WHEREAS, Metro Code section 5.02.047(e) states that the aggregate amount of credits granted against the Regional System Fee for material recovery efforts shall not exceed the dollar amount budgeted without the prior review and approval of the Metro Council; and,

WHEREAS, Metro Code section 7.01.020(g)(2) contains similar language for credits against the Metro excise tax; and,

WHEREAS, the amount budgeted for Regional System Fee credits in the FY 2003-04 Adopted Budget was reached in February 2004 and excise tax credits are tracking ahead of projections; and,

WHEREAS, in order to help meet the adopted recovery goals of the region, it is the policy of the Metro Council to provide credits for each month in which facility operators are eligible to receive, and qualify for, credits; and,

WHEREAS, there is sufficient appropriation authority in the FY 2003-04 Adopted Budget to pay for all such credits through the end of this fiscal year; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The Chief Operating Officer shall issue Regional System Fee and excise tax credits through June 2004: (a) based on valid applications from qualifying operators; and (b) pursuant to the credit schedules in Metro Code sections 5.02.047(a) and 7.01.020(g)(1). The Chief Operating Officer shall also issue credits for any back-differences between the dollar amount of credits paid and credits due under a valid application submitted by a qualifying operator after January 2004.
2. Total additional expenditure for Regional System Fee credits during February 2004 through June 2004 shall not exceed \$425,000 without the prior review and authorization of the Metro Council.

ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3441 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO AWARD ADDITIONAL REGIONAL SYSTEM FEE AND EXCISE TAX CREDITS IN FY 2003-04

Date: April 15, 2004

Prepared by: Douglas Anderson

BACKGROUND

When the Metro Council approved the FY 2003-04 budget, the Council was aware that the total amount of Regional System Fee and excise tax credits might exceed the budget. In his monthly memoranda to the Council President on the Regional System Fee Credit Program, the Solid Waste and Recycling Director has confirmed that credits have tracked above the budget throughout the year. The director's most recent report indicated that the budget for credits would be exhausted during February 2004.

The Solid Waste and Recycling Department has met with the Council in several public work sessions to discuss Metro's policy toward post-collection material recovery in general; and Regional System Fee credits in particular. During these work sessions, the Council has reiterated its support of the regional recovery goals set forth in state law and in the Regional Solid Waste Management Plan. The Council learned that post-collection recovery contributes about 2.7 points toward the 62% regional recovery goal. The Council also heard testimony* that post-collection recovery would be cut by about half without some form of intervention from Metro.

The Council's policy on program funding is expressed in Metro code:

During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount budget[sic] without the prior review and authorization of the Metro Council. *[§ 5.02.047(e)]*

During any Fiscal Year, the total aggregate amount of excise tax credits granted under the provisions of this subsection shall not exceed the dollar amount budgeted for such purpose without the prior review and authorization of the Metro Council. *[§ 7.01.020(g)(2)]*

Consideration and approval of this resolution constitutes the "prior review and authorization" required for expenditure of additional funds. This resolution authorizes the Chief Operating Officer to continue granting Regional System Fee credits for the period February 2004 through June 2004, under the following conditions:

- Eligibility for financial support is based on receipt of valid applications from qualifying operators pursuant to Metro Code sections 5.02.047 and 7.01.020.
- Additional expenditure on RSF credits during February through June 2004 is limited to \$425,000.

INFORMATION/ANALYSIS

1. **Known Opposition.** None known.
2. **Legal Antecedents.** Metro made similar grants when the FY 2002-03 credit budget was exhausted.

* From Ted Kyle, Chair of the Council President's Recycling Credits Evaluation Task Force.

3. **Anticipated Effects:** This resolution is expected to maintain the recovery of 6,800 to 15,900 tons that might be landfilled without additional financial resources.* If the full \$425,000 is expended, the cost translates to \$62.50 per ton of recovered material under the 6,800-ton scenario; and \$26.73 per ton under the 15,900 ton scenario.
4. **Budget Impacts.** Approval of this resolution would result in \$425,000 of additional net operating expenses and about \$60,000 in foregone excise tax revenue above budget this fiscal year. The solid waste funds would be drawn from the fund balance. The excise tax revenues would be reflected as a reduction in contributions to the Recovery Rate Reserve.

The short-run fiscal impact is a mild increase in the risk of financial exposure because the reserves will be drawn below targets. The longer-term impact is the opportunity cost, which at a minimum can be measured as the foregone interest earnings had the funds remained in reserve.

Because grants are operating expenses, the \$425,000 expenditure would reduce net operating revenue as defined for the solid waste bond covenants. However, adoption of this resolution would have no material effect on Metro's ability to meet its FY 2003-04 coverage requirement because of the significant reduction of FY 2003-04 debt service that resulted from the Council's action to defease solid waste revenue bonds in February 2003.

RECOMMENDATION

Councilor Rod Monroe recommends approval of Resolution No. 04-3441.

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* This range is calculated as follows. Based on trend, 73,000 tons of mixed waste is expected to be accepted for processing by private material recovery facilities during February to June 2004. Of this waste, 25,000 tons is expected to be recovered, and the remaining 48,000 tons of processing residual landfilled. The low loss-of-recovery estimate is based on recovering 25% (the regulatory minimum) of the 73,000 tons, or 18,200 tons—6,800 fewer tons than expected under the status quo. The higher loss-of-recovery estimate is based on the assumption that facilities would cut deliveries in the door by half and recover 25% of the 36,500 tons accepted, or 9,100 tons—15,900 fewer tons than expected under the status quo.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING METRO'S DRAFT)
GOAL 5 PHASE 2 ESEE ANALYSIS, MAKING) RESOLUTION NO. 04-3440
PRELIMINARY DECISIONS TO ALLOW, LIMIT, OR)
PROHIBIT CONFLICTING USES ON REGIONALLY) Introduced by Michael Jordan, Chief
SIGNIFICANT FISH AND WILDLIFE HABITAT; AND) Operating Officer, with the concurrence
DIRECTING STAFF TO DEVELOP A PROGRAM TO) of the Council President
PROTECT AND RESTORE REGIONALLY
SIGNIFICANT FISH AND WILDLIFE HABITAT

WHEREAS, Metro is developing a regional fish and wildlife habitat protection and restoration program consistent with the state planning Goal 5 administrative rule, OAR 660-023-0000 through OAR 660-023-0250; and

WHEREAS, Metro is conducting its analysis of the economic, social, environmental, and energy (ESEE) consequences of allowing, limiting, or prohibiting conflicting uses on identified habitat land and impact areas in two phases; and

WHEREAS, on October 30, 2003, Metro Council adopted Resolution No. 03-3376B for the purpose of endorsing Metro's draft Goal 5 Phase 1 Economic, Social, Environmental and Energy Analysis and directing staff to conduct more specific ESEE analysis of multiple fish and wildlife habitat protection and restoration program options; and

WHEREAS, Metro has now completed a draft Phase 2 ESEE consequences analysis of the tradeoffs identified in Phase 1 as applied to six program options for protection of regionally significant resource sites, attached as Exhibit A (the "Draft Phase 2 ESEE Analysis"); and

WHEREAS, based on the Draft Phase 2 ESEE Analysis, Metro is prepared to make a preliminary decision of where to allow, limit, or prohibit development on regionally significant fish and wildlife habitat lands and impact areas and, based on that preliminary decision, to develop a Program to Achieve Goal 5; and

WHEREAS, throughout its ESEE analysis, Metro has continued to rely on the input and advice of the Goal 5 Technical Advisory Committee, the Water Resources Policy Advisory Committee, the Goal 5 Economics Technical Advisory Committee, the Goal 5 Independent Economic Advisory Board, and an independent, well-respected economic consultant, ECONorthwest, and those advisors reviewed the Draft Phase 2 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 participating in seven 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; now therefore

BE IT RESOLVED:

1. Endorse Draft Phase 2 ESEE Analysis

The Metro Council endorses the Draft Phase 2 ESEE Analysis in Exhibit A 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 comments regarding Exhibit A that were received from several Metro advisory committees, as identified on the “Addendum to Exhibit A,” and to revise the Draft Phase 2 ESEE Analysis accordingly. As used in this resolution, “Exhibit A” includes both the Draft Phase 2 ESEE Analysis and the Addendum to Exhibit A.

2. Preliminary Allow-Limit-Prohibit Decision

Based upon and supported by the Metro Council’s review of the economic, social, environmental, and energy consequences of decisions to allow, limit, or prohibit conflicting uses in identified fish and wildlife habitat resources and impact areas, on the technical and policy advice Metro has received from its advisory committees, and on the public comments received regarding the ESEE analysis, the Metro Council concludes that the preliminary allow, limit, and prohibit decisions described in Exhibit B, which represent a modified regulatory Option 2B, best reflect the ESEE tradeoffs described in Exhibit A.

3. Direct Staff to Develop Regulatory Program

The Metro Council directs staff to develop a program to protect and restore fish and wildlife habitat as described in Exhibit C. Such regulatory program shall be consistent with the preliminary allow, limit, and prohibit decision described in Exhibit B.

4. Direct Staff to Develop Non-Regulatory Program

The Metro Council directs staff to further develop and analyze a non-regulatory program to protect and restore fish and wildlife habitat as described in Exhibit D.

5. 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, a final action on an ESEE analysis, a final action on whether and where to allow, limit, or prohibit conflicting uses on regionally significant habitat and impact areas, or a final action to protect regionally significant habitat 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 (including final allow, limit, and prohibit decisions), and then Metro 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 _____ 2004.

David Bragdon, Council President

Approved as to Form:

Dan Cooper, Metro Attorney

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Please note: This document is not available electronically. To view this document please contact the Planning Department.

Exhibit A to Resolution 04-3440

**METRO FISH AND WILDLIFE HABITAT
PROTECTION PROGRAM**

**Economic, Social,
Environmental
and Energy
Analysis (ESEE)**

**Phase II: Analysis of
program options**

April 2004 Draft



METRO

PEOPLE PLACES
OPEN SPACES



EXHIBIT B TO RESOLUTION NO. 04-3440

REGULATORY PROGRAM OPTION

Based on the results of the Phase II ESEE analysis, public comments, and technical review, Metro Council recommends Option 2B as modified (shown in the table below) to form the basis for a regulatory program to protect fish and wildlife habitat.

Option 2B (modified): Low level of protection in high urban development value areas, moderate level of protection in other areas.

Fish & wildlife habitat classification	HIGH Urban development value	MEDIUM Urban development value	LOW Urban development value	Other areas
	Primary 2040 components, ¹ high employment value, or high land value ⁴	Secondary 2040 components, ² medium employment value, or medium land value ⁴	Tertiary 2040 components, ³ low employment value, or low land value ⁴	Parks and Open Spaces, no design types outside UGB
Class I Riparian/Wildlife	ML	SL	SL	SL
Class II Riparian/Wildlife	LL	LL	ML	ML
Class III Riparian/Wildlife	LL	LL	LL	ML
Class A Upland Wildlife	LL	ML	ML	SL
Class B Upland Wildlife	LL	LL	ML	ML
Class C Upland Wildlife	LL	LL	LL	ML
Impact Areas	A	A	A	A

¹Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

²Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas, Employment Centers

³Tertiary 2040 components: Inner and outer neighborhoods, Corridors

⁴ Land value excludes residential lands.

Key to abbreviations

SL = strictly limit

ML = moderately limit

LL = lightly limit

A = allow

EXHIBIT C TO RESOLUTION NO. 04-3440

DEVELOPING A REGULATORY PROGRAM

The third step of the Goal 5 process calls for the development of a program to protect habitat areas by allowing, limiting, or prohibiting conflicting uses on habitat land based on the results of the ESEE analysis. Council directs staff to address the following concerns when developing a regulatory program to protect fish and wildlife habitat:

A. Defining limit in the program phase

- Specifically define limit. As a guiding principle, first avoid, then limit, and finally mitigate adverse impacts of development to protect fish and wildlife habitat. Some of the key issues in the definition relate to expected impact on housing and employment capacity, disturbance area extent and location, and mitigation, as illustrated below:
 - ❖ **Strictly Limit** – Strict avoidance of the habitat (especially Habitats of Concern) with maximum allowable disturbance areas, design standards, and mitigation requirements. Allow trails, roads and other public access to meet the public good (e.g. construction and maintenance of public utilities such as water storage facilities). Expect some overall loss of development capacity; consider development of a transfer of development right (TDR) program to compensate for lost development capacity.
 - ❖ **Moderately Limit** – Avoid impacts, limit disturbance area, require mitigation, and use design standards and other tools to protect habitat (especially Habitats of Concern) while achieving goals for employment and housing densities. Work to minimize loss of development capacity; consider development of a TDR program to compensate for lost capacity.
 - ❖ **Lightly Limit** – Avoid impacts (especially Habitats of Concern), allow development with less restrictive limits on disturbance area, design standards, and mitigation requirements. Assumes no loss of development capacity.

B. Effect on existing development and redevelopment

- Clarify that a regulatory program would apply only to activities that require a land use permit and not to other activities (such as gardening, lawn care, routine property maintenance, and actions necessary to prevent natural hazards).
- Clarify that redevelopment that requires permits could be subject to new regulations, which could depend on a redevelopment threshold determined in the program.

C. Regulatory flexibility

- Include regulatory flexibility that allows development while avoiding, minimizing and mitigating impacts on habitat in the program. Some ways in which regulations could limit development include lowered density, minimum disturbance areas, and setbacks from significant resources. Development can occur in a manner that avoids or reduces the impact on the habitat, for example: cluster development, streamside

buffers, and habitat-friendly development techniques can all provide some level of regulatory flexibility that allows development to occur while protecting habitat. A transfer of development rights (TDR) program could also compensate for loss of development capacity.

D. Mitigation, mitigation banking and restoration

- Include mitigation requirements for development in habitat areas to minimize habitat degradation, and consider methods for implementing a mitigation bank and enforcement mechanisms to ensure success. Mitigation could be targeted in accordance with an overall restoration plan.

E. Program specificity and flexibility

- As part of the regulatory program, provide a specific program that can be implemented without further local analysis.
- Provide a general framework for local jurisdictions to implement, as part of the regulatory program, through standards or other guidelines, flexibility during implementation for consideration of regionally significant public facilities (such as hospitals and educational institutions), riparian and wildlife district plans, and other case-by-case decisions.
- Clarify a timeline for when the program would be adopted by local governments after acknowledgement by the State.

F. Map corrections and inventory maintenance

- Continue addressing map corrections and complete the process by the adoption of the final program and define the on-going responsibilities for maintaining habitat maps.

G. Long-term monitoring

- Develop a plan to monitor program performance in protecting fish and wildlife habitat while meeting housing and employment capacity (both regulatory and non-regulatory) to determine the effectiveness of the regional fish and wildlife habitat protection plan and identify potential adjustments to the program in the future.

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EXHIBIT D TO RESOLUTION NO. 04-3440

DIRECTION ON NON-REGULATORY PROGRAMS

Although the Goal 5 rule does not require the consideration of non-regulatory tools to protect fish and wildlife habitat, the Metro Council has previously indicated a commitment to include incentives and restoration as part of an overall regional program to protect fish and wildlife habitat. Council directs staff to develop a proposal for implementing the most promising non-regulatory habitat protection and restoration programs to supplement and complement a regulatory program. Based on public comments and staff analysis of the effectiveness of non-regulatory programs, Council directs staff to further develop the following non-regulatory tools:

- A. **Technical assistance.** Determine if technical assistance is most effective when directed at individual owners, developers, or local jurisdiction staff, or a combination of the potential audiences. Develop a plan to implement a technical assistance program to assist in the implementation of habitat-friendly development techniques, better stewardship of habitat, and restoration on public and private land.
- B. **Grants for restoration and protection.** Develop a proposal for a grant program that could be aimed at individual property owners, public land model examples, habitat-friendly development, or green streets, wildlife crossings, and culvert replacements. Grants could also be targeted to agency-led efforts to restore habitat on public land, possibly utilizing volunteers. Identify potential sources of funding for grants. Develop a plan to define restoration priorities to effectively allocate restoration efforts and investments.
- C. **Willing-seller acquisition.** Develop a proposal for a targeted acquisition program that could work as a revolving acquisition fund. Identify a funding source for acquiring habitat land from willing sellers. Consider potential for encouraging expansion of local programs that use system development charges to purchase land that provides habitat functions for the public good (such as floodplains).
- D. **Property tax reductions.** Identify steps to encourage implementation of property tax reduction programs in the Metro region. There are two state programs that could be applicable within the urban area: the *Riparian Lands Tax Incentive Program* and the *Wildlife Habitat Conservation and Management Program*. Both of these programs would require county or city action to be implemented.

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DRAFT STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO 04-3440 FOR THE PURPOSE OF ENDORSING METRO'S DRAFT GOAL 5 PHASE II ESEE ANALYSIS, MAKING PRELIMINARY DECISIONS TO ALLOW, LIMIT, OR PROHIBIT CONFLICTING USES ON REGIONALLY SIGNIFICANT FISH AND WILDLIFE HABITAT; AND DIRECTING STAFF TO DEVELOP A PROGRAM TO PROTECT AND RESTORE REGIONALLY SIGNIFICANT FISH AND WILDLIFE HABITAT.

Date: April 7, 2004

Prepared by: Andy Cotugno and Chris Deffebach

CONTEXT AND BACKGROUND

The region's 2040 Growth Concept and other policies call for protection of natural areas while managing housing and employment growth. In 1998 the Metro Council adopted Title 3 of the Urban Growth Management Functional Plan to protect water quality and for flood management. Title 3 also included a commitment to develop a regional fish and wildlife habitat protection plan. As defined in a Vision Statement that was developed in cooperation with local governments at MPAC 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." The Vision Statement also refers to the importance that "...stream and river corridors maintain connections with adjacent upland habitats, form an interconnected mosaic of urban forest and other fish and wildlife habitat..." Metro is currently developing this program, following the 3-step process established by the State Land Use Planning Goal 5 administrative rule (OAR 660-023).

In the first step, 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 inventory includes about 80,000 acres of habitat land inside Metro's jurisdictional boundary.

The second step of the process is to evaluate the Economic, Social, Environmental and Energy (ESEE) consequences of a decision to allow, limit or prohibit conflicting uses on these regionally significant habitat lands and on impact areas adjacent to the habitat areas. The impact areas add about 16,000 acres to the inventory. Metro is conducting the ESEE analysis in two phases. The first phase was to evaluate the ESEE consequences at a regional level. This work was completed and endorsed by the Metro Council in October 2003 (Resolution #03-3376). The resolution also directed staff to evaluate six regulatory program options and non-regulatory tools for fish and wildlife habitat protection in Phase II of the ESEE analysis. Staff has completed the Phase II ESEE analysis and is seeking direction from Metro Council on where conflicting uses within the fish and wildlife habitat areas and impact areas should be allowed, limited, or prohibited, as required in the Goal 5 administrative rule.

The Phase II analysis evaluates the ESEE consequences of possible protection and restoration options that include a mix of regulatory and non-regulatory components. Five potential

regulatory treatments are applied in each of the six regulatory options, ranging from allowing conflicting uses to prohibiting conflicting uses in habitat and impact areas. The consequences identify the effects on key ESEE issues identified in the Phase I analysis, including:

- Economic implications of urban development and ecosystem values
- Environmental effects including ecological function loss, fragmentation and connectivity
- Social values ranging from property owner concerns about limitations on development to concerns about loss of aesthetic and cultural values
- Energy trade-offs such as temperature moderating effects of tree canopy and potential fuel use associated with different urban forms.

In addition, the analysis considered how well the six regulatory options would assist in meeting the requirements of the federal Endangered Species Act and the Clean Water Act.

The third and final step of the process is to develop a program that implements the habitat protection plan by ordinance through Metro's Urban Growth Management Functional Plan. After acknowledgment by the State Land Conservation and Development Commission, cities and counties within the Metro jurisdiction will be required to amend their comprehensive plans to be in compliance with the regional habitat protection program.

Cities and counties in the region currently have varying levels of protection for fish and wildlife habitat. As a result, similar quality streams or upland areas in different parts of the region receive inconsistent treatment. In addition, one ecological watershed can cross several different political jurisdictions – each with different approaches to habitat protection. With the adoption of the regional habitat protection program, cities and counties will adjust their protection levels, to a greater or lesser degree, to establish a consistent minimum level of habitat protection.

In January 2002 Metro entered into an intergovernmental agreement with local governments and special districts in the Tualatin Basin setting forth a cooperative planning process to address regional fish and wildlife habitat within the basin. The Tualatin Basin recommendation will be forwarded to the Metro Council for final approval as part of the regional habitat protection plan.

Current Action

Based on the results of the Phase II ESEE analysis and public comment, Resolution 04-3440 presents the staff recommendation for Metro Council consideration on a regulatory approach to fish and wildlife habitat protection and requests Council direction to staff on developing a program to implement the regulatory approach and to further develop non-regulatory options.

These recommendations and the key issues for Council consideration are highlighted below.

Public comment

Metro's fish and wildlife habitat protection (Goal 5) communications and community involvement program is designed to support the technical work and Council decision-making process. Its goal is to provide effective means of informing and engaging citizens in the making of important regional habitat protection policy. Metro held public outreach events, mailed notices to property owners in fall 2001 and summer 2002, and held public hearings prior to identifying regionally significant habitat. Upon completion of Phase I of the ESEE analysis, Metro conducted public outreach and held public hearings on Resolution 03-3376.

In the spring 2004 public outreach effort there were many opportunities for citizens to be informed and participate in the decision-making process: newspaper advertisements, information materials and interactive maps (by mail, online), property owner notices (mailed), comment cards (by mail, online), non-scientific survey (keypad, online), workshops, community stakeholder meetings and special events, open houses and formal public hearings.

Generally, people were supportive of habitat protection. Very few people expressed opposition to protecting habitat in the metropolitan area. Rather, opposition expressed was towards imposed regulations, especially those that reduce the development potential or economic value of private property. Overall, there seems to be a desire for a balance between regulatory and non-regulatory program options. Support is expressed for a variety of protection tools and recognition is generally given to the need for a mixed approach to protection. For a complete summary of the comments received see the March 2004 Public Comment Report in Attachment 1.

Technical review

This resolution and staff report will be 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 Metro Technical Advisory Committee (MTAC). The staff report will be updated to reflect technical committee comments.

Policy review

The Metro Policy Advisory Committee (MPAC) will review this resolution and staff report. This staff report will be updated to reflect MPAC comments.

1. RECOMMENDATION ON REGULATORY OPTIONS

Staff analyzed six regulatory options and evaluated their performance in the ESEE analysis. Three of the options apply regulatory treatments based on habitat quality alone (Options 1A, 1B and 1C), while three options (2A, 2B, 2C) apply regulatory treatments based on habitat quality and urban development value.

Habitat quality was measured during Metro's Goal 5 inventory process and was based on landscape features (e.g., trees, woody vegetation, wetlands, etc.) and the ecological functions they provide (e.g., shade, stream flow moderation, wildlife migration, nesting and roosting sites, etc.). The inventory was then classified into six categories for the ESEE analysis (Class I-III riparian/wildlife corridors and Class A-C upland wildlife habitat) to distinguish higher value habitat from lower value habitat. Class I riparian/wildlife corridors and Class A upland wildlife habitat are the highest valued habitats and include the identified habitats of concern (HOC) in the region, such as wetlands, bottomland hardwood forests, oak woodlands and other rare and declining habitat types.

Urban development values were categorized as high, medium or low. Areas without urban development value – parks and open space (both inside and outside the UGB) and rural areas outside the UGB – were not assigned a value. All other areas were assigned to categories based

on commercial and industrial land value, employment density, and 2040 design type. In the recent expansion areas, interim design types were used to determine urban development value. Areas receiving a high score in any of the three measures are called “high urban development value”, areas receiving no high scores but at least one medium score are called “medium urban development value”, and areas receiving all low scores are called “low urban development value.” High priority 2040 Growth Concept design types include the central city, regional centers and regionally significant industrial areas. Medium priority 2040 Growth Concept design types include town centers, main streets, station communities, other industrial areas and employment centers. Inner and outer neighborhoods and corridors are considered low priority 2040 Growth Concept design types.

In Resolution 03-3376 Council directed staff to define regionally significant public facilities, including major educational and medical institutions, and recommend the appropriate urban development value rank during Phase II of the ESEE analysis to determine appropriate habitat protection levels for these land uses. Staff is still working on this issue and expects that additional consideration will be appropriate during the program development phase. This analysis could lead to modifications in the recommendation for these locations.

Based on the ESEE analysis and public comment, staff recommends Option 2B, with a few modifications, as a starting place for Metro Council consideration for fish and wildlife habitat protection. Option 2B reflects the balancing of habitat protection and development needs described in Phases I and II of the ESEE analysis. This option applies a low level of habitat protection in high urban development value areas and a moderate to strict level of protection in other areas. This option recognizes habitat values and urban development values, accounting for the goals described in the 2040 Growth Concept. Option 2B ranked third or fourth (out of six) on all the ESEE consequences described by the evaluation criteria – falling in the middle of the range of regulatory options and balancing the conflicting goals of habitat protection and allowing conflicting uses.

The Phase II ESEE analysis and public comments highlighted the importance of accounting for urban development values in the development of a regional fish and wildlife habitat protection plan. Option 2A applies a very strict level of protection to Class I Riparian, including a *prohibit* treatment in low urban development value areas. Prohibiting conflicting uses on most residential land does not address the social considerations or potential impact on housing capacity within the existing urban growth boundary. On the other hand, Option 2C applies an *allow* treatment to all habitat types in high urban development value areas while substantially limiting conflicting uses in residential lands. This option does not balance habitat protection with the other ESEE factors.

While Option 2B best balances the ESEE factors, staff has recommended areas where changes to the option could improve its performance and identified issues associated with Option 2B for further Council consideration. The 2B Option, recommended modifications and other issues for consideration are described below.

**Option 2B: Low level of protection in high urban development value areas,
moderate level of protection in other areas.**
(Modifications are shown)

Fish & wildlife habitat classification	HIGH Urban development value	MEDIUM Urban development value	LOW Urban development value	Other areas
	Primary 2040 components, ¹ high employment value, or high land value ⁴	Secondary 2040 components, ² medium employment value, or medium land value ⁴	Tertiary 2040 components, ³ low employment value, or low land value ⁴	Parks and Open Spaces, no design types outside UGB
Class I Riparian/Wildlife	LL ML	ML SL	SL	SL
Class II Riparian/Wildlife	LL	LL	ML	ML
Class III Riparian/Wildlife	A LL	LL	LL	ML
Class A Upland Wildlife	LL	ML	ML	SL
Class B Upland Wildlife	LL	LL	ML	ML
Class C Upland Wildlife	A LL	LL	LL	ML
Impact Areas	A	LL A	LL A	LL A

¹Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas

²Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas, Employment Centers

³Tertiary 2040 components: Inner and outer neighborhoods, Corridors

⁴Land value excludes residential lands.

Key to abbreviations

SL = strictly limit

ML = moderately limit

LL = lightly limit

A = allow

Recommended modifications and issues for Council consideration on regulatory option 2B

A. **No allow treatments of habitat.** Option 2B applies an allow treatment in high urban development areas to Class III riparian habitat and Class C upland habitat. To ensure that existing functions are preserved and to maintain opportunities for mitigation, staff recommend that Class III Riparian and Class C Wildlife areas in high urban development value areas receive a **lightly limit** treatment instead of an allow treatment. Over eighty percent of Class III Riparian habitat is currently developed and would not be subject to new regulatory programs until redevelopment. Much of the Class III habitat is developed floodplain where low impact development techniques such as pervious pavers and stormwater runoff containment can improve nearby stream quality. In Class III areas with high urban development value, 96% is developed. If an allow decision is applied to these areas the opportunity to require redevelopment standards would be lost. Class C Wildlife habitat provides important connections between riparian areas and other upland wildlife habitats and 60% of this habitat area is currently vacant. The loss of Class C areas can subsequently reduce the quality of nearby higher quality habitats and can also reduce opportunities for restoration in the future. In Class C areas with high urban development value, 80% is vacant.

B. **Impact areas.** Option 2B applies an allow treatment to impact areas in high urban development value areas and a lightly limit treatment to impact areas in other urban development value categories. To achieve a better balance between environmental

effectiveness and regulatory effort, staff recommends that impact areas have an **allow** treatment. Much of the impact areas are developed (66%), and are, by definition, adjacent to the habitat and not the habitat itself. However, development or redevelopment in these areas can affect habitat conditions. Impact areas add 15,721 acres to the inventory, about half of which (7,152 acres) is residential land. Regulatory treatments applied to the impact area affect a large number of property owners. Yet, because the land has no resource value now, regulations would have a minor effect on improving habitat values until it redevelops. Metro staff identified two types of impact areas: riparian impact areas (land with no regionally significant habitat value within 150 feet of a stream) and other impact areas (a 25-foot buffer around all other habitat areas). Land uses within the riparian impact area have a direct effect on the stream due to their proximity. This affects the ecological integrity of the riparian habitat and water quality. Land uses within the other 25-foot impact area have more of an indirect effect on the surrounding habitat, especially when conflicting uses are allowed within the habitat lands. Staff recommends that the effects of conflicting uses in impact areas be addressed in broader watershed planning efforts that apply low impact design standards and other stormwater management tools to the broader area. Staff also recommends that the areas within 150 feet of a stream be considered when developing a restoration strategy. As an alternative, Council may want to consider regulations in the riparian-related impact areas only, where the negative environmental effects of development affect stream health most directly.

- C. ***High value habitat land.*** Option 2B applies a lightly limit treatment to the highest value habitat (Class I Riparian and Class A Wildlife) in high urban development value areas, while applying a moderate or strict level of protection in the other areas. Staff recommends increasing the level of protection for the Class I Riparian habitat in high urban development value lands to **moderately limit** and in medium urban development value lands to **strictly limit**. Staff also identifies the need for additional Council consideration of whether to increase protection in the Class A habitat, particularly for steep slopes and other sensitive areas in the program phase. The level of protection for these habitat types is important for several reasons. These habitat types encompass Habitats of Concern, which have been identified as the most scarce and declining habitats in the region. Class I Riparian habitat is critically important to maintain the ecological health of the stream system and connectivity of the riparian corridor. While many environmental issues are important to supporting requirements of the Endangered Species Act and the federal Clean Water Act, efforts to protect and improve the functions provided along the streams are some of the most important. Class I Riparian habitat is also associated with some of the strongest cultural and amenity values from the social perspective. Existing Title 3 Water Quality and Floodplain Protection standards cover about 72 percent of Class I Riparian habitat, which establishes an existing level of protection and limits on development.

Class A Wildlife habitat provides the most valuable environment for many species of concern and also provides important connections to and between riparian corridors. High value upland habitat areas are located in medium, low and other urban development areas. Title 3 Water Quality and Floodplain protection standards cover a little over one percent of Class A wildlife, which leaves it most vulnerable to loss. On the other hand, while protection

of the high value Class I and Class A habitat is critical from the ecological standpoint, this land also encompasses a large percent of the region's vacant and buildable land. About 42 percent (19,922 acres) of this high value habitat is currently in park status, 14 percent (6,578 acres) is considered developed, and 44 percent (21,057 acres) is vacant. High levels of habitat protection could impact the region's ability to meet housing and employment needs within the existing urban growth boundary. In high urban development value areas, 87% of the Class I Riparian is vacant, 41% of the vacant Class I habitat is not constrained for development by Title 3, utility location, or other factors (other than local regulations). A similar proportion of Class A habitat is vacant (75%), but of that vacant habitat most (78%) is considered buildable. A smaller number of vacant acres, about 200, is high urban value in Class A habitat. Any decision on Class I and A will have a significant impact because these areas include the greatest percentage (60 percent) of the habitat inventory.

An important consideration in weighing the choices between lightly, moderately and strictly limit treatments is the extent to which loss of buildable land can be replaced elsewhere within the UGB or outside of the UGB on non-habitat land. Staff recommends that Council provide direction to fully explore tools such as transfer of development rights to mitigate the loss of building capacity as part of developing the protection program. In the program development phase, based on this analysis, Council may want to reconsider the recommendations for Class I and Class A habitat.

Class II Riparian, like Class I Riparian, is also important for riparian corridor health, but provides fewer primary functions than Class I. Council may want to consider increasing the level of protection in Class II riparian areas and to more closely match the level of protection in the Class I habitat areas.

D. Definition of urban development value and appropriate applications of different treatments. The modified Option 2B varies the level of protection by different urban development values. The 2040 design types in high, medium and low urban development values were defined by Council for the ESEE analysis. The staff recommendation recognizes the need to meet capacity needs in the Regional Centers, Central City and regionally significant industrial areas by reducing protection in areas of high urban development value compared to protection in low urban development value areas. Staff do not recommend changes to these definitions or to the range of protection, from lightly limit to strictly limit, from low to high development value. However these definitions and ranges of protection will require further consideration as the program develops. Another consideration may be redefining the boundaries of regional centers to avoid habitat areas.

E. Residential Land. In Option 2B, the residential land that makes up a significant portion of "low urban development value" receives stronger regulatory treatment (strictly or moderately limit) than the commercial and industrial land that comprises "high" and "medium" urban development value areas. Residential land makes up a significant portion of the habitat inventory (34 percent), especially within the UGB (48 percent) making development on vacant residential land and consideration of existing residential areas an important part of the fish and wildlife habitat protection program. While staff does not recommend a change in

the treatment of “low” urban development value, staff recognizes this as a continuing issue for consideration in the development of the program.

2. DIRECTION ON DEVELOPING A REGULATORY PROGRAM

The third step of the Goal 5 process calls for the development of a program to protect habitat areas by allowing, limiting, or prohibiting conflicting uses on habitat land based on the results of the ESEE analysis. Based on comments from public open houses and technical committees, the Metro staff has identified several areas of concern when developing a regulatory program. Staff requests Metro Council to give staff direction in these areas.

A. Defining limit in the program phase

The most commonly asked question from the public and technical review committees relates to how limit is defined in the program. The definitions of limit that have been described generally in the ESEE analysis will be further defined in the program phase. The definition of limit describes how well habitat is protected while maintaining development opportunities. The definition of limit will be one of the most important tasks in the program phase. As a guiding principle, the intent is to first avoid, then limit, and finally mitigate adverse impacts of development to protect fish and wildlife habitat. Some of the key issues in the definition relate to impacts on housing and employment capacity, disturbance area, mitigation, and allowable public uses such as roads, trails and other infrastructure as illustrated below:

- **Strictly Limit** – This treatment applies a high level of habitat protection. It would include strict avoidance of the habitat (especially Habitats of Concern) with maximum allowable disturbance areas and mitigation requirements. Based on technical review, Metro staff proposes to allow trails, roads and other public access to meet the public good (e.g., construction and maintenance of public utilities such as water storage facilities) subject to minimize and mitigate. Applying strong habitat protection would result in some overall loss of development capacity; however, there are some tools such as transfer of development rights (TDR) or cluster development that could compensate somewhat for lost development capacity.
- **Moderately Limit** – This treatment balances habitat protection with development needs, and does not preserve as much habitat as strictly limit. It would avoid habitat, limit disturbance areas, require mitigation, and use design standards and other tools to protect habitat (especially Habitats of Concern) while striving to achieve goals for employment and housing densities. Metro staff would work to define moderately limit to minimize the loss of development capacity, which could include development of a TDR program and other tools to compensate for lost capacity.
- **Lightly Limit** – This treatment would avoid habitat as possible to preserve habitat function (especially Habitats of Concern) while allowing development to occur. It would include less restrictive limits on disturbance area and encourage other low impact design considerations and mitigation requirements. Metro staff assumes that application of lightly limit treatments would result in no loss of development capacity.

B. Effect on existing development and redevelopment

Many of the comments received from the public were focused on how a regulatory program to protect habitat would affect existing development. Due to the fact that a substantial portion of the habitat inventory is on developed residential land (15,271 acres) there are

many property owners concerned with the results of the program phase. Since Metro's regulatory program would be triggered by land use activities it would not apply to actions that do not require a land use permit (such as gardening, lawn care, routine property maintenance, and actions necessary to prevent natural hazards). However, many citizens will not be aware that their activities would not be affected; therefore the program clarification would help people understand the potential effect on existing development. Redevelopment (subject to some threshold size or valuation) offers the potential to restore habitat functions in areas in which development patterns have not protected the habitat. Clarification in the program of the intended effects on redevelopment will be important.

C. Regulatory flexibility

Regulations to protect fish and wildlife habitat limit development options on land with habitat value. Some ways in which regulations could limit development include lowered density, minimum disturbance areas, and setbacks from significant resources. Development can occur in a manner that avoids or reduces the impact on the habitat, for example: cluster development, streamside buffers, and habitat-friendly development techniques can all provide some level of regulatory flexibility that allows development to occur while protecting habitat. A transfer of development rights (TDR) program could also compensate for loss of development capacity. Providing flexible regulations and tools to allow for development while protecting as much habitat as possible could allow Metro's goals of habitat protection and maintaining housing and job capacity within the UGB to be met. In addition, variations for local governments to implement the program at the district or other discretionary sites will be considered in the program phase, as described in section E below.

D. Mitigation, mitigation banking and restoration

Development within habitat areas degrades existing ecological function. To better achieve the goals described in Metro's Vision Statement, mitigation for these negative impacts could be required to reduce the effect of allowing conflicting uses on habitat lands. The regulatory program could include mitigation ratios and mitigation banking to facilitate efficient and effective use of mitigation to restore valuable habitat areas. Development on high value habitat land could require more mitigation than on low value habitat land, since the environmental effects would be greater. There will also be the question of where mitigation occurs – on-site, in the same stream reach, within the same watershed, in a neighboring watershed, or anywhere in the region. Mitigation banking could preserve the opportunity to require mitigation when there are no opportunities on-site by requiring funds to be paid into a bank, to be spent at a later date in an area identified through a subwatershed or watershed restoration plan. Monitoring and enforcement of mitigation requirements are an important component of maintaining ecological health. Long-term monitoring can measure the success of mitigation efforts to direct and adjust the magnitude of mitigation requirements. Enforcement of mitigation requirements is essential to ensure that the impacts of development on habitat are minimized. Mitigation can be targeted in accordance with an overall restoration plan.

E. Program specificity and flexibility

Local jurisdiction partners have indicated a need for a regulatory program that could serve both as a general framework for local jurisdictions to implement and as a specific program

that could be implemented without further local analysis. Stakeholder groups have continued to express interest in the possibility of planning for the unique habitat and economic concerns within a smaller area, such as in the existing major medical and educational campuses as regional public facilities, other regional public facilities and in riparian or wildlife districts.

In addition, questions about the reasonable timeframe for local implementation of fish and wildlife habitat have also been raised. Title 3 currently exempts some local jurisdictions from complying with a regional habitat protection until their next scheduled periodic review. This could be a challenge for developing regionally consistent protection and standards in the region, especially since the State may not be reviewing local plans with as much frequency as they have in the past. Review of the implementation schedule during the development of the program will be an important consideration.

F. Map corrections and inventory maintenance

The resolution adopting the regionally significant habitat inventory included a process for accepting habitat inventory corrections and requires Metro to complete the map correction process when the final program is adopted and to develop a post-adoption correction process. Metro has been accepting corrections to the habitat inventory map since it was released in 2002. Metro staff will continue reviewing map corrections and will adjust the inventory maps as required until the adoption of the final program. Direction during the program phase for the on-going responsibilities between Metro and local governments regarding maintaining the inventory maps in the post-adoption phase of the program will be important and will have implications for Metro's budget.

G. Long-term monitoring

Monitoring is important to mitigation as described above, but it is also critical to the success of the overall fish and wildlife habitat protection program. Monitoring how well the regulatory and non-regulatory program elements protect fish and wildlife habitat while meeting housing and employment capacity will be important in determining the effectiveness of Metro's efforts and identifying potential adjustments to the program in the future. Monitoring could be included as part of Metro's Performance Measures efforts.

3. DIRECTION ON NON-REGULATORY PROGRAMS

While not a requirement of the Goal 5 rule, Metro has committed to include incentives and non-regulatory tools to protect and restore habitat to complement regulatory program elements. Non-regulatory tools are a key component of a strategy to protect fish and wildlife habitat. Incentives, education, and acquisition strategies are popular among landowners and can be used in situations where regulations do not apply. For example, regulations only come into effect when a land use action is taken. Non-regulatory strategies can apply to other activities such as landscaping, reducing pesticide/herbicide use, and voluntary restoration.

Restoration is a critical component of an effective fish and wildlife habitat protection program. Without active restoration efforts, ecological conditions will likely deteriorate further, even if most habitat lands are protected through regulations. Mitigation for the negative environmental impacts of development may be included as part of a regulatory program. However, actions to

restore habitat to a condition better than exists today cannot be required as part of a regulatory program; restoration could be included as a major part of a non-regulatory approach. Regulations can protect land that can then be restored through non-regulatory approaches to provide better functioning habitat.

Metro staff examined the following potential non-regulatory tools:

- Stewardship and recognition programs
- Financial incentives (grants, incentives for green streets, property tax reduction)
- Education (information center, technical assistance, other education activities)
- Volunteer activities
- Agency-led restoration
- Acquisition (outright purchase, conservation easements, revolving acquisition fund)

Based on public comments and staff analysis of the effectiveness of non-regulatory programs, staff recommends that the program phase include further development of technical assistance, restoration grants, acquisition programs and property tax reduction incentives. Key issues for consideration in further development include the level of funding or commitment that would be needed, possible funding sources, an implementation schedule and an assessment of responsibilities between local and regional governments, the private sector and non-governmental organizations. Staff request Metro Council to give direction in how these issues are further developed as non-regulatory approaches to habitat protection.

A. ***Technical assistance.*** Whether directed at individual owners, developers, or local jurisdiction staff, technical assistance could assist in the implementation of habitat-friendly development techniques, better stewardship of habitat, and restoration on public and private land. Technical assistance would be particularly useful in conjunction with the application of limit treatments to allow for development within habitat areas that protects the most habitat while also meeting capacity needs. Habitat-friendly, low-impact development and green building techniques are innovative methods of minimizing the impacts of the built environment on surrounding habitat. Assistance in these areas for developers, citizens, and local jurisdictions could help to ensure the success of a regulatory program.

Technical assistance programs are noted for being responsive to landowner needs, providing practical information, and having knowledgeable resource staff. Such a program would not provide direct protection to habitat, but would offer a means of improving stewardship and enhancement by private landowners. Technical assistance could help supplement cost-sharing programs, such as grants, to further protection and restoration efforts. Technical assistance could be focused on landowners, development practices, and/or local partners. Metro has provided technical assistance to local partners throughout the implementation of the Regional Framework Plan and the Regional Urban Growth Management Functional Plan. This has proved especially important in the implementation of Title 3 (stream and floodplain protection) and planning for centers.

Metro could work with local partners to develop technical assistance, incentives, recognition programs, and awards for development that helps protect fish and wildlife habitat. Metro, in conjunction with local partners, could develop regional low impact development standards to

reduce development impacts on fish and wildlife habitat. The Green Streets Handbook serves as a successful model of technical assistance aimed at minimizing environmental impacts of transportation infrastructure. The cost of providing technical assistance could vary depending on the use of existing staff or the need to use new staff and other resources.

As part of a regional, habitat-friendly development program, Metro could develop a *Habitat-oriented Development 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. As part of the technical assistance program, this would require funds to provide the incentives for developers to practice habitat friendly development.

- B. ***Grants for restoration and protection.*** Achieving restoration on private and public lands typically requires some type of financial incentive to induce property owners to conduct activities such as planting of native vegetation, removal of invasive species, and other habitat improvements. Grants could be aimed at individual property owners, at public agencies that create model examples of habitat restoration, habitat-friendly development, or green streets, wildlife crossings, and culvert replacements. Grants could also be targeted to agency-led efforts to restore habitat on public land, possibly utilizing volunteers. Defining restoration priorities is important to effectively allocate restoration efforts and investments.

Grants for restoration can provide the incentive for supportive landowners and other organizations to restore habitat on private and public lands. A small grant program, targeted to watershed councils, friends organizations, or local governments could be created similar to Metro's recent grants for Regional and Town Center planning efforts. Applicants could submit projects one or two times per year, and they could be reviewed and ranked based on set criteria. Small grants given in strategic places could build on existing work and encourage more efforts in targeted areas.

Funding can leverage additional benefits such as education and volunteerism. Private landowners may be interested in the concept of improving the habitat value on a portion of their land, and the availability of dollars can provide the impetus to conduct restoration activities. Many grants are provided with a required match of either dollars or in-kind materials or labor. These incentives provide landowners who contribute a portion of the proposed cost for conservation or restoration activities with additional funding opportunities. There are several programs in place for rural land in agriculture or forestry use, and some for urban lands. A grant program could target specific activities along stream reaches or within watersheds in coordination with Watershed Action Plans to accomplish the most effective restoration. A monitoring component of a restoration plan would be essential to assess effectiveness over time at restoring habitat function.

- C. ***Willing-seller Acquisition.*** The most certain way to protect habitat is to publicly acquire it for open space preservation. There are various ways to acquire land (outright purchase, easements, development rights, transfers, etc.) and all acquisition programs involve the expenditure of a significant amount of money. Acquisition is the most effective non-regulatory tool to achieve definitive habitat protection. Acquisition can achieve permanent

protection and also preserves land to be restored at a later date. However, the high cost of purchasing land, especially within the urban growth boundary, and the dependence of an acquisition program on willing sellers limits the effectiveness of such a program.

If additional funding to purchase habitat land was secured, an acquisition program could focus on regionally significant fish and wildlife habitat, targeted to achieve specific goals. The goals could include protection of Habitats of Concern, floodplains, regional connector habitat, strategically located high-value habitat, and key restoration opportunities. Acquisition may also target land when the regulatory approach could not protect it to the level desired. Riparian Class I habitat contains over 11,000 acres of undeveloped habitat land. Based on the cost of land purchased through the Metro Greenspaces Acquisition program, land costs inside the UGB average about \$45,000/acre and outside the UGB average about \$8,600/acre. Due to the expense, acquisition clearly is not a tool that could be used alone to protect even this most ecologically valuable habitat.

One way to maximize limited acquisition dollars is to create a revolving acquisition fund. A program could be developed to purchase habitat land, place development restrictions or conservation easements to protect the habitat areas, or subdivide the property to separate the resource land from the developable land and then sell or exchange (via land swaps) the remainder of the land for development or continued use. Funds from the sale could then be used to protect additional land. Such a program could maximize the use of conservation dollars by protecting only the habitat areas on a parcel of land, rather than the entire parcel.

Some jurisdictions currently use surface water management fees or system development charges (SDCs) to purchase land that provides habitat functions for the public good (such as floodplains); these programs could be expanded. However, there may be concerns about raising SDCs or other fees in the current economic environment

- D. **Property tax reductions.** There are two state programs that could be applicable within the urban area; the *Riparian Habitat Tax Incentive Program (OAR 308A.350 to 308A.383)* and the *Wildlife Habitat Conservation and Management Program (2003 Oregon Laws Ch. 539)*. Both of these programs would require county or city action to be implemented.

Property tax reduction is a useful tool to provide motivated landowners with an incentive to manage their land for habitat values, and can also serve as a mechanism to achieve some restoration if a habitat management plan includes requirements for enhancement of existing habitat. However, property tax reductions would reduce jurisdictional revenues. Alternatively, these properties could be included by agencies such as Metro, Portland's Bureau of Environmental Services, Water Environmental Services in Clackamas County or Clean Water Services in Washington County that conduct restoration activities. Habitat protection and restoration may be most effective ecologically if this tool is applied strategically, for example in a specific stream reach or headwater area. This tool could serve as an important incentive to encourage landowners to work in a coordinated fashion to leverage ecological improvements in a specific area. A downside to using property tax relief as a tool for habitat protection is that a landowner can leave the program at any time, the only

penalty being payment of back taxes, similar to opting out of a farm or forest tax deferral program.

ANALYSIS/INFORMATION

1. **Known Opposition.** Metro has received public comments from individuals and interest groups representing a broad spectrum of viewpoints as to whether and how Metro should protect fish and wildlife habitat. (See, for example, the "public comment" section of this staff report for a general summary of such comments received at the March 2004 public open houses.) Metro staff expect comments both in favor of, and opposed to, this draft resolution and Metro's approach to fish and wildlife habitat planning between the time this resolution is first introduced and the time a resolution is approved by the Metro Council
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 two phases of Metro's ESEE analysis continues compliance with the State Land Use Planning Goal 5 administrative rule (OAR 660-023). 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 ESEE analysis and development of a habitat protection program 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 provides a preliminary 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 initiate development of a program that includes regulatory and non-regulatory components. The proposed baseline FY05 budget has identified resources to support completion of the program depending upon the breadth and scope of the program direction in this resolution. On-going implementation of non-regulatory and regulatory elements will have long-term budget and staffing implications, depending on how the program is defined and decisions by the Metro Council should be made with the intent that budget resources will be sufficient to implement the direction.

RECOMMENDED ACTION

Staff requests that Metro Council endorse the Phase II ESEE analysis as described in Exhibit A to the Resolution and direct staff to develop a program to protect fish and wildlife habitat that includes regulatory and non-regulatory components as described in Exhibits B, C and D.

ATTACHMENTS TO THE STAFF REPORT

Attachment 1. Public comment report

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MARCH 2004

Public Comment Report

Executive Summary

**Metro Fish and Wildlife Habitat
Protection Program**

**Economic, Social, Environment
and Energy Analysis Phase II**



METRO

PEOPLE PLACES
OPEN SPACES

Metro

People places • open spaces

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 24 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

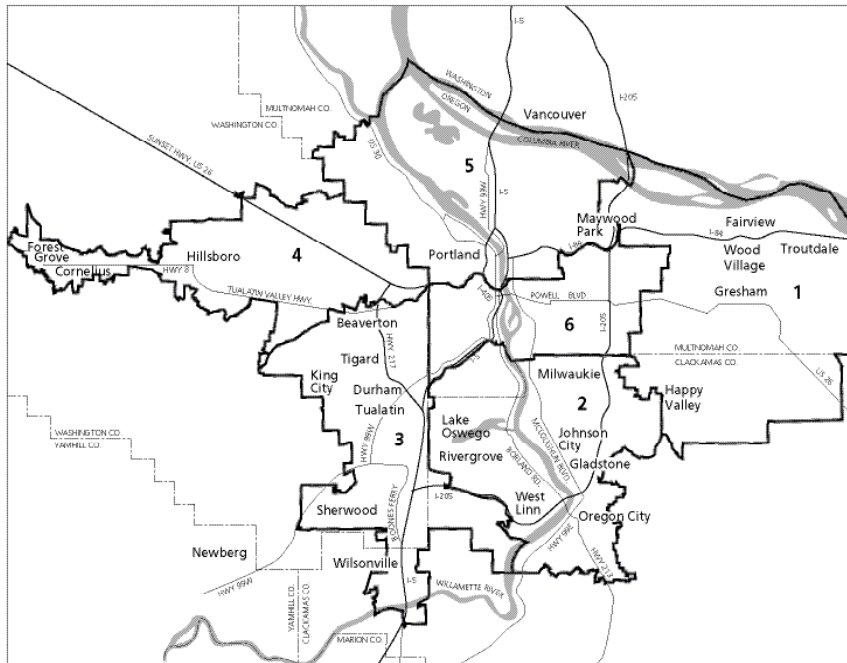
Your Metro representatives

Metro Council President – David Bragdon

Metro Councilors – Rod Park, District 1; Brian Newman, deputy council president, District 2; Carl Hosticka, District 3; Susan McLain, District 4; Rex Burkholder, District 5; Rod Monroe, District 6.

Auditor – Alexis Dow, CPA

Web site: www.metro-region.org



Council districts

**Metro’s Fish and Wildlife Habitat Protection Program
Economic, Social, Environment and Energy (ESEE) Phase II**

Public Comment Report

March 2004

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Introduction

In October of 2003, following an active late summer and early fall outreach effort, the Metro Council endorsed a technical report on the general economic, social, environmental and energy (ESEE) consequences and tradeoffs of protecting-or-not-protecting habitat lands within the metropolitan area. This concluded the first phase of the ESEE analysis, Step 2 of Metro's three-step process to develop a fair and equitable fish and wildlife habitat protection program. At that time staff was directed to further analyze six regulatory program options as well as non-regulatory program options. This report summarizes outreach efforts undertaken and public comments received following the October 2003 hearings and activities through approximately March 19, 2004, the close of a comprehensive outreach effort that focused on the second phase of the ESEE analysis and the comparison of regulatory and non-regulatory program options.

Metro staff utilized several different methods for announcing events and engaging the public about on going and current activities relating to the fish and wildlife habitat protection program. Information and event announcements were sent to over 50 newsletters and list serves including Metro sources, neighborhood and watershed groups as well as non-profit organizations representing a variety of environmental, business and other interests. Articles were published in newspapers such as The Oregonian, The Daily Journal of Commerce, the Hillsboro Argus and The Portland Tribune. In addition, in February 2004 numerous advertisements detailing the open houses were placed throughout the region in regional, community and business publications. Several weeks before the first open house 90,000 notices were sent to interested parties and property owners with land in Metro's habitat inventory.

The Metro web page was updated with text and images to reflect past, current and future activities. Several documents are available on line and two interactive web tools have been developed to provide individuals access to property- or area-specific information regarding: (1) the habitat inventory; and (2) 'allow, limit and prohibit' decisions applied under six potential regulatory program options. The searchable habitat maps received more than 800 visitors in its first few weeks of operation, making it one of the top 15 most frequently visited sites for the entire Metro website. Feedback emphasizes the value of this tool for individual property owners, as did the fact that many open house attendees arrived with their printed property maps in-hand.

Comments were gathered with standard forms and open comments have been collected via regular mail, e-mail, phone calls, walk-in visits, one-on-one conversations and "idea tables" at the open houses. Seven open houses were held throughout the region. These public forums were announced through several venues including media releases, advertisements and various newsletters (see the Appendix for examples of outreach materials). Metro staff and councilors also participated in a forum sponsored by the Commercial Real Estate Economic Coalition (CREEC) in March and met with neighborhood and other stakeholders groups, on request. More specific information on the open houses, methods employed for communicating with the public and public feedback are detailed below.

During March 2004 seven open houses, geographically distributed through the region, were held to inform the public and gather feedback about progress on developing a regional fish and wildlife habitat program. More than 700 people attended these events. Two events were coordinated with the Tualatin Basin Partners' parallel fish and wildlife protection efforts. In addition, staff from local jurisdictions participated in each of the events, providing detailed information about how local plans relate to the wider regionally consistent approach Metro is seeking. Metro staff and councilors were available at the open houses to listen to individuals' views and concerns and to answer questions on the habitat program. Maps of regionally significant habitat, urban development values, and the six regulatory program options were available at these events. Information was also posted about the habitat program background and timeline, regulatory and non-regulatory options under consideration and detailed case studies of regulatory program options. In addition, to further facilitate understanding of very complicated scientific and technical findings, a user-friendly summary of each of the steps guiding the development of Metro's fish and wildlife protection program was distributed.

Public comments were documented by three means at the open houses: (1) open-ended comment cards, (2) "idea tables" at the events, where attendees could write specific comments on post-it notes about how to protect (or not) fish and wildlife habitat in the region; and (3) a keypad "polling" questionnaire that could be completed electronically or on hard copy form (at the events or elsewhere, at the public's convenience). It is important to note that this keypad questionnaire was an unscientific, self-selected survey tool that was incorporated as a means to help people begin to prioritize the many conflicting uses we have for the same land.

Metro has received nearly 700 written comments or other forms of substantive feedback on the fish and wildlife habitat protection program since fall 2003 (see table at right). Approximately 280 people participated in the non-scientific keypad questionnaire either at events, on-line, or via mail. Over 100 written comments were submitted by e-mail or mail and more than 80 comment cards were completed. In addition, Metro staff spoke to more than 50 people on the phone, many of whom requested maps of their property or general information. The majority of callers inquired about how and why their property (or another particular area) is classified in the inventory or how their property may be impacted by Metro's fish and wildlife habitat protection program. Likewise, many of the conversations at the open houses and with walk-ins were inventory-based inquiries.

Type of contact	Apprx. # received
Phone calls	50
Emails & letters	115
Comment forms	86
Keypad polling	280
Post-it notes at events	60
FAUNA postcards	110
Total	691

Executive Summary

Generally, people were supportive of habitat protection. Very few people expressed opposition to protecting habitat in the metropolitan area. Rather, opposition expressed was towards imposed regulations, especially those that reduce the development potential or economic value of private property. Opponents often cited the “takings issue” addressed by the fifth amendment of the US Constitution and some questioned the legality of applying restrictions to private property. Some people who expressed concerns about the impacts of regulations on private property also expressed support for habitat protection, emphasizing the important role of educational and stewardship programs. In addition, several people noted the positive impact that natural resources such as wildlife habitat have on property values.

Most comments received did not express support or opposition to specific regulatory program options. However, the keypad questionnaire provided some information on peoples’ preferences for the various program options under consideration. It should be noted, however, that the majority of the keypad responses were from residential property owners and did not, therefore, provide a comprehensive view of business owner/interests. When the first and second most preferred options are considered together, options 1b (33 percent) and 2a (20 percent) rank the highest. The least preferred options were the most and least protective options: options 1a (27 percent) and 2c (61 percent).

Comments with regard to non-regulatory options were far more specific than the comments received regarding the six possible regulatory program options under consideration. The results of the keypad exercise suggest that the most preferred non-regulatory program options are acquisition (32 percent), restoration (20 percent) and low impact development program (17 percent). The least preferred options are an information center (45 percent), a stewardship/recognition program (23 percent) and acquisition (10 percent). Open-ended comments indicated less of a preference for an acquisition program. Those that did recommend acquisition did so in the context of the “takings” issue and legal requirements for just compensation. Though people expressed minimal support for education options in the keypad exercise, several written comments highlight the importance of education in encouraging landowner stewardship, especially with respect to landscaping and the use of chemicals. Beyond information materials on such topics as habitat-friendly landscaping, one-on-one technical assistance with such things as habitat restoration and low impact development were frequently mentioned, as were educational programs for schools. With regard to financial incentives, people expressed substantial support for tax relief (e.g., reductions, credits, etc.) in return for habitat protection or restoration. Concerning restoration, several people mentioned the need for financial and technical assistance.

Overall, there seems to be a desire for a balance between regulatory and non-regulatory program options. Though several people expressed strong opposition to strong standards and restrictions, many people also expressed support. Support is

expressed for a variety of protection tools and recognition is generally given to the need for a mixed approach to protection.

Written comments suggested and the keypad exercise further supported that people particularly support protecting areas such as those with water resources, steep slopes, connector habitat areas and unique resources such as Forest Park and Johnson Creek. Moreover, attention is given to specific resource areas within peoples' neighborhoods or residential areas, especially in relation to maintaining the character or sense of place of local communities.

Many written comments expressed concern about recent development projects on steep slopes (especially in the Gresham and east Portland-Metro area and in the West Hills sub-region). These included the removal of trees on steep slopes and resulting erosion and landslide problems. Ironically, results from the keypad exercise indicated that some 45 percent viewed "upland areas" as least important to protect. This indicates that the meaning of "upland habitat" is not well understood.

Although a large number of keypad respondents indicated that "all habitats" were most deserving of protection, additional input suggests that in general people greatly support a tiered approach to protection in which the most valuable habitat (i.e., in the habitat inventory rankings) should be protected with the greatest efforts or strongest standards.

Several emails, phone calls and other comments dealt with two specific issues. First, people want to know how and why a specific area is (or is not) classified as regionally significant fish and wildlife habitat in the inventory. Some of these contacts have noted discrepancies between Metro's maps and the on-the-ground reality of a particular site, while others want to know why, for example, a drainage ditch, intermittent stream or built area is classified as valuable habitat. Some conversations resulting from these comments identified needed map corrections or led to the landowner submitting a map correction form. Though many comments addressed potential map correction issues, less than 15 map correction requests were submitted to Metro this winter/spring. The second major issue raised by the public is how the habitat designations, program options or habitat protection program, in general, affect their property. The searchable inventory and program options maps on Metro's web site helped address these issues to a significant degree.

Other significant issues raised include the following. First, people inquired about how habitat protection and industrial lands designations are reconciled, since many people received both property notices and were confused about how their land could be under consideration for both Metro programs. Second, the fairness of the habitat protection program was emphasized with regard to maintaining private property rights and economic uses of land, especially in terms of the balance between restrictions on residential property owners vs. developers and the distribution of costs for protection. Lastly, several people expressed a desire for flexibility in Metro's habitat program and *not* a "one-size-fits-all" program.

The Friends and Advocates of Urban Natural Areas (FAUNA) 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. Prior to the October 2003 hearings, 1,320 postcards were sent to Metro Council and another 168 to the Tualatin Partners. As of March 31, 2004, an additional 111 FAUNA postcards were sent to Metro in support of a regional fish and wildlife habitat protection program. The following are major themes expressed in the postcards: 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.

Section 1: Public Comments Summary Table

	A	B	C	D	E	F	G	H
	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
1								
2	comment card	03/01/04		Tim Shiel	TB-Hillsboro	Goff Place	Supports more cooperative approach to gain more than had and fast regulations. New lands will unfairly carry a higher resource protection load. Suggests that a shift of protection could occur on highly valued properties allowing for conflicting use, but requiring purchasing other development rights on sensitive property. [Note: resembles mitigation program.]	Not directly expressed.
3	comment card	03/01/04		Dana Wintraub	TB-Hillsboro	SW Spratt Way	Expressed thanks at public comment opportunity. Important to preserve as much of the natural environment as possible to have least impact on habitat. Urban encroachment should be taken into consideration on future UGB expansion.	For habitat protection; supportive of program.
4	comment card	03/01/04		Mary Gibson	TB-Hillsboro	Dogwood Dr.	Resident of Rivergrove, on the Tualatin River, but outside TB plan. Yet the notice received talked mainly about TB plan, not Metro's plan	
5	comment card	03/01/04		Susan Warner	TB-Hillsboro		Family highly values nature. Votes for strong habitat protections.	For strong habitat protection.
6	comment card	03/01/04		Dresen Skees-Gregory	TB-Hillsboro		Option 2A should be lowest level of protection. In looking at options 2A & 2B, it goes from a broad distribution of greens (prohibit & limit treatments) and yellows (allow treatments) almost entirely yellow (under option 2B). Option 2A allows more residents to enjoy open and green spaces.	For habitat protection; supportive of program.
7	comment card	03/01/04		David Hoffman	TB-Hillsboro	NW Rolling Hill Ln	Supports strong protections of streams and habitats. Appreciates open houses, outreach efforts. Balance is important. Economic, individual rights, natural environment need to be considered. Stressed good science and study.	For habitat protection; supportive of program.
8	comment card	03/01/04		Ann Hoffman	TB-Hillsboro	NW Rolling Hill Ln	Metro has very important goal. Done excellent job in presenting plan to public. Bronson Creek needs work to bring it up to good environmental standards.	For habitat protection
9	comment card	03/01/04		Bill Funk	TB-Hillsboro	SW Gassner Rd	Interested in map correction process and programs designed under ALP conditions to develop. Important to protect these resources.	For habitat protection; supportive of program.

	A	B	C	D	E	F	G	H
	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
1								
10	comment card	03/01/04		Kim Vendehey	TB-Hillsboro	SW Sileu	Property not too affected, but neighbors is. Hopes that we can preserve wildlife but not be too rigid in the property rights of those who own/pay taxes on property.	For habitat protection; supportive of program.
11	comment card	03/01/04		Paul Bell	TB-Hillsboro	SE Blossom Ave.	Suggests working with ODOT to build concrete barrier wall alongside I-205 from Strawberry land north for a mile or so. Wall would protect critical wetlands area that forms Kellogg Creek's headwaters from noise pollution. Offers to show people around.	For habitat protection (not directly expressed)
12	comment card	03/01/04		Charles Hoff	TB-Hillsboro	SW 91st	Government continues to take private property under guise of not taking 100% of it, just enough so one can't use it. Asks why one wants wild animals in an "urban" area. Accusation of just trying to take property without paying for it.	Emphasizes property rights. Habitat protection not mentioned.
13	comment card	03/01/04		Sharon L Cornesh	TB-Hillsboro	Hillsboro	Claims that all land in Goal 5 is private property. If program requires or denies land-use, jurisdictions should buy or lease land from private owner. Civil revolt will occur without compensation.	Emphasizes property rights. Habitat protection not mentioned.
14	comment card	03/04/04		John & Jean Dickson	TB-Tualatin	SW Norwood Rd	Didn't get notice and wants to know why. [Note: Property on SW Norwood Rd contains no regionally significant habitat.]	
15	comment card	03/04/04		Mike Van	TB-Tualatin	SW Boeckman Rd	Prefers option 2C	Not directly expressed.
16	comment card	03/04/04	Carl Hosticka		TB-Tualatin		Look into including the Living Enrichment Center in Wilsonville as a regionally significant institutional area.	
17	comment card	03/04/04		John Rabnin	TB-Tualatin	SW Montgomery Dr	Supports least restrictive plan, 2C.	Not directly expressed.
18	comment card	03/04/04		Ron Atkins	TB-Tualatin	SW Meier Dr	Believes option 1A is the least we can do to preserve the quality of our city and neighborhoods and provide minimal habitat for wildlife.	For habitat protection

	A	B	C	D	E	F	G	H
	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
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19	comment card	03/04/04		Michael G. Holmes	TB-Tualatin	Cardinal Dr	Eliminate or reduce regulatory burdens on private property owners. Promote business activity, growth and opportunities.	Not directly expressed.
20	comment card	03/15/04		Judy Morton	OR City	Geer St, West Linn	Expresses thanks for the outreach and the regional nature of the plan. Protecting wildlife & fish habitat is very important. Clean water & air help everything be more economically productive. Living with environment is more important than controlling it. Population control must be addressed or other programs won't matter.	For habitat protection; supportive of program.
21	comment card	03/15/04		Vinson Turner	OR City	S Beutel Rd, OR City	Commenters property and adjacent property listed as high priority for wildlife. [Note: property contains Class A & B habitat in inventory] Both properties have been logged in last 2 years. Not a lot of wildlife since. Visit property rather than rely on out-dated photography before decisions are enacted.	
22	comment card	03/16/04		Doug Bolen	Clackamas		Expressed questions about how program would affect properties under tax deferral through the state small timber lot program.	
23	comment card	03/16/04		Richard B. Shook	Clackamas		Attached letter. Stream side home owner in unincorporated Clackamas county. Property includes class 1 & 2 riparian and impact areas in inventory. Need strong protection for highest value habitats. Any allowed development must be mitigated with no net loss of riparian functioning area. Program options should be applied consistently, not just in urban expansion areas or based on development status. Urge programs to comply w/ Clean Water & Endangered Species Acts. Supports strong protection for high value upland wildlife habitats. Supports inventory methodology for riparian/upland resources.	For strong habitat protection.
24	comment card	03/16/04		Roxy Hilton Averill	Clackamas	Jennings Lodge, OR	Asked why do some projects (Trolley Trail) take precedence over habitat protection/restoration? Expressed concerns that despite protections, habitat is still developed cavalierly.	For habitat protection.

	A	B	C	D	E	F	G	H
	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
1								
25	comment card	03/16/04		Larry Jacobs	Clackamas	Boring	Critical of lack of info at open house. Specifically, difficult to provide input with no definition of costs to existing property owner, to future ability to sell, impact of rules on modification of land use.	
26	comment card	03/16/04		Greg De Grazia	Clackamas	Clackamas	Stresses balance in developing the program with more emphasis on regulatory tools. Well defined guidelines that spell out alternatives & restrictions are better than non-reg education only. Economic development should be emphasized more, but habitat protection is critical.	For habitat protection.
27	comment card	03/16/04		Dee Wescott	Clackamas	Boring	Expressed support for option 2B	For habitat protection.
28	comment card	03/16/04		Lynn Sharp	Clackamas	Milwaukie	In addition to strong regulatory-based program, suggests developing a stronger native plant program for homeowner businesses and agencies. Stresses that quick native growing rate means substantial benefits in short time.	For strong habitat protection.
29	comment card	03/16/04		Eileen Stapp	Clackamas	Oregon City	In relation to Damascus development: Imperative that quality of wildlife in all habitats be maintained. Do not allow rezoning of industrial land. Protect quality of wildlife habitat by establishing/preserving green buffer zones. Limit tree removal for housing/commercial development.	For strong habitat protection.
30	comment card	03/16/04		Len Mills	Clackamas	Milwaukie	Some regulation is necessary, but sensitive to individual property owners. Lengthy permit/permission processes should be avoided and not tied to simple things. (ex: a new garage should not trigger riparian restoration) Industry must not enjoy relaxed rules, as they can undo the work of everyone else.	For habitat protection, but balance of property rights.
31	comment card	03/16/04		Bruce Fontaine	Clackamas	Milwaukie	Request to be added to mailing list	
32	comment card	03/16/04		Nancy Stoll	Clackamas	Milwaukie	Request to be added to mailing list	
33	comment card	03/17/04		Martha Johnston	North Portland	NW Multnomah St, Portland	Suggests that everyone should pay for fees incurred in mitigation. Avoid unfairly burdening residential land owners while exempting industry.	

	A	B	C	D	E	F	G	H
	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
1								
34	comment card	03/17/04		Richard Anderson	North Portland	NE Meadow Dr, Portland	Suggests avoiding large fees for residential construction or they will be too prohibitive.	
35	comment card	03/17/04		Carolyn Eckel	North Portland	Portland	Urges adoption of option 1A, 1B "at the very least." Stresses fish & wildlife habitat protection as extremely important.	For strong habitat protection.
36	comment card	03/17/04		Richard Anderson	North Portland	NE Meadow Dr, Portland	"It sounds like residential has no weight in the regulatory option decision."	
37	comment card	03/17/04		Troy Clark	North Portland	NE Klickitat, Portland	Supports Option 1A, 2A as "second choice."	
38	comment card	03/17/04		Brian Williams	North Portland	SE Umatilla, Portland	Questions regarding the limits on fences, decks, landscape and outside lighting; limits on building after fire/earthquake; technical assistance for restoration improvements.	
39	comment card	03/17/04		S. Bartel	North Portland	SE 30th	Supports Option 1A	
40	comment card	03/17/04		Barb Grover	North Portland	NE 48th	Compliments presentation of overall program, but critical of option outcome language as sometimes misleading and not necessarily true.	
41	comment card	03/17/04		Norm Shaffaroz	North Portland	NW Skyline	Encourage all development to consider opportunities to utilize green building and permaculture design	
42	comment card	03/17/04		Sheilah Toomey	North Portland	NW Sauvie Island	Expresses concern over development in the Tualatin River watershed and loss of habitat.	
43	comment card	03/17/04		Bob Grable	North Portland	Borland Road	Property owner on Borland Road. Suggests no restrictions on land use without compensation of property owner.	
44	comment card	03/17/04		Jeff Kee	North Portland	NW Riverview Dr	Suggests: Systems development charges should be levied for new development. Immigration tax should be developed for new residents. Purchase conservation easements on adjacent land to buffer habitat. Provide tax & permitting breaks for wildlife friendly construction/development.	

	A	B	C	D	E	F	G	H
1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
45	comment card	03/17/04		John Nee	North Portland	NW Winston Dr	Expresses thanks for the event and "keeping such a good eye on the livability of our community." Stresses the need to keep the economic value of land in Portland to foster "a good quality of life and prosperity."	
46	comment card	03/17/04		Jeff Kee	North Portland	NW Riverview Dr	Suggests: inventory noxious & invasive plants on all Metro lands. Develop action plan to control/remove them.	
47	comment card	03/17/04		Scott King	North Portland	NE 133rd Ave, Portland	Commends staff at presenting issues/options. Inventory maps need to be updated well before council decision. Land use options (2 series) seem more viable/consistent with 2040 than habitat options. Diverse region may mean one option may not be appropriate over the entire region.	
48	comment card	03/18/04		J. Michael McCloskey	SW Portland	SW Sunset Blvd.	Believes Metro should acquire steep slopes owned by cemeteries to prevent development. Slopes should retain habitat, protect from erosion and provide walking trails. Specifically opposed to apartments at Lone Fix Cemetery	For protection on cemetery slopes
49	comment card	03/18/04		Bob Del Gizzy	SW Portland	SW 40th Ave.	Riparian zones need to have strong buffers and corridors for the movement of wildlife.	For strong protection along riparian corridors
50	comment card	03/18/04		Scott Rosenlund	SW Portland	NW Cornell	For Option 1A. Writes that Forest Park Neighborhood Assn plan is about protecting wildlife corridor. Both sides of Skyline Blvd important to wildlife corridor, serving two different microclimates, supplying habitat needs to multiple wildlife. Property between Skyline Blvd & WA county line needs max. protection.	For strong protection on both sides of Skyline blvd.
51	comment card	03/18/04		Karen Ashford	SW Portland	NE 28th	Streamside property owner wants full and maximum protection 200 feet for all wetlands & streams. 15' or 50' setback is not enough. Angry at road built into Marylhurst University. Claims MU allows ivy to climb into trees & cover the ground, killing many native plants. Wants no more development.	For maximum protection in wetlands and along streams.

	A	B	C	D	E	F	G	H
1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
52	comment card	03/18/04		Randy Harrimon	SW Portland	SW Ibach Rd	Wants curtailment of a lot of development that eliminates b trees. Cites West Linn development. Wants more natural areas saved from developers.	For habitat protection (not directly expressed)
53	comment card	03/18/04		Doug Pontifex	SW Portland	SW Highland Rd	Cites 5 years of attacks by first Portland, now Metro, on his property rights. Suggests that consistent property rights are 1 of 3 basic things modern economy requires (citing Economist magazine). Probably would leave Oregon, taking company that employs hundreds, if plan moves forward.	Emphasizes property rights. Habitat protection not mentioned.
54	comment card	03/18/04		Alan Locklear	SW Portland	SW 36th Ave	Metro should put very strong emphasis on maximum level of protection & restoration. Time has past for nonregulatory measures. Too much habitat already destroyed/degraded. Strong regulatory measures should be instituted soon.	For strong habitat protection.
55	comment card	03/18/04		Kenenth Bauman	SW Portland	SW Upland	Send issue to voters as an up or down votenew regulations or no new regulations.	
56	comment card	03/18/04		Jeny Ward	SW Portland	SW Fulton Park Blvd	Asks why issue is not put to vote. Complaints about the public questionnaire. There is not a "no" options where appropriate. Questionnaire is waited on environmental side.	
57	comment card	03/18/04		Brian Swaren	SW Portland	unknown (PO Box)	The city (of Portland) should be cooperative and not confrontational. Also submitted postit idea.	Not directly expressed.
58	comment card	03/18/04		Unknown	SW Portland		Get rid of Metro. A real wasted of money, could be replaced by local government and/or private sector.	Not directly expressed.
59	comment card	03/19/04		Debra Fleck	Mailin	SE 105th, Portland	Suggests that enforcing the laws already in place would suffice. Is critical of Metro's program in relation to property rights and moneywasting concerns.	
60	comment card	03/19/04		Ruth Scott	Mailin	SE 89th	Requested to be added to the mailing list.	
61	comment card	03/19/04		D. Fray	Mailin	NE 120th, Portland	Expressed very strong sentiments against Metro concernin landuse restrictions and believes that public input is never listened to.	Against landuse regulations.
62	comment card	03/19/04		F. Fleck	Mailin	SE Main	Expressed concerns about landuse restrictions, suggesting already existing laws are suitable for habitat protection.	Against landuse regulations.

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	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
1								
63	comment card	03/19/04		Frank Fleck	Mailin	SE 105th, Portland	Accuses the theft of property rights. Asserts standing as good and responsible citizens who do not need communists to tell them how to live.	
64	comment card	03/19/04		D. Fleck	Mailin	SE 105th, Portland	Expressed concerns about landuse restrictions, asserting that already existing laws are suitable for habitat protection, they just need enforcement.	
65	comment card	03/19/04		Warren Howell	Mailin	SE Lusted	Expressed feelings of discrimination as small/large landowners because of Goal 5. Points to lack of regulations on subdivision residents against use of pesticides, runoff issues.	
66	comment card	03/19/04		Dana Bailey	Mailin	Oregon City	Accuses the theft of property rights and Metro's participation in creating a socialist state.	
67	comment card	03/19/04		John Fleck	Mailin	SE 105th, Portland	Against restrictions on property rights. If rights are to be taken, they should be paid for.	
68	comment card	03/19/04		F. Fleck	Mailin	SE 105th, Portland	Accuses "the few do gooders" of keeping property owners from enjoying their property referred to as a socialist approach.	
69	comment card	03/19/04		Dana Fleck	Mailin	SE 105th, Portland	Stresses the enforcement of pollution laws jail and fine violators. Expresses concern over restriction of property owner rights.	
70	comment card	03/19/04		Dwight Cash	Mailin	SW Sunrise Lane	Suggested developable habitat land should be purchased. Undevelopable habitat land should be exempt from property tax.	
71	comment card	03/19/04		Edo Barbara McDaniel	Mailin	SE Webster, Gladstone	Expressed concern that the open house in Clackamas felt too hurried and required more time before giving an option, that perhaps the program has already been decided without public input.	
72	comment card	03/19/04		Boring water district #24	Mailin	Boring	Expressed serious concern regarding pollution of North fork of Deep Creek, due to Clackamas treatment plant and other upstream issues.	
73	comment card	03/19/04		Nancy Wallwork	Mailin	S. Noblewood Ave, Oregon City	Supports option 1A and passive use (trails, boardwalks, etc development.	

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
74	comment card	03/19/04		Sara Vickerman	Mailin	Hidden Spring Ct, West Linn	Suggests a flood plain development prohibition, a revisit of the balanced cut & fill, more strategic nonregulatory methods, and a flexible incentive fund using mitigation money to fund effective programs.	
75	comment card	03/19/04		RAA LLC	Mailin	NW Metolius Drive, Portland	Refers to specific property listed as no value by the city of Forest Grove/developers. Suggest compensation. Refers to possible incorrect mapping.	
76	comment card	03/19/04		Elaine Davis	Mailin	NW Evergreen Rd, Hillsboro	Concerned that mandatory implementation of streamside protection would be a hardship for most affected property owners. Suggests incentives. Acknowledges habitat program as important project for future generations, but stresses that existing property owners shouldn't absorb the costs. Believes (new) development should be prohibited within a certain distance from streams, but does not require incentives offered to existing property owners.	For habitat protection; concerned with hardship caused to property owners.
77	comment card	03/19/04		Nancy Cable	Mailin	SW LaSalle Rd, Gaston	Expresses support specifically for the "vision, goal, principles and context" of Goal 5 Streamside CPR and Tualatin Basin Partner's stated goal. Supports Option 1A.	For habitat protection.
78	comment card	03/19/04		Carolyn M. Perrin	Mailin	NW Old Germantown Rd, Portland	Comments about March 1 open house as informative. States it is necessary to educate the public about fish and wildlife protection, and also important to protect property rights and provide adequate compensation to assist in compliance.	For habitat protection; for property rights.
79	comment card	03/19/04			Mailin		Suggests an investigation of a specific property south of Germantown Rd.	
80	comment card	03/19/04		Mike Bode	Mailin	SW Prindle Rd, Tualatin	Concerned that habitat protection will restrict land use and adversely affect property values. Prefers no restriction, but supports 1C if necessary. Expects lower taxation if land use options/value lowered.	Against new regulations without compensation

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81	comment card	03/19/04		Lois Read	Mailin	Tualatin Loop, West Linn	Agrees with TB's recommendation to protect habitat along the drainage pathways. Supports options 1A or 2A. Lives on Tualatin Loop replete with wildlife, where contaminants concentrate. Welcomes preservation.	For habitat protection; supportive of program.
82	comment card	03/19/04		Dennis Richey	Mailin	Jolie Pointe Rd, West Linn	Suggests that science can bring back endangered salmon through proper mitigation. Urges compromise option. Achieve environmental progress by considering the economic impact of proposals.	For habitat protection, but urges compromise.
83	comment card	03/19/04		Alan Grosso	Mailin	SE 158th, Portland	Public should bear cost of Goal 5 restrictions, not property owner. Continued regulatory restriction on private property robs landowners of their property rights. Should be voluntary or municipality should pay.	Against new regulations without compensation
84	comment card	03/19/04			Mailin		Half of property is designated in protection area. Landowners who are good wildlife stewards don't want property designated. Property is steep and unbuildable, but wants to secure landowner rights without wildlife protection. Lifelong investment and want to keep it as such.	Against new regulations.
85	comment card	03/19/04		Nancy Cable	Mailin		Quotes Lisa Naito, former Metro Councilor, in June 1998. "a regional water quality strategy that will help protect streams and wetlands from the impacts of development."	For habitat protection.
86	comment card	03/19/04		William Wessinger	Mailin		Resident of Balch Creek Watershed for over 50 years. Strongly supports extremely strong standards, especially on steep slopes.	For strong habitat protection.
87	comment card	03/30/04	Metro	Karen Suran		Clackamas	Migration rates are great, so protect greenways. Facilitate wildlife travel and avoid wildlife losses to due lack of connectivity.	For protection, especially corridors.
88	discussion at event	03/10/04	Lori Hennings, Metro		03/09/04 event	Tualatin Mts.	Gentleman at 03/09/04 event notes that he has seen relatively large elk herd in Tualatin Mts.	

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89	email	02/06/04	habitat	Gale Gilliland			Education and incentives are essential tools to protect habitat. However, voluntary measures leave habitat at mercy of developers. Benefits of protecting habitat outweigh costs of requiring/enforcing environmental regulations.	for habitat protection including regulatory and voluntary measures
90	email	02/10/04	habitat	Ron Weaver			Comments on ESEE analysis: reads like a justification for economic development. Difficult to read and understand. In economic section, dollars spent on hunting/fishing should be included. How do you plan to weigh the economic, social and environmental values, especially when positive externalities not included. Have you projected value for 200 years into future? Habitat will continue and the value should be projected into future. No good successes with mitigation over time. On pg 2, what is "rule"?	
91	email	02/20/04	habitat	Leslie Anderson		Oak Lodge area, Milwaukie	Lives in Robins Wood in Oak Lodge area of Milwaukie, has worked to restore and maintain restoration in a wooded area uphill from a class I resource area. Some restoration thru local municipalities with grant. More needs to be done in this area. Dumping of debris/garbage in this area needs to be cleaned up. Has seen following wildlife in this area: Osprey, peregrine falcon, pileated woodpecker. Need to make this a protected area, clear English ivy. Currently, wooded area labeled medium value, but should be upgraded to high importance. [More comments on online form]	For protection (especially of wooded area near home in Oak Lodge area)
92	email	02/20/04	habitat	Norman Gray		Damascus	Emailed about difficulty in finding his address (SE Hwy. 212 in Boring) with web tool. Expresses dislike of being new incorporated into UGB. Lori responded with info on property and mailed maps.	
93	email	02/20/04	habitat	Susan Blatt		NW Hermosa, Portland	Expresses concern over development on NW Skyline, near Forest Park. Not opposed to all development in area, but think density of more than 1 house on 310 acres is appropriate. Opposed to loss of any wild lands in this area when Portland has so many other empty lots to offer.	For protection of areas around Forest Park.

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94	email	02/20/04	Paul G., Karen W., Metro	Teri, Friends of Trees			Request for information on Goal 5 and outreach events to publish in the Friends of Trees quarterly newsletter.	
95	email	02/21/04	habitat	Anna Jeter		Johnson Creek watershed	How can you even talk about fish habitat without cleaning up Johnson Creek, specifically homes that are not on sewer system?	
96	email	02/21/04	Metro & Stacy Hopkins, Tualatin	Kathleen Lundeen		SW Kimball St., outside Lake Oswego	Property backs 1.2 acres recently annexed by Lake Oswego and approved for development (five houses). Parcel was clear cut. My parcel outside LO. Neighborhood strongly rejected being annexed by City, feared further loss of natural spaces, and feel LO always decides in favor of development and against the environment. Clackamas neglects development, surface water management and preserving riparian areas and habitat. Parcel to be developed is Class 1 and borders Class 1. Part of my land is Class 1. Asks if Metro approves of development of the parcel (Parker Rd. & Baliene St.), and if Metro can intervene, or is it outside jurisdiction? Asks about surface water management suggestions and whether neighborhood annexation into Lake Oswego would help or hinder Metro efforts to protect natural places. Asks for suggestions on how neighborhood could prevent unwanted changes and environmental damage.	Not specifically, but for natural resource protection.
97	email	02/22/04	habitat	A. Caviglia & S. Emmons		NW Thurman, Portland	Wants to know about final designation for their home on NW Thurman St. Originally it was listed as having an open stream, when in fact the stream is converted and designated a storm drain and there is no running water at all.	
98	email	02/22/04	Lori Hennings, Metro	Chuck Henley		SE Portland	Existing lots of record and developed lots w/ homes should be exempt from new regulations to protect habitat.	

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99	email	02/22/04	habitat	Rosemarie Evans		SE Portland	How can Street of Dreams for 2004 be built in class A habitat? Has land been reclassified or are maps outdated?	
100	email	02/23/04	habitat	Ellen Worcester		West Linn	Home in West Linn is identified as Class 1 habitat. Asks about proposals on table at this point, and how they can react to them.	
101	email	02/23/04	Karen Withrow, Metro	Michael Ragghianti			Request for general information. Received 4 notices for property (cemeteries) that he maintains. Don't think Gethsemane is in concerned area, but Mt. Calvary Cemeteries is. Wants to know why he received 4 notices...are other properties affected?	
102	email	02/23/04	Stacy Hopkins, Tualatin	Stephen Titus		SW Sedlak Ct, Tualatin	Feels assaulted by gov't sources continuously creating regulations to choke off economic development and never ending quest to increase tax revenue. How will additional property restrictions (under habitat program) continue to economic health, as stated in your materials?	Against (new) regulations/restrictions on property.
103	email	02/24/04	habitat	Tom Williamson			How does Metro plan to validate habitat model? Have ontheground surveys been conducted? How will efficacy of program be monitored over time?	
104	email	02/25/04	habitat	Leslie Labbe		SW Portland	Follows habitat studies, but couldn't attend open house. Urges strongest protections. States people must be able to plan and count on [Metro's] decisions. Need program that considered varied landscapes and not one size fit all. Talked to Sylvan Nbhd. Assoc., which is fighting overlays. Told them to get involved in Metro's process. Please send event dates.	For protection, not onesizes fits all.

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1								
105	email	02/26/04	habitat	Chuck Bolsinger		Hemrick Rd., north of Damascus	Lives on Hemrick Rd, N of Damascus, for ~11.5 yrs. Unnamed branch of Rock Creek runs through property. At purchase, closing papers laid out what could/could not be done to property. After that, nearby residents did things papers said couldn't be done - straighten channel, fill in marginal wetlands, build within 10 ft. of creek. Talked to EPA, county who agreed that these were against law but they had no funds to enforce. When Abundant Life Church was built on Hemrick & 172nd, 11 acres of habitat was wiped out and lights increased brightness. I planted trees on open grassland in part to stabilize creek at the sharp bend and to provide habitat. Have seen several avian species. When Metro expanded UGB, we were mad as hell. Helped write Happy Valley's Urban Forestry Plan which was a waste. One concern is apparent lack of connectivity provided east-west across Rock Creek-Pleasant Valley. Also, waterways in this valley (including critical/feeder streams) don't appear to be a part of inventory, which would be a huge oversight.	
106	email	02/26/04	habitat	Franni Farrell		unincorporated Clackamas	Proud to own little half-acre parcel in unincorporated Clackamas County that is designated Class 1, 2, and A. Expresses great care about issue and for wildlife. Requests information on open houses, and asks about further protection opportunities around lot. Supports strictest possible measures to protect habitat.	For habitat protection
107	email	02/26/04	habitat	Jean Morgan		NW Sewell Rd., outside Metro's boundary	1. Land is included in both the industrial lands study area as well as the habitat inventory. How will two programs be reconciled? 2. Reports neighbors cows in creek, muddy "unsanitary" banks near home by Shute & Jackson Rds. Slough (Wieble Creek). Herd of 7-10 deer have been decreasing, ducks, herons, catchable fish, crawdads, tadpoles, frogs, salamanders are decreasing, creek almost dead last summer.	For wildlife protection

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
108	email	02/26/04	habitat	Joe Turner		SE Jackson, Grehmsam	Stream to the south is class I habitat, surrounded by class II and C areas. Classifications are understandable but I don't understand why class C areas have significant indents on properties to the east and west of mine. I assume these are due to the location of homes, but the indents on the map don't coincide with the location of the houses. Houses may also be located in class I and II areas; does this matter? Appreciate and encourage natural resource planning efforts	For natural resource protection
109	email	02/26/04	habitat	Roy Brower		SW Skiver, Aloha	Property is Class III riparian. What does this mean? Property to east is being developed, trees have been cut, street is about to be paved and a houses built. Any chance of reversing this?	For habitat protection (on nearby, recently developed lot)
110	email	02/27/04	habitat	Don Dubois			As member of Audobon & Nature Conservancy, deeply interested in protecting habitat but more interested in rights of property owners. Gov't should not reduce land values. Landowner should not be made to pay for advantage of mass. Re-zone, take land, protect birds, but pay for it.	for protection, against any resulting losses in property values. must compensate.
111	email	02/27/04	Lori Hennings, Metro	Randy Shaver			Expresses interest in converting farmed property into habitat, and asks if/how Metro can help. Old concrete dam constricts flow. Dirt bikes are damaging habitat, and worry about herbicides in water from nurseries. Hopes Metro will investigate areas in neighborhood that are not ecologically-minded.	for habitat protection
112	email	02/28/04	habitat	Jaqueline Wilson			Supports anything to protect our water and air. Decrease use of pesticides/fertilizers, don't allow people to plant and build right up to water, discourage blacktop/cement, fine people who don't recycle.	

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113	email	02/29/04	habitat	Andrew Aebi			Think it's great that creek behind house is designated as class I resource, but concerned that entire property is designated class B. Since homes on my street were developed in last 18 months, suggest that zones in area be carefully reevaluated.	
114	email	03/02/04	Paul Ketcham, Metro	Brian & Virginia Horler		West Linn	Expresses thanks for letters of support encouraging West Linn-Wilsonville School Board to establish fair market value for the Dollar Street Property and then to give residents of West Linn opportunity to pass bond measure on Nov. 2004 ballot to acquire property.	
115	email	03/02/04	Justin Houk, Metro	Russell Nance			Inquiry about if/how Longview Fibre property is affected by Tualatin Basin habitat protection area.	
116	email	03/04/04	Justin Houk, Metro	Carla Carver		Germantown Rd.	Thinks stewardship, education are best answers. Appreciates wildlife. Chose home for proximity to park. That said, very upset with this process when large condo project is going up less a mile away (Germantown Rd.) on property with intermittent stream. Hillside was clear cut and condo built right over stream. Frustrated that Metro won't allow me to build a gazebo when total habitat destruction is happening only a few yards away.	For protection, frustrated with Metro process.
117	email	03/04/04	habitat	Judith Vestch		Milwaukie	In response to Oregonian article published 02/27/04, I am in favor of any and all regulations deemed necessary to protect water and prevent pollution which I believe would increase property values.	for habitat protection
118	email	03/04/04	Lori Hennings, Metro	Michele			Request for mapping criteria used in Metro's model.	
119	email	03/05/04	Justin Houk, Metro	John Frewing			Request for information on habitat classes in order to identify any not on Metro's maps.	

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120	email	03/05/04	webmaster@metro	Randy Ellis		Oregon City	Light industrial or any other business has no place in our nice quiet neighborhood. We enjoy peace and quiet surroundings and wildlife. That's the way we like it around Forest Grove Loop.	For protecting natural setting (wildlife), against industrial development. .
121	email	03/07/04	Hosticka, Mayor Lehan	Phil Lane		Tualatin/Wilsonville	Lives around Elligsen & SW 65th in Tualatin/Wilsonville area, drawn to area because of natural beauty, wildlife, agricultural land, etc. Consider environmental impacts to air water & wildlife if you allow industrial development.	For protecting natural areas (wildlife), against industrial development.
122	email	03/08/04	Justin Houk, Metro				Request for 1996 flood map.	
123	email	03/08/04	2040, habitat, Bragdon, Newman	Karen Hall		Oregon City	Explains how recent developing of Holcomb & Winston (OR City) has already endangered wildlife & habitat. Area is hilly and forested, a residential country area w/ farms and wildlife, outside of UGB for a reason. Against industrial development here.	For protecting natural setting (wildlife), against industrial development.
124	email	03/08/04	habitat	Nick Corrado	Tualatin	SW Portland	Attended Tualatin open house but was unable to get info on how property is affected. How am I to know how this plan affects me? Oppose further use restrictions on my property. Particularly object to Metro making table space available to sympathetic organizations. Process unfair and lopsided since rising from ashes of Healthy Portland Streams. Will continue to oppose project until sincere effort made to address property owners rights. Vague references to possible compensation plans and lack of concrete information at open house not good enough.	Against any use restrictions on property.
125	email	03/09/04	Metro Council - Monroe & Burkholder	David Ray		SW Portland	Concerned about proposed regulatory map for property on SW Menefee Dr. Haven't received a response, so I'm writing you (Councilors). Why is protection area located on landscaped lot with building? Lines seem arbitrary. Do not object to stricter land use laws (option 2), but in this case, logic is flawed. What recourse do property owners have to redraw map lines?	Not against stricter land use laws, but mapping of my property seems flawed.

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126	email	03/09/04	Brian Newman, Metro --> Chris Deffebach	Gay Stryker			Emailed twice for more information and haven't received a response. Want more specific information on: meeting agenda for open houses; specific info on six program options; and, what info would aid public dialogue.	
127	email	03/09/04	Lori Hennings, Metro	Keith Black		SW Portland	First, inquired about six program options, which he didn't understand from website, and how decisions were/will be made about high, medium, low levels of protection. Also asked about status of limitations placed on development. Second, inquired about regulations that currently apply to specific address on SW 73rd in Portland.	
128	email	03/09/04	habitat	Mary Regan			Home is in class B habitat. How does that affect me?	
129	email	03/09/04	habitat	Zori & Richard Valasek		West Portland Park	Property owners are in process of negotiating a real estate contract for property on SW Stephenson St. and are talking with Portland's land use dept to discuss aggregation of tax lots to create buildable lots. Property is Class A habitat and maps show that development on entire block may be limited or prohibited. Did Metro notify current owners? how does this affect the development potential of the lot now or in future? Nearby neighbors would be very vocal in keeping this space open and undeveloped.	
130	email	03/10/04	Paul Ketcham	Ellen Eaton		East Columbia (NBA)	Request for maps showing how neighborhood is affected as well as other information.	
131	email	03/10/04	Paul Ketcham & Justin Houk, Metro	Janice Lorentz			Map correction request for mother's property on River St. in West Linn. Map indicates that stream flows over much larger section of property than it actually does. Concerned about accuracy. Appreciates effort to protect habitat, but wants to make sure mother is not unfairly impacted.	For resource protection
132	email	03/10/04	habitat	Jim Karlock		Oregon City	Request for program options maps displayed at Oregon City open house.	

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133	email	03/10/04	Paul & Brent, Wa. Co.	Paul Ketcham, Metro		Tualatin Basin	After discussions among property owner and Tualatin Partners, Paul Ketcham responded to Wa. Co. to let them know that Metro amended the regional streams layer to remove the unnamed tributary of Rock Creek, located north of NW Greenwood Dr. & Skycrest Pkwy, which affects the Jenkins property (tax lot 6900) & Kim property (tax lot 101), Section 21, T1N, R1W. Metro will add the wetland resource based on recently amended Clean Water Services data, which adds a wetland to a portion of the properties.	
134	email	03/11/04	Justin Houk, Metro	Mary Gibson			Inquiry about whether or not GIS maps on ftp site include inventory corrections yet. Houk: only those made prior to Aug. 01.	
135	email	03/11/04	habitat	Peggy Day			What do you mean by lightly, moderately and strictly limit and prohibit? Wants to know if any of these would limit building of fences or garden sheds and what extra fees may be imposed.	
136	email	03/11/04	habitat	Santo Graziano		8900 block on SW 157th Ave, Beaverton	Interactive maps suggests a high priority wetland on property. Would like to organize a wetland restoration project...removal of blackberry and planting natives. Deer no longer run through this area, would be nice to see some trees preserved.	Interested in restoration on personal property.
137	email	03/12/04	habitat	Melissa Maxwell		SW Portland	Drainage stream thru backyard on SW Whitford Dr. flows from culvert, then to another property before going under street. Wants to plant in and around it, do I need permission? Area is classified as class II habitat.	
138	email	03/13/04	habitat	Michael Schuermyer		SE Portland	Property will be affected significantly by new rules according to web tool. Loss of use of most of backyard will have detrimental affect on property value. Whole concept needs rethinking and movement of boundary lines to owner's property lines instead of thru private property. Asks who will take better care of property - landowner with vested interest or regulating uncaring bureaucracy? Additional regs are not needed, they'll just build distrust.	Against (new) regulations or restrictions on property.

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1								
139	email	03/15/04	Justin Houk, Metro	Geoff Chew		Lake Oswego	Request for inventory and program options maps. Response: Maps on ftp site show continuous line of forest cover on eastern side of Diamond Head just up from water edge. Attached aerial photo shows forest cover is not continuous and is significantly degraded, with lots of ivy under story. Cannot argue logic of the habitat/inventory model. Area around our house shows that the model is not good fit for our neighborhood. e.g., area with house is classified as class II, and it has roofs, ivy, etc. Respectfully requests that habitat maps be revised. [Houk responded that floodplain is a large factor in the designations, not just tree canopy.]	
140	email	03/15/04	Cameron Vaughan-Tyler, Metro Council	Pat Russell, North Clackamas Citizens Assoc.		North Clackamas, Kellogg Creek & Oatfield Ridge	Neighborhood group circulated ~200 flyers, especially to people who live near Kellogg Creek, Oatfield Ridge to announce Goal 5 meeting. About 35-50 people attended. Residents expressed concern that multiple, responsible agencies aren't working together enough. Neighborhood is low density residential and not likely to increase in near future, so not as concerned about development policy. Neighbors have complained publicly that both Mt. Scott & Kellogg Creek corridors are very sick and in need of a lot of attention. People did not understand (too confusing) six options and ESEE analysis. Seems like option 1a would protect most habitat; this could affect yards and will require a strong public relations campaign and feeling among owners that it's in their best interest to protect streams. Appears to be distrust of "lofty" concepts and "promises" presented in hearings and workshops. Current state, federal efforts don't focus enough on local stream corridors. Interagency initiative, cooperation, coordination, long-term planning strategies for improvement/management were not	Interest in protecting habitat, concerns about lack of interagency coordination.
141	email	03/15/04	Justin Houk, Metro	Steve Edelman			Substantial discussions regarding map corrections to property. Old information is not accurate. Check new information provided by 2003 aerial photos.	

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
142	email	03/16/04	habitat	Frank Fleck			Metro's plans will almost totally restrict my property rights. Cannot express strongly enough the unfairness and outright theft of my property rights that plan represents. If you want property, buy it. Otherwise, back off and don't steal it. Metro/plan is un-American and against what country founded on.	Against any plan that restricts property rights (without just compensation)
143	email	03/16/04	habitat	Joan Holst	Gresham		Email forwarded from Jim Labbe. Criticizes Gresham open house for not focusing on why Metro is holding meetings and what input they want from public; and issues with respect to East County specifically.	
144	email	03/16/04	habitat	Josh Kling		SE Ivon, Portland	Strongly urges Council to adopt regulatory option that protect most fish and wildlife habitat...for species and for public enjoyment. These areas have much value: aesthetic public pride, neighborhood caring, increase property values, reduces natural disasters (e.g., flooding in Johnson Creek). Compared to efforts at state level, it's time for Oregon's largest urban area to adopt habitat protection in own backyard. Best reason for protection is our regional identity.	For strong habitat protections
145	email	03/16/04	Metro staff	Nancy Chase, Metro			Several people have called to say they would like Metro to buy their (or their neighbor's) Goal 5 property. There seems to be confusion about the availability of money or a program to purchase sensitive lands.	
146	email	03/16/04	habitat	Tamara Palmer		SE Portland	Property is classified as Class B. How does this affect what I can do with my property? Want to build garage/shop. Will there be restrictions?	

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
147	email	03/17/04	habitat	Gay Bauman	SW Portland	Sylvan-Highland area	Live in Sylvan-Highland area. Expects to hear (from experts) how specific property was identified as high value habitat at 03/18/04 open house. Maps are incorrect. 5.3 acre parcel that is scheduled for development is not designated as habitat, while it has stream and sits next to wildlife refuge. Process lacks validity as long as naturally wooded land is allowed to be destroyed w/o any regulations. Do not support any plan that places severe restrictions on established homeowners who safeguard habitat while allowing developers to clear cut and decimate same property w/o restrictions.	For habitat protection, especially restrictions for developers.
148	email	03/17/04	Paul Ketcham, Metro	Terry Wilson	Clackamas	Damascus	Following conversation at open house, information sent about Damascus planning process.	
149	email	03/18/04	habitat	Charles B. Ormsby		Birdshill CPO, north of Lake Oswego	Myself and collection of residents throughout Birdshill CPO are concerned about regulations because: 1. they will likely involve fees and taxes. 2. there is lack of consideration to how potential regulations likely affect home insurance rates. 3. there are likely conflicts with Lake Oswego tree ordinances and costs associated with second growth tree maintenance in heavy forest canopy areas. And: 1. how does policy interface with Metro's infill policies and decrease in lot sizes from R-30 to R -20. 2. how does policy interface with fire hazard maps of Clackamas Co. and tree codes of LO along with home insurance costs? 3. what is written process to change inventory?	
150	email	03/18/04	Paul Ketcham, Metro	John Nee	NE Portland	NW Winston	Expresses pleasure and gratitude for conversations at the open house.	
151	email	03/19/04	habitat	Andy			Property is classified as Riparian Class 1. How would program, especially a prohibit designation, impact a homeowner?	

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152	email	03/19/04	habitat	Jessica Glenn	Clackamas	Johnson Creek watershed	Lives near Johnson Creek and shares space with great blue herons, hawks, beavers and a coyote. Learned at the Sunnybrook Center open house that my land is designated as Class I riparian. As property owner, I am supportive of regulatory actions and urge most protective steps to help areas like Johnson Creek. Encourage collaboration and information sharing across jurisdictions, especially about water quality. Have been in difficult negotiations with 3 jurisdictions about getting on sewer system and no-one but me refers to the environmentally sensitive nature of the area.	For habitat protection and regulations
153	email	03/19/04	habitat	John Rabkin		SW Montgomery	Owens 5 tax parcels on SW Montgomery Dr. that are zoned for SFR development but are not yet built. Reviewed Metro proposals and spoke with Lori Hennings, who was very helpful. Strongly opposes any limitations placed on developing buildable lots beyond Portland's current e-zone overlay. Supports least restrictive proposals: 2c or possible 1c.	Against (new) regulations or restrictions on property.
154	email	03/19/04	habitat	The Druid			Tax lot maps from counties state: "for assessment purpose only, do not rely on for other use." Concern expressed about using the tax lot boundaries for inventory. Also contacted Clean Water Services about this and they said locating property using this method is not acceptable.	
155	email	03/20/04	habitat	Courtney Meissen Brooks		Hillsboro	Wants to see more information about use of pesticides and lawn chemicals near riparian areas, clean creeks in region. On other hand, wants to maintain options to use property. Owns 2/3 acre parcel with Reedville Creek, which he may sell and would like maximum value for. Parcel could be divided in a number of ways for development. Doesn't want new regulations to prohibit new development.	Against (new) regulations or restrictions on property, for educational efforts, clean rivers.

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
156	email	03/20/04	habitat	Linda Robinson		Hazelwood neighborhood, Portland	Support greatest habitat protection but concerned that stringent program will result in huge backlash and legal challenges that will ultimately lessen protection. Concerned that lowest valued resources will not receive enough protection (e.g., Hazelwood has small wooded areas with habitat value, especially for providing link between Johnson Creek and Columbia Slough). It's a big mistake to remove lower valued resources from protection efforts. Had problems trying to search interactive map for NE 148th & Glisan to see how Glendoveer Gold Course classification.	For habitat protection
157	email	03/22/04	habitat	Phil Hamilton		SW Laview Dr., Portland	Reviewed options and generally favor option 2a, and 2b for industrial lands.	
158	email	03/23/04	Paul Ketcham, Lori Hennings, Metro	Sablan's			Inquiry about how property may be affected by inventory and possible program, especially given interest in (potentially) dividing lot.	
159	email	03/23/04	habitat	Warren Aney		Tigard	Expressed difficulty in having to choose which habitat area is least important to protect. On question of compact development vs. trees - this isn't an either/or issue. As professional consultant, notes that survey is biased due to self selection in filling it out. Only can gauge range of opinions, not numbers and strength of opinions.	
160	email	03/24/04	habitat	David Halseth		S. Wisteria, West Linn	Would like clarification on what exactly the program options mean, where Metro is in decision-making process. Concerned that not contacted about regulations on property.	
161	email	03/24/04	habitat	Diane Field		NW Portland	Distressed about timber companies trashing headwaters of local streams, especially in West Hills beyond Cornelius pass and around NW Miller & Cornell. How can this be allowed when we are struggling to protect wildlife? Please do everything you can to protect what is left for the future.	For habitat protection

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
162	email	03/24/04	habitat	Jim Harries		SW Portland	Concerned about habitat designations around property on SW 25th, Portland. Map shows a stream on property to the east, which is not correct. There is only a watercourse fed from a culvert that collects runoff from the street on property. Water does not run year-round. Please do not designate my property as critical habitat. If you do, buy the property and designate it as an urban reserve.	Against habitat designations on his property.
163	email	03/25/04	habitat	Heather McNeil		West Linn	Went to Pioneer Ctr. for 3/15 event and couldn't find anyone. On West Linn Parks and Recreation Board and they want more info on habitat planning process. Brought up Metro at a meeting and staff hadn't gotten informational mailers. Would like to help relay this info.	
164	email	03/25/04	habitat	Laurie Sonnefield		Oak Grove	Supports regulatory efforts to protect habitat quality. Lives few hundred feet from Willamette River in Oak Grove. Many nearby property owners use pesticides and chemicals on lawns, despite posted signs. Much more education is needed along with regulations. Local suburban stores only have chemicals/pesticides. Gardening workshops are great, but need to reach everyone else.	For habitat protection
165	email	03/29/04	habitat/web master	Sue Dresden		Hillsboro	Questions about why land inventoried and applied potential regulatory treatments under six program options. Expressed frustration with lack of response through habitat email. [Note: Metro staff cannot find original email in web system or elsewhere].	
166	email, phone	02/23/04	Justin Houk, Metro	Amy Patton		SW 76th, Tigard	Appreciates habitat inventory, but sees errors in map details. Map tool is not responding for: SW 76th Ave, Tigard. Requests hard copy of this area. A couple of years ago property was identified as having a tributary of Fanno Creek on it, but this is incorrect... Inquired about proposed protection level in Tualatin Basin and what inventory/ALP classifications mean for property owners. Wants to know Metro interest in acquiring the property.	

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
167	event hearing	03/29/04		Henry Oberlelmon	TB hearing	NW Evergreen Rd, Hillsboro	Requested program option maps/mailing	
168	event, phone	03/16/04	Paul Ketcham	Lee Bembrose	Clackamas	SE Portland	Checking on map request made June 2002. Postcard sent on 3/18/04.	
169	letter	03/29/03	Metro Council	Bob Williams		SW Portland	Adopt 1a. Protect all remaining habitat since much has been lost. Strictest protection for riparian habitats, which are important to wildlife and flood management. Degraded habitats also should be protected and restored. Habitat loss should be mitigated at a 1:2 ratio or more for higher value habitats. Upland areas also deserve protection, especially steep slopes and to maintain connectivity. Keep development away from prime wildlife areas. Portland has been leader in environmental issues, hope you protect remaining wildlife areas.	For protection & restoration of all habitat areas.
170	letter	11/10/03	Carl Hosticka, Metro Council	Margret Jennings		SW Portland	Thanks for coming to my house to see how environmental protection regulations can have devastating impacts on my long-term financial security. I appreciate your willingness to discuss potential solutions. Ordinary property owners are ill-equipped to bear the financial burden of paying for protection. Any way impacts to property values can be protected will greatly reduce the cost of environmental protection and therefore enhance the chance for success.	Concerned about (financial) impact to property.
171	letter	12/11/03	Metro Councilors	Sandra Joos		SW Portland	Expresses support for regulatory and non-regulatory protection of stream and wildlife corridors to and from Forest Park. Program must ensure new development doesn't degrade riparian corridors, floodplains and wetlands, sever upland and wildlife corridors, or deforest steep slopes adjacent to Forest Park. No more Forest Heights type developments!	Support for protection

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172	letter	01/01/04	Metro Councilors	David Mildrexler		Univ. of Montanta	Expresses value of Forest Park for educational, recreational and ecological reasons. Protect Forest Park and adjacent area 94 that is vital to maintaining corridors and sufficient habitat for wildlife. If area 94 is developed, a narrow buffer between the habitat in park and edge effects negative to wildlife. Forest Park and similar natural areas are part of our cultural roots and foster a healthy, balanced citizenry with exceptional skills and knowledge.	Supports protection, especially ~Forest Park
173	letter	01/05/04	Metro Councilors	Julia C. Harris		SW Portland	Urges adoption of a strong, comprehensive fish and wildlife protection program. Need new development standards to protect headwaters, forested ravines and upland habitat. Expresses particular concern for areas by Forest Park. Require developers to retain forest canopy in Balch, Saltzman, and Rock Creek watersheds.	Supports protection, especially ~Forest Park
174	letter	01/08/04	Metro Councilors	Douglas Van Fleet		NE Portland	Concerned about condition of habitat areas in and around Forest Park, including area 94. Supports protecting forest canopy and corridors.	Supports protection, especially ~Forest Park
175	letter	01/09/04	Metro Councilors	Marilyn Clampett		NE Portland	Urges protection of areas around Forest Park from more residential development.	Supports protection, especially ~Forest Park
176	letter	01/15/04	Metro Councilors	Suzanne Thorton			Please protect Forest Park for future generations, fish and wildlife and biodiversity. Your responsibility is great. Homebuilders will try push you the other way. You have the voice of the people. Do the right thing.	Supports protection, especially ~Forest Park
177	letter	01/16/04	Metro Councilors	Anne Favorite and Family		SE Portland	Extremely disappoint with addition of area 94 around Forest Park in UGB. Implores Council to reverse this and protect this critical habitat as buffer around Forest Park or potential inclusion in it.	Supports protection, especially ~Forest Park

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178	letter	01/26/04	Metro Councilors & Tualatin Basin Coordinating Committee	Ingrid Louise		Beaverton	Cautions against allowing repetition of abused of fragile urban/forest boundary (area 94) that have resulted from unbridled residential development of other park boundary areas since 1984. Urges strongest protection possible and consideration of ALL ramifications of development. Support strict limits on density and steepness of terrain where building allowed, in addition to safeguards for maintain corridors and continuous forest canopy.	Supports protection, especially ~Forest Park
179	letter	01/31/04	Metro Councilors	Phyllis C. & John W. Reynolds		SW Portland	Express support for strong, comprehensive habitat protection for Forest Park and Buttes/Lava Domes of SE Portland, Gresham, and Damascus. Apply options 1a or 2a, strictest protection for HOCs and protect upland on steep slopes where reduced trees and increased mud slides in sloped areas have strained habitat. Birds needs continuous ribbon of green. Require 1:1 mitigation. We live near Hoyt Arboretum and have seen a drop in wildlife, especially birds since Forest Heights was developed.	Supports protection, especially ~Forest Park
180	letter	03/25/04	Metro Council	Barbara Hanawalt		SW Portland	As weekly user of Forest Park and observer of Forest Heights development, I think area is in deep need of protection. Though enough development in area and Forest Heights is ugly, it is at least fairly dense. Support values of clean air, land and water and stable grounds. Development should occur where forest has already been changed, leave animals current habitat. Add areas to Forest Park or at least protect them from development.	For habitat protection, especially ~Forest Park.
181	letter	03/25/04	Metro Council	Lisa Jaffe		SW Portland	Support for strong, comprehensive regional wildlife program for Forest Park west flank. Between 1984 & 2002, enormous development in Cedar Mill Creek watershed resulted in damage to stream habitat, break up of wildlife corridors to park and unnecessary landslides during floods.	For habitat protection, especially ~Forest Park.

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182	letter	03/29/04	Tualatin Basin Coordin. Commit.	Laura Hill, Rock Creek Watershed Parnters		Rock Creek Watershed	Extensive 7-page letter emphasizing protection of continuous, viable corridors. Current Tualatin recommendations fall short of this goal. Sites examples. Supports prohibiting conflicting uses. Place greater emphasis on big picture. Addresses confusing "ALP adjustment process."	For habitat protection.
183	letter	03/29/04	Tualatin Basin Coordin. Commit. & Metro Planning	Sue Beilke		Biodiversity Project of Tigard & Friends of Fowler Openspace	Supports option 1a. Protecting just streams and narrow buffer will not protect full range of species of concern. Protection affects livability. In Tigard, many habitat areas lost (e.g. Bull Mt.) Increase protection for floodplains, preserve connectivity, protect & restore degraded habitat & give landowners incentives to do so on private land, continue to fund acquisition in Tualatin, especially Tigard, protect all remaining upland forests, and avoid stream crossing with utility lines.	For habitat protection, especially in Tualatin/Tigard
184	letter	03/29/04	Tualatin Basin Coordin. Commit.	Terry & Willy Moore		Garden Home	Fanno & Ash Creek & tributaries deserve strong regulations for protection. Own Class B habitat & support ecologically viable program. Expect Metro to protect and restore remaining riparian areas. Urge strong protection of Garden Home Park, Oleson Rd. & terminus of Taylors Ferry Rd. including stream crossing of Oleson Rd. Support testimony of Audubon Society of Portland that calls for more protection for continuous ecologically viable corridors, no net loss of riparian and habitat areas, protection of upland trees/forests and strong protection for habitats of concern.	For habitat protection of all areas
185	letter	03/30/04	Metro	Kenneth E. Itel		Tualatin	Believes maps are incorrect for property on SW Tualatin-Sherwood Rd. Frustrated with apparent refusal to address what I believe is obvious area. Questions objectivity of the process, given similar land nearby w/ lower ratings. Stream has never been on this property. Agricultural drainage tiles in place more than 70 years ago. Trees on property serve as wind break. See letter for more details	

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186	letter	12/16/03	Metro Councilors	Geneva A. Maier		NE Portland	Strong support for comprehensive regulatory and non-regulatory fish and wildlife habitat protection. Urges protection of stream and wildlife corridors to and from Forest Park. Program must ensure that new development doesn't degrade riparian corridors, floodplains and wetlands, sever upland and wildlife corridors, or deforest steep slopes by park.	Support for habitat protection, especially Forest Park area.
187	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/20/02	habitat	Anderson			Developed land needs new protection standards (e.g. single home often replaced by several). W/o protection, nearby high quality riparian area will be gone. Sites co-workers that have construction companies joking about loopholes in development. Incentives: assist with maintaining habitat, coordinate activities like SOLV clean up days, enforce illegal dumping laws, support funding depending on how devised, organize & mobilize local chapters of environmental groups with restoration programs for homeowners and use volunteers to reduces costs. Maybe a special additional fee for dumping hazardous waste?	For protection
188	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/03/04	habitat	Marra			Developed land should meet minimum standards for new and additional development. Exceptions should not be allowed. Incentives: public-private partnerships to raise awareness, provide technical advice and support for people who want to do the right thing but can't afford it or don't know how, purchase land or use easements for permanent protection, stiffen enforcement fines, impose higher fees on new development and construction (not redevelopment or brownfield construction), support public funding (e.g. greenspaces bond to purchase at reasonable price). Support habitat protection above all economic development. Mitigation is risky. Use sensitive design!	For habitat protection

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189	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/15/04	habitat	Murray			Developed land should not be exempt. Restrict further development and lessen impact (e.g. restore native species, erosion control). If development unavoidable, require additional actions. Incentives: Education is paramount. Community support, monetary incentives for voluntary restoration and restriction of further development. Support public funding. Revenues and taxes from timber and other industries that threaten habitat. Federal and private granting sources. Adoptions of Goal 5 is unique opportunity to protect natural areas for future. Value of habitat cannot be translated into economic terms. Rights to clean water, etc. have no price. Foolish not to protect because of decreasing costs and values associated w/ resource protection.	For habitat protection
190	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/19/04	habitat	McAlpine			Exempt developed land. No new regs or mitigation requirements. Property tax reduction incentives. Oregon sales tax program. No more funds from property tax. Make state-wide expense. Find another more reliable source than property taxes.	Against new regulations, mitigation requirements.
191	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/19/04	habitat	Moss			Developed land should be exempt. People trump wildlife. Where urban development is designated, it should be the priority. Current protection is adequate. No funding of protection within UGB. Huge areas of E. Portland that contribute pollution of habitat areas are not designated for protection, yet treed areas are singled out as culprits. [Restrict areas contributing to degradation.]	People come before wildlife. Current protection enough.

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192	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/20/04	habitat	Hollands			Developed land should not be exempt. Protect all habitat, with most restrictions on most valuable habitat. Incentives: Easement program. Higher tax rate for "improved" or developed properties and low tax rate for properties with easement contract. Or, differential tax growth rates for land w/ vs. w/o an easement. More neighborhood association at watershed council type groups/activities. Support public funding and restrictions on development rights. My property affected and I support these restrictions. Habitat fee that could be waived if restrictions/improvements agreed to. Acquisition, paid for by people who harm habitat. Urge Council to adopt option that focuses on habitat over economic development. Focus on Portland's niche; preserv livability and integration of natural areas and we'll attract quality economic development.	For habitat protection
193	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/20/04	habitat	Ritchey			Developed land should be exempt, though new and redevelopment may deserve new standards, especially for most valuable habitat. Notes concerns about new development occurring in valuable habitat area (Springwater Trail). Incentives: cash grant, subsidized landscaping, or tax incentives. No one seems supportive of new taxes. Perhaps fees imposed on developers of high value habitat.	For habitat protection
194	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/22/04	habitat	Henley			Developed land should be exempt. Property owners shouldn't be burdened with mitigation requirements. Incentives: public should pay property owners for cost of protecting or improving habitat. Combination of private and public sources. Existing developed land should not be burdened by more regulations.	

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195	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/23/04	habitat	Locklear			Developed land should not be exempt, but regulations should be used on case-by-case basis to avoid injustice. If exemptions, require mitigation at all levels but more for most valuable habitat. Incentives: Property tax reductions for limited periods, like historical preservation incentives, for voluntary protection. Avoid abuse of incentive programs thru inspection, etc. Discounted prices for native plants for mitigation projects. Protection is responsibility of property owners. Public funding for project that do not include property values. Low-interest loans, small grants, and property tax abatement. Support public funding so long as private business pulls its weight. Favor strong and immediate steps for protection and restoration programs. No one has right to destroy habitat. Focus development in already degraded areas. No more building in stream corridors. No removal of urban forests w/o additional plantings. Favor education and non-native plants removal.	For habitat protection
196	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/23/04	habitat	Riches			Education and voluntary efforts are best. Involuntary regulations should not be imposed on already developed land, except with just and fair compensation. Building permits should not be used as leverage for "takings" on other parts of land. Incentives: education - would use organic lawn products if I knew where to find them how to use them. Combination of gov't sources, eventually funded by taxes and (voluntary) foundation type fundraising. Financial burden should not be on private property owners. No "takings". Strongly believe in "takings" clause of the fifth amendment and oppose gov't taking control of private property thru imposition of restrictions.	No "takings" thru restrictions.

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
197	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/25/04	habitat	Madigan			All land deserves same standards. Incentives: property tax reductions for proof of protection. Support public financing currently thru property taxes. Willing to support science-based policies, not yours. Support concentrating population. Habitat in-between highly developed areas may provide hostile environment for wildlife. Notes intermittent streams that are classified as high value habitat -protecting such areas that don't have salmon in them dilutes property tax base. Annoyed with bland replies to emails. Metro does not appear to have open minds or be considering financial impact. Approach doesn't seem science-based.	For habitat protection
198	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/26/04	habitat	Sutherland-Finch			Developed land should not be exempt. Require reductions negative impact and restoration. Assistance needed, especially for elderly, perhaps by citizen or public group. Incentives: credit for proving protection or property tax relief...to combat issues such as debris removal, appropriate plantings, etc. Wholesale resource for native plants. Define mechanisms. Perhaps a county bond. Restrictions and enforcement of waterway diversions. Subdividing class I areas should be prohibited.	For habitat protection
199	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	02/26/04	habitat	Werder			Developed land should not be exempt. Not in favor of redevelopment plans that alter density. No exemptions for development. Incentives: tax relief, either property or income. Fund with existing resources. Reduce budgets of social programs or education. Also in favor of bonds. Protection is essential.	For habitat protection

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
200	online survey w/ 3 Qs: developed land, incentives, funding mechanisms	03/01/04	habitat	Pistor			Developed land should be exempt from new regulations. Property owners must be compensated for impacts of new regs. Incentives: education to addresses pros/cons of protection, etc. Private funding, except in rare/extreme cases. Notes seasonable drainage ditch that is classified habitat. Don't believe info from source that makes such claims.	Against new regs w/o compensation.
201	open letter	02/02/04	Metro Council	Christian Clere		Kerr Pkwy, Lake Oswego	Strong support for strictest protection. Save riparian corridors and uplands. Concerned about development in Forest Park...steep slopes and near headwater ravines as well as severed corridors, slides, and flooding. Not against development but support smarter development such as cluster development.	For habitat protection
202	open letter	02/03/04	Metro Council	James W. Hatfield, Dunthorpe Press		Portland	Brought company to Oregon for natural beauty and enjoys walks in Forest Park, which are stress-relieving and rejuvenating. Make sure Forest Park remains green and healthy.	For protection (of Forest Park)
203	open letter	02/08/04	Metro Council	Barry Armentoout		SW Preslynn, Portland	Support mandates to protect bird habitat - options 1a or 2a. No net loss of riparian habitat and protect habitats of concern and upland habitat on steep slopes.	For habitat protection
204	open letter	02/09/04	Metro Council	Susan Stein		NE Multnomah, Portland	Strongly encourages protection of streamside habitats, bird and bird habitat. Highly recommends most protective options: 1a and 2a.	For habitat protection
205	open letter	02/23/04	Tualatin Basin Coordin. Commit. & Metro Planning	Robert Riches		NE Jackson School, Hillsboro	"Riparian III" designation on property is not accurate reflection of reality. Area is cut off by residential development from swale. Strongly opposed to restriction on use of private property without just compensation. Strongly favors educational and incentive-based voluntary methods. Education powerful for conscientious stewardship. Need info on best use of non-toxic pesticides.	For stewardship, against regulations that restrict property rights.

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
206	open letter	03/02/04	Metro Council	Peter Finley Fry		SW Main, Portland	Strive to integrate human activities in natural environment and healthy manner. Issue of setbacks must be realigned. Review scientific basis to support notion of integration and reject segregation as strategy doomed to failure. Teach people to treat animals with grace and compassion.	For protection, against setbacks
207	open letter	03/03/04	Metro Council	Carolyn Eckel		SE Main, Portland	Homeowner in Johnson Creek watershed. Supports strongest possible standards to protect watershed which will protect habitat. Hike in Forest Park and observe no water running in Balch Creek. Improve habitat for salmon, including prohibiting clear cutting near streams and no tree cutting on steep slopes, since these lead to landslides and destroy streams and habitat. Preserve as much greenspaces as possible for habitat. Better to rely on high density housing and in-filling.	For habitat protection
208	open letter	03/06/04		Larry Read	Mail-in	Tualatin Loop, West Linn	Strongly supports Tualatin River Basin protections found in options 1A, 2nd choice 2A. Talks of shallow 12 foot space between river infiltration and drinking water layer as concern for low pollution and contaminate levels. Stresses importance of non-native vegetation destruction. Suggests incentives.	For strong habitat protection.
209	open letter	03/08/04	Metro open house team (at Tualatin)	Nancy Lou Tracy	Tualatin	SW Pine St.	Concerned for children and grandchildren and 6th period of mass extinction underway. Supports goals 1 & 2 Need political will to reduce growth in energy consumption. Consume less. Good info at the open house but process is still predicated on compromising quality of life.	For habitat protection
210	open letter	03/08/04		Cindy Irvine	Mail-in	NE Cook St, Portland	Wants to keep Portland livable for birds. Supports the most protection for green areas along streams. Protect steep slopes to prevent landslides. Protect habitat with at-risk species. Require no net-loss of riparian habitats. Strictest protections for "primary function riparian habitats."	For strong habitat protection.

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1	Type of comment	Date	To	From	Event	Location of sender (general)	Brief Summary	Sentiments about habitat protection program
211	open letter	03/11/04	Metro	S. Crown	Gresham	Kingswood Way, Clackamas County	Views declarations of resource value for the hills of east Portland/metro area by Oregon, Metro, Multnomah and Clackamas Counties, Portland and Gresham as "public relations gambit." Sites Persimmon phase 7 development a case in point, since proposal will remove stabilizing vegetation from steep hillsides, degrade soil stability and groundwater, destroy wildlife habitat and further pollute the area. Asks how this development can be allowed responsibly	For protection of hills in east Portland metro area. Against irresponsible development.
212	open letter	03/14/04	habitat	Margot Barnett	SW Portland	SW Portland	Comments follow from event attended on 03/18/04 in SW Portland. Appreciates efforts to inventory habitat. Supports options 1a and 2a. Expresses concerns about keypad polling, specifically questions 11, 12, and 14. Some don't make sense from biological perspective, while others depend knowledge that general public doesn't have. Importance of habitat areas depend on quality and proximity to other habitat areas.	For habitat protection
213	open letter	03/16/04		Richard Carfo	Clackamas		Letter presented at Clackamas open house: 28-year resident property owner above Johnson Creek noting an increase in garbage & pollution with nothing done to clean it up. Channelization prevents fish to spawn/feed. Offended a financing another habitat study (waste of money). Suggests inmate program to clean/restore habitat along with large fines of polluters. Suggests surveillance cameras at critical spots and a reward program for those who report big polluters. (Provides photographs of Johnson Creek with pollution/debris picture.)	For habitat protection, but critical of process as slow and cumbersome.
214	open letter	03/16/04		Anne Leiser	Mail-in	SW Pendleton Ct, Portland	Asks what is habitat? Stresses that man alone should not be considered. Describes cutting of trees and proliferation of pets near property that have kept wildlife away. Emphasizes leaving human presence out of habitat. Control human presence is the answer to encourage habitat.	For habitat protection; concerned with human presence in habitat.

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215	open letter	03/18/04		Edith Coulter		SE West View, Milwaukie	Metro is 30 years late protecting specific area. Indicates that there are numerous developments in the area. Stream near property is mostly piped underground. 70 feet of open stream is polluted and without wildlife. Does not want to be penalized as a good caretaker and not allowed to develop. Supports option 1C.	Against regulations that prohibit development
216	phone	02/25/04	Lori Hennings, Metro	Stan Biles		Sherwood	Discussion about property in Sherwood that is being considered for habitat protection and industrial lands.	
217	phone	02/27/04	Lori Hennings, Metro	John Temmy, appraiser			Sent notes for staff review.	
218	phone call	02/19/04		Joanne Galespie		SW Highland, Tigard	Concerned about the definition of protection. Owns property and is concerned about overlay and loss of property value due to lack of development.	Against regulations that lower property value.
219	phone call	02/19/04		Lina Bauer		SE 158th	Interested in Pleasant Valley concept planning, with no specific question about Goal 5.	For habitat protection; supportive of program.
220	phone call	02/20/04		Eric Schneider		SW Towle Ave, Gresham	Interested in restoration grants. Expressed need for one-stop information center. Supports protective guidelines/regulatory tools in exchange for creek bed enhancement/erosion problems	For habitat protection; supportive of program.
221	phone call	02/20/04		Helen Johnson		SW 42nd, Portland	Concerned about selling property for development if no subdivision allowed. Mailed property map and provided information about the inventory and ESEE analysis.	Critical of program.
222	phone call	02/20/04		Gary Groover		SW 55th, Tualatin	Concerned about his ability to develop his property	For habitat protection, concerned about ability to develop.
223	phone call	02/20/04		Eileen Wong		NW Royal Blvd, Portland	Property owner of 5 acres in Forest Hill. Concern over inconsistently applied Portland regulations and tree cutting restrictions.	Critical of program.

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224	phone call	02/20/04		Dean Myers		East Multnomah County	Concerned that comments aren't amply considered. Suggests gravel loading dock to avoid muddied streets. Suggests silt fencing and erosion control around the edges of farms.	
225	phone call	02/20/04		Stevens			Called to confirm prior map correction to ensure that no stream is listed.	
226	phone call	02/20/04		Nora Lee		Oregon City	Interested in joining the mailing list for various projects	
227	phone call	02/20/04		Peter Hengested		SW Iron Mountain Blvd.	Interested in property's inclusion in Goal 5 program. Explained process and referred to open houses.	
228	phone call	02/23/04		Irene James		NE 137th Ave, Portland	Requested general information.	
229	phone call	02/23/04		Sherri Nee			Requested information on regulatory options; referred to website. Concerned about total value loss of property. Referred to ALP guidelines that prevent total loss of value.	For habitat protection, concerned about ability to develop.
230	phone call	02/23/04		Tamara Smith			Called for more info regarding program. Referred to website and map tool for further info.	
231	phone call	02/23/04		Dick Wyss		E Historic Columbia Hwy.	Expressed questions about willing seller acquisition and concerns that this is a duplication of US Fish & Wildlife.	
232	phone call	02/24/04		Felix Frayman		SW 57th Ave, Portland	Property owner requesting information about program.	
233	phone call	02/24/04				Sylvan Area	Wanted to know the possible scenarios for property under various program options.	
234	phone call	02/25/04		Harriet Levi		Jackson M.S.	Interested in protection possibilities on a neighboring property in predevelopment stages. Referred to city of Portland.	For habitat protection; supportive of program.
235	phone call	02/26/04		Pat		Clackamas	Expressed questions about inventory, ESEE analysis and open houses.	

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236	phone call	02/26/04		Mary Hopkins			Has property with Class 3 Riparian value. Concerned that property owners are already preserving trees and are only being further penalized.	For habitat protection, but critical of program elements.
237	phone call	02/27/04		Judy Hoglund		SE Tong Rd, Clackamas	Questions about open houses and which would be most important to attend. Referred to Sunnybrook and Oregon City open houses.	
238	phone call	03/01/04		would not provide		West Linn	Expressed concerns that Metro is implementing a program without giving notice. Did not receive public notice.	Critical of program.
239	phone call	03/01/04		Debbie Dresner		Terwilliger & Taylors Ferry	Owns steep slope property with erosion problems, searching for suggestions. Referred to program tools draft document, City of Portland's BES & EMSWCD.	
240	phone call	03/01/04		Steve Edelman		NW Portland	Email response: referred to ORS 527.722 in regards to local governments regulation power on forestland property inside & outside urban growth boundary.	
241	phone call	03/01/04		Erin Vandeheu		Tualatin Basin, Clackamas	Attorney representing client trying to develop. Requested info on Goal 5 process, including Tualatin Basin partner process	
242	phone call	03/01/04		Heather Arendt, Pacific Habitat Services		SW Roy Rogers Rd	Expressed inventory questions about a particular property's Class III Riparian value. Performs wetland/habitat surveys for local jurisdictions.	
243	phone call	03/03/04		Anne		Boundary & Shaddock, Portland	Generally supportive of habitat program.	For habitat protection; supportive of program.
244	phone call	03/03/04		Heather Arnt			Expressed questions about ESEE analysis and open houses. Walked through online map tool on the phone. Expressed helpfulness of map tool.	

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245	phone call	03/03/04		Brian Willis		SE Hogan Rd, Gresham	Expressed concern that maps default to one option and that a decision has already been made. Expressed positive and helpful interaction with Metro staff.	Critical of program.
246	phone call	03/03/04		Brian Bjornson			Expressed concerns that wetland mapping is too broad. Referred to website, interactive tools and explained inventory criteria.	
247	phone call	03/03/04		Richard Kell			Doesn't want to lose right to develop on his property, though supportive of habitat protection.	For habitat protection, but concerned about property rights.
248	phone call	03/03/04		Steve Overson		Holcum Blvd	3rd generation property owner outside UGB & industrial lands study area. For habitat protection, but concerned about lot (59 acres) and its validity in inventory.	For habitat protection, concerned with program elements.
249	phone call	03/04/04		Jim Hinzdel		Weller St, Lake Oswego	Expressed questions about inventory & open houses. Sent property maps and public notice.	
250	phone call	03/04/04		Peter Adams		SW Nottingham Dr	Expressed concerns over county assessed values. Requested Portland C-zone and Metro regional habitat inventory maps. Referred successfully to website.	For habitat protection; supportive of program.
251	phone call	03/04/04		Janet Rood		SE Hwy 212, Clackamas	Requested info about urban growth boundary expansion plans	
252	phone call	03/04/04		Michelle, Pac Habitat Srvc		NE Cornell Rd	Expressed inventory questions about a particular property's value. Performs wetland/habitat surveys for local jurisdictions.	
253	phone call	03/09/04		Pat McGuinn		SW Willowmere Dr, Portland	Wants Metro to do more to protect the environment. 30 year resident of Fanno Creek property. Concerned about neighbors falling trees and building in the area.	For strong habitat protection.
254	phone call	03/09/04		Dana McCullough		Washington County	Expressed rumor that 3,000 of new industrial land would require 1,000 acres of habitat with UGB expansion. Informed of inaccuracy and mailed info on program.	
255	phone call	03/11/04		John Frewing		SW 74th	Specific questions about Tigard property in unincorporated WA county.	

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256	phone call	03/16/04		Edith Coulter		SE West View, Milwaukie	Expressed questions about inventory. Property maps were requested and sent.	Not directly expressed.
257	phone call	03/17/04		Rick Miller		Cooper Mt.	Generally critical of program. Has property on Cooper Mt in class 1 area and would like to build a house.	Critical of program.
258	phone call	03/19/04		Nancy Waller		SW Newland Rd, Wilsonville	Generally supportive of habitat program. Requested property maps	For habitat protection; supportive of program.
259	phone call	2/23/04 & 2/25/04		Virginia Horler		West Linn	Owens property up for sale (22 acres). City of West Linn is interested in acquisition for park use, school district supports development sale. Wants letter from Metro in support of open space purchase.	For habitat protection; supportive of program.
260	phone call	2/27/04, 3/2/04, 3/12/04		Tim O'Callahan		NW 185/Hillsboro	2/27 Did not receive notice. Faxed & mailed notice. 3/2 Requested inventory technical report. 3/12 Meeting held to look at GIS layers. Submitted map data using Clean Water Services floodplain data; primarily concerned w/ maximizing development when rural property brought into UGB	
261	phone call	2/27/2004 & 3/1/04		Ollie Olsen		West Linn	Property owner with creek on land. West Linn told him his land is undevelopable. Concerned that he was not adequately notified. Supports compensation for setbacks. Concerned about legality of the program under eminent domain laws.	Critical of program.
262	phone call	3/4/04 3/9/04		Terry Wilson		SE Heuke Rd, Boring	Generally supportive of habitat program. Questions about inventory. Property maps requested and sent. 3/9 Concerned that program would prevent development/limber sale from property	For habitat protection; supportive of program.
263	phone, email	02/02/04	Maggie Voss, Metro	Ralph London		SW Portland	Ralph called to inform Metro of address correction: 6809 Raleighwood Way, Portland 97225-9137	
264	phone, email	02/27/04	Lori Hennings, Metro	Sheer Nee...			Spoke on phone last week. Lori sent info on web tool and options.	
265	post-it idea	03/11/04			Gresham		"Property owners right!"	Property owner rights

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266	post-it idea	03/11/04			Gresham		Special permit to transfer debris to a landfill or transfer station at no cost. By request on a one time/day or event basis.	
267	post-it idea	03/11/04			Gresham		"Protect property owner rights."	Property owner rights
268	post-it idea	03/11/04			Gresham		If value is lost, it should be compensated. Stressed protection of property owners rights.	Property owner rights
269	post-it idea	03/11/04			Gresham		Question #11 of keypad questionnaire is poorly written. Choosing between compact development/preserving trees does not correlate. You can do both.	
270	post-it idea	03/11/04			Gresham		Unsure why the open house is taking place.	
271	post-it idea	03/11/04			Gresham		Limit development. Start with the Persimmons development, bad for existing neighborhoods.	
272	post-it idea	03/11/04			Gresham		Tree covered buttes are unique factor. Don't allow destruction, they should remain a legacy.	For habitat protection.
273	post-it idea	03/11/04			Gresham		Property owner already protects local environment by planting trees, etc near stream	
274	post-it idea	03/11/04			Gresham		Supports option 1A	For habitat protection
275	post-it idea	03/11/04			Gresham		Protect our water supply.	
276	post-it idea	03/11/04			Gresham		"Saving our trees/forests is a start."	
277	post-it idea	03/11/04			Gresham		Suggests pesticide regulation. Owners may be more open to regulation if coupled with education programs offering easy alternatives.	
278	post-it idea	03/11/04			Gresham		Imposing regulations cause anger. Protecting habitat can be a positive and rewarding experience. Education and reward are good approaches.	Against regulations, but not protection
279	post-it idea	03/11/04			Gresham		Give awards to land owners who make efforts to preserve/enhance their properties adjacent to streams, lakes, etc.	
280	post-it idea	03/11/04			Gresham		City of Gresham should rescind its new steep slope rules.	
281	post-it idea	03/11/04			Gresham		Don't limit development based on maps. Evaluate each site separately. Do not substitute fixed regulations for reasoned decisions.	
282	post-it idea	03/11/04			Gresham		Supports option 1A	

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283	post-it idea	03/11/04			Gresham		Fairview Creek Coordinating Committee has worked for years. Cities just keep on developing impervious areas draining into Fairview Lake.	
284	post-it idea	03/11/04			Gresham		Conservation banking tied to a regulatory program; protect restore high priority sites.	Supports protection
285	post-it idea	03/11/04			Gresham		Limit development. Stop the Persimmons development. Ensure community concerns are addressed to protect habitat.	Supports protection
286	post-it idea	03/11/04			Gresham		Suggests positive responses to habitat protection stem from education. Regulation makes land owners angry. Work with them, not against them.	
287	post-it idea	03/11/04			Gresham		Leave protection of habitat to local jurisdictions. Any program adopted by Metro should be non-regulatory.	
288	post-it idea	03/11/04			Gresham		"Stop development. Save our habitat. Enough is enough. Support option 1A."	
289	post-it idea	03/11/04			Gresham		"Why are you (Metro) here? Faircreek creek not been enough (home) (habitat) protection nothing left/all developed."	
290	post-it idea	03/11/04			Gresham		Develop a waste program for sewage/waste that develops "methane gas" for energy to offset oil demand.	
291	post-it idea	03/11/04			Gresham		Persimmons development will destroy butte, trees, wildlife. Land development will not preserve our natural habitat.	
292	post-it idea	03/11/04			Gresham		Property owners can protect their own land and are responsible. Don't need more rules.	Against regulations
293	post-it idea	03/11/04			Gresham		A list of native plants/places to purchase or pick-up upon private restoration grant.	
294	post-it idea	03/11/04			Gresham		People should be left alone by Metro, but educated on proper fish and game management on properties.	Against new regulations
295	post-it idea	03/15/04		Clair Klock	OR City		The title of education classes (a non-regulatory tool) should reflect how the class will improve the property.	

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296	post-it idea	03/15/04		Clair Klock	OR City		Grants for city lot owners should be in conjunction with a Naturescaping class & technical consultation	
297	post-it idea	03/15/04		Clair Klock	OR City		Grants should be given in conjunction with a conservation plan of the entire property.	
298	post-it idea	03/15/04		Karen Davis	OR City		Question: are there any agencies that would help with wildlife restoration?	
299	post-it idea	03/15/04		Sarah Brown	OR City		No paved trails along rivers.	
300	post-it idea	03/15/04			OR City		In large developments along UGB edge, make developers leave a naturalized boundary.	
301	post-it idea	03/15/04		Larry	OR City		Enforce current laws regarding polluting streams, etc. Don't add more laws.	Not directly expressed.
302	post-it idea	03/15/04		Larry	OR City		Leave restoration to people who will do it voluntarily or donate their land	Not directly expressed.
303	post-it idea	03/15/04			OR City		Make developers leave old growth large trees--work development around to save maximum extent possible.	Not directly expressed.
304	post-it idea	03/15/04			OR City		Use non-regulatory incentives for property owners of small tracts. Regulate urban areas less aggressively where large tract owners are impacting wildlife.	Not directly expressed.
305	post-it idea	03/16/04			Clackamas		Same essential rules for business as everyone else.	
306	post-it idea	03/16/04			Clackamas		Strive for sustainability--a balance between economy, ecology and community. Going with what brings the most money makes the environment and community suffer.	
307	post-it idea	03/16/04			Clackamas		"The more the better!" (Reference unknown.)	
308	post-it idea	03/16/04			Clackamas		Enforce the regulations, once adopted.	
309	post-it idea	03/16/04			Clackamas		Metro must enforce its laws, audit performance, quality and administrative track record of local jurisdiction's programs.	

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310	post-it idea	03/16/04				Clackamas	Visit homeowners in habitat areas and give suggestions on what to plant, how to improve, etc.	
311	post-it idea	03/16/04				Clackamas	More home- and commercial owner (esp. near streams/new development) education about pesticide/runoff issues	
312	post-it idea	03/16/04				Clackamas	"If taxpayers' want to regulate someone else's land, let them buy it!"	
313	post-it idea	03/16/04				Clackamas	Don't allow developers to cut all the trees.	
314	post-it idea	03/16/04				Clackamas	Restrict companies along waterways to prevent growth of pollution problem.	
315	post-it idea	03/16/04				Clackamas	"Use common sense. The area will never be as it was before the Indians came here. People are more important than fish."	
316	post-it idea	03/16/04				Clackamas	Tax reduction for maintaining wetlands and streamside habitat.	
317	post-it idea	03/16/04				Clackamas	Combine regional trail system with wildlife corridors that connect streams, buttes & riparian areas.	
318	post-it idea	03/17/04				North Portland	Higher density development.	
319	post-it idea	03/17/04				North Portland	Better stewards on Metro-owned property. (e.g., remove ivy)	
320	post-it idea	03/17/04				North Portland	Charge immigrants to Metro counties a habitat tax and/or develop system development charges for proposed development.	
321	post-it idea	03/17/04				North Portland	Buy conservation easements on lands adjacent to Metro lands to buffer high quality habitats	
322	post-it idea	03/17/04				North Portland	Include more street tree protection, even outside habitat areas.	
323	post-it idea	03/17/04				North Portland	Support/encourage limits on sale of chemical fertilizers, pesticides, herbicides, fungicides.	
324	post-it idea	03/17/04				North Portland	Only allow native plans for new landscape development.	

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325	post-it idea	03/17/04			North Portland		Tax or water bill credit for amount of tree canopy for homeowners/businesses.	
326	post-it idea	03/17/04			North Portland		Encourage the use of native plants on all metro area development projects, commercial or residential. Discourage the increase of "car" habitat through tax incentives. Tax on pesticides.	
327	post-it idea	03/17/04			North Portland		Do not expand urban or industrial lands	
328	post-it idea	03/18/04		Brian Swaren	SW Portland		City of Portland usually overbearing/bossy. Most people want to do right thing. Work w/ homeowners to help them protect streams in cooperative, non-dictatorial manner. Contact person/advisor that homeowners hire to look at property, listen to and consider ideas. Then, through simplified process, homeowners could begin immediately on plans. Critical of city process with tons of paperwork, lot of money, just for a meeting.	Not directly expressed.
329	post-it idea	03/18/04		J. Michael McCloskey	SW Portland	SW Sunset Blvd.	Metro should put pressure on City of Portland to change Local Improvement District approach that requires nearly every resident to agree to putting in more curbs to help collect storm water.	For habitat protection (not directly expressed)
330	walk-in	02/24/04		Terrell Garrett		NW St. Helens	Interested in map correction form. Faxed form.	
331	walk-in	02/25/04		Linda Bauer		SE 158th	Very supportive of Metro program thus far. Knowledgeable about current ESEE analysis and program development process.	For habitat protection; supportive of program.
332	walk-in	03/11/04		Alex Reverman		NW 185/Cornell	Concerned about wetland & stream protection requirements. Provided arc view maps and explained timing of program versus development permitting process	
333	walk-in	03/19/04		Gordon Boorse		NE 122nd Ave, Portland	Requested and given property maps. Discussed questions about the inventory and ESEE analysis.	
334	walk-in	2/20/04 & 2/23/04		Al Jones		SE Robert Ave, Clackamas	Owns several properties, one zoned industrial. Concerned with takings/condemnation issues.	Critical of program.

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335	walk-in	2/20/04 & 3/3/04		Skip Ormsby		SW Birdhill Rd, Portland	Picked up inventory, science report and industrial lands study. Chair of Birdshill CPO.	For habitat protection, concerned with program elements.
336	walk-in	2/26/04 & 3/2/04		Sparkel & Bruce Anderson		SW Stafford Rd, Wilsonville	Questions about stream on her property and possible discrepancies between habitat inventory and industrial land study area maps.	