A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
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METRO

Agenda

MEETING:	METRO COUNCIL WORK SESSION MEETING
DATE:	May 11, 2004
DAY:	Tuesday
TIME:	1:00 PM
PLACE:	Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1:00 PM	**1.**	**DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, MAY 13, 2004**	
1:15 PM	**2.**	**INTERNSHIP PROGRAM**	Ford/ Gemmell
1:45 PM	**3.**	**GOAL 5 POLICY ISSUES FRON PUBLIC HEARINGS AND TUALATIN BASIN RECOMMENDATION**	Deffebach
2:45 PM	**4.**	**CITIZEN COMMUNICATION**	
2:55 PM	**5.**	**CHIEF OPERATING OFFICER COMMUNICATION**	
3:05 PM	**6.**	**COUNCILOR COMMUNICATION**	

ADJOURN

Agenda Item Number 2.0

INTERNSHIP PROGRAM

Metro Council Work Session
Tuesday, May 11, 2004
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: May 11, 2004 Time: _____ Length: 15 to 20 minutes

Presentation Title: Internship Program; Internet and Intramet Pages

Department: Chief Operating Officer

Presenters: Karol Ford and Sue Gemmell

ISSUE & BACKGROUND

Internship committee convened and charged with creating a central clearinghouse of internship opportunities, and formalize intern program processes.

OPTIONS AVAILABLE

Internship committee researched other organization's internship programs, and determined that the most efficient use of resources would be to create both an intramet and internet internship page. The intramet page outlines the procedures for creating an internship and other frequently asked questions; the internet page provides information on how to apply for an internship with Metro and lists any internship opportunities.

IMPLICATIONS AND SUGGESTIONS

Internship committee agreed the most logical place to house the central clearinghouse is in the Human Resource Department.

QUESTION(S) PRESENTED FOR CONSIDERATION

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION XNo
DRAFT IS ATTACHED ___Yes ___No

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____
Chief Operating Officer Approval _____

Agenda Item Number 3.0

GOAL 5 POLICY ISSUES FROM PUBLIC HEARINGS AND TUALATIN BASIN RECOMMENDATION

Metro Council Work Session
Tuesday, May 11, 2004
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: May 11, 2004 Time: Length: 1 hour

Presentation Title: Key issues for Council consideration relating to the Phase II ESEE analysis report, the ESEE recommendation, and program direction.

Department: Planning

Presenters: Cotugno, Deffebach

ISSUE & BACKGROUND

During its meeting on April 13, 2004 Council reviewed and discussed Resolution No. 04-3440 which is for the purpose of: (1) endorsing the Goal 5 Phase II ESEE analysis; (2) making preliminary decisions to allow, limit, or prohibit conflicting uses on regionally significant fish and wildlife habitat; and (3) directing staff to develop a program to protect and restore regionally significant fish and wildlife habitat. The Council held public hearings on April 15 and May 4, and is scheduled to consider adoption of the resolution at its hearing on May 20. MPAC, MTAC, and the joint Goal 5 TAC/WRPAC have separately reviewed and discussed the resolution, and as of this date both MTAC and Goal 5 TAC/WRPAC have made recommendations.

Staff has prepared a summary of key issues for Council consideration based on testimony at Council hearings, letters received, and committee review. The key issues for Council consideration are organized according to those related to the ESEE Phase II analysis, the modified Option 2B recommendation, and program direction. This summary will be made available prior to the May 11 work session.

OPTIONS AVAILABLE

The Council Informal is an opportunity for the Council to review and discuss the key issues and provide direction to staff.

IMPLICATIONS AND SUGGESTIONS

This initial presentation of key issues will give Councilors an opportunity to begin consideration of possible amendments to Resolution No. 04-3440 and give staff direction for program development.

QUESTION(S) PRESENTED FOR CONSIDERATION

Staff request that Councilors identify issues they have questions about and would like staff to respond to as they consider the resolution.

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION X Yes __No

DRAFT IS ATTACHED ___Yes X No

Department Director/Head Approval _____
Chief Operating Officer Approval _____

051104c-01

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
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METRO

Agenda

MEETING:	METRO COUNCIL REGULAR MEETING
DATE:	May 13, 2004
DAY:	Thursday
TIME:	2:00 PM
PLACE:	Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. SOLV-IT PRESENTATION McGowen

4. THIRD QUARTER FINANCIAL REPORT Short

5. CONSENT AGENDA

5.1 Consideration of Minutes for the May 4, 2004 and May 6, 2004 Metro Council Regular Meetings.

5.2 **Resolution No. 04-3453**, For the Purpose of Confirming Karen Honhdel, Juli Johnson, and Brian Williams to the Metro 401(k) Employee Salary Savings Plan Advisory Committee.

6. ORDINANCES – FIRST READING

6.1 **Ordinance No. 04-1047,** For the Purpose of Amending Metro Code Chapter 10.02 to Increase the Refundable Deposit at the Lake House at Blue Lake Regional Park.

7. ORDINANCES – SECOND READING.

7.1 **Ordinance No. 04-1045**, For the Purpose of Amending the 2000 Regional Transportation Plan (RTP) or Consistency With the 2004 Interim Federal RTP and Statewide Planning Goals *(Public Hearing, no final action).* Park

7.2 **Ordinance No. 04-1049**, For the Purpose of Council Approval for Amending Metro Code Section 5.02.060 Relating to the Metro Solid Waste Credit Account Policy. Monroe

7.3 **Ordinance No. 04-1051**, For the Purpose of Transferring $175,000 From Contingency to Capital Outlay in the Regional Parks Fund to Recognize A Capital Donation; and Declaring an Emergency. McLain

8. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

8.1 **Resolution No. 04-3449**, For the Purpose of Authorizing the Chief Operating Officer to Purchase the Kahler Property in the East Butte/Boring Lava Domes Target Area. Park

9. CHIEF OPERATING OFFICER COMMUNICATION

10. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for May 13, 2004 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 -- Community Access Network www.yourtvtv.org -- (503) 629-8534 Thursday, May 13 at 2 p.m. (live)	**Washington County** Channel 30 -- TVTV www.yourtvtv.org -- (503) 629-8534 Saturday, May 15 at 11 p.m. Sunday, May 16 at 11 p.m. Tuesday, May 18 at 6 a.m. Wednesday, May 19 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.pcmtv.org -- (503) 288-1515 Sunday, May 16 at 8:30 p.m. Monday, May 17 at 2 p.m.	

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).

051104c-02

BEFORE THE METRO COUNCIL

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	)	RESOLUTION NO. 04-3440 Introduced by Michael Jordan, Chief Operating Officer, with the concurrence of the Council President

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

M:\attorney\confidential\DOCS#07.P&D\04 2040 Growth Concept\03 UGMFP\02 Stream Protection (Title 3)\02Goal5\R04-3440 with exhibits 040804.DOC

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

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

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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COMPARISON OF POTENTIAL GOAL 5 REGULATORY PROGRAMS: METRO AND THE TUALATIN BASIN

May 11, 2004

Nature of the Tualatin Basin approach

- In keeping with a signed IGA, the Tualatin Basin (TB) has accepted Metro's fish and wildlife habitat inventory but is proceeding forward with their own ESEE analysis and program development, which will then be brought back to the table at Metro.
- Advantages relating to the Tualatin Basin approach include:
  - Large-scale approach (Tualatin River Subbasin) that also incorporates subwatershed information (Metro's subwatersheds)
  - Incorporation of site-specific knowledge into ESEE analysis and subsequent program decisions
  - Sooner implementation than other jurisdictions within Metro's boundary
  - A model program approach for other jurisdictions to use
  - Knowledge gained from the Tualatin Basin's approach can aid Metro's program development

Comparison of the two general recommendations

- Metro has been evaluating the ESEE consequences of six regulatory program options. The first three, options 1A-1C, offer a descending scale of protection based solely on habitat value. The second three, options 2A-2C, offer a descending scale of protection based on both habitat value and Urban Development Value.
- The Goal 5 rule, Metro's ESEE analyses, and public outreach results suggest that economic importance should be considered, along with habitat value, in a Goal 5 program.
- The Tualatin Basin is only examining one potential program option, most similar to Metro's option 2B, which accounts for both habitat and Urban Development values.
- Metro's staff recommendation is also closest option 2B.
- The two proposed general regulatory programs are listed in Tables 1 and 2, below.

Table 1: Metro's draft recommendation (derived from Option 2B – modifications from 2B shown).

Fish & wildlife habitat classification	**HIGH Urban development value** Primary 2040 components,[1] high employment value, or high land value[4]	**MEDIUM Urban development value** Secondary 2040 components,[2] medium employment value, or medium land value[4]	**LOW Urban development value** Tertiary 2040 components,[3] low employment value, or low land value[4]	**Other areas** 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

[1]Primary 2040 components: Regional Centers, Central City, Regionally Significant Industrial Areas
[2]Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas, Employment Centers
[3]Tertiary 2040 components: Inner and outer neighborhoods, Corridors
[4] Land value excludes residential lands.
Key to abbreviations: SL = strictly limit, ML = moderately limit, LL = lightly limit, A = allow

Table 2: The Tualatin Basin's draft general Allow, Limit, Prohibit recommendation. The Basin is also developing an adjustment process to provide flexibility and accommodate site-specific information, where appropriate.

Fish & wildlife habitat classification	High Intensity Urban (HIU)	Other Urban (OU)	Future Urban (FU)	Non-Urban (NU)
	COM, IND, MU, Regional and Town Centers, Station Areas, Employment Areas	Residential (SFR, MFR), Other (institutional facilities, public facilities, parks)	2002 UGB expansion areas	Farm/Forest; Rural
Class I Riparian/Wildlife	ML	SL	SL	SL
Class II Riparian/Wildlife	LL	ML	SL	ML
Class III Riparian/Wildlife	LL	LL	ML	ML
Class A Upland Wildlife	ML	SL	SL	SL
Class B Upland Wildlife	LL	ML	SL	ML
Class C Upland Wildlife	LL	LL	ML	ML
Inner Impact Area	LL	LL	LL	LL
Outer Impact Area	A	A	A	A

Differences in accounting for economic importance

- Similar to Metro, the Tualatin Basin has taken a Habitat Value/Urban Development Value approach, although they term their development categories as "Conflicting Use Categories."
- Metro and the Tualatin Basin's development value approaches are rather similar, but not identical. For example, some differences between the two approaches include:
  - Metro is only considering RSIAs in the highest economic value class, while the TB is considering *all* industrial areas as highest economic importance.
  - Perhaps reflecting a smaller scale view, the Tualatin Basin includes Regional and Town Centers, as well as Station Areas and COM/MUC, as **highest economic value**. In contrast, Metro places Town Centers, and COM/MUC areas that did not receive high ratings in employment or land value, in **Medium Urban Development Value**.
  - Metro doesn't distinguish new UGB expansion areas and other areas in the UGB. All areas are classified according to their design types. In UGB expansion areas, interim design types are applied. The Tualatin Basin considers all UGB expansion areas to be "Future Urban." TB approach applies generally higher levels of protection to lands classified as Future Urban.
  - The Tualatin Basin accounts for institutional and public facilities under "Other Urban."
  - Tualatin Basin's "Non-Urban" is the same as Metro's "Other" except that Metro's "Other" also includes parks.
- Metro includes employment density and land value as high, medium, and low; the Tualatin Basin does not account for these factors.
- Table 3 on the next page breaks out general land use categories and resource class, providing a general comparison between Metro and the Tualatin Basin's draft program recommendations.
- Metro accounts for residential and public facilities according to where they fall in design types. For example, some residential lands and public facilities are included in high and medium if they are located in regional or town centers. However, most residential is in Metro's Low Urban Development category. Metro Council directed staff to further evaluate public facilities during the program phase.

Differences in accounting for habitat value

- Metro distinguishes between upland and riparian, resulting in six habitat quality classes (Riparian Classes I, II, and III; Upland Classes A, B, C).
- In contrast, the Tualatin Basin chose to aggregate Classes I and A; Classes II and B; and Classes III and C. This results in identical program decisions for these classes when they are in the same urban development categories.

Differences in accounting for Impact Areas

- Tualatin Basin adopted Metro's Impact Areas as their "Inner Impact Areas." The Basin also adopted the remainder of the subbasin (all areas not in Metro's inventory or impact areas) as "Outer Impact Areas."

The Tualatin Basin's Interim Criteria Adjustments for the General ALP Recommendation

- To address issues and concerns raised during the local ESEE analysis process, the Tualatin Basin is recommending several specific categories for adjustments to the general ALP recommendation.
- In brief, some issues consider ALP adjustments for:
  - RSIA lands located outside the UGB, thus categorized incorrectly in the Basin's accounting for economic importance.
  - Consistent and comparable resource protection based on local knowledge for adjacent areas with similar resources.
  - Areas with approved/committed development.
  - Swap/trade protection levels in rare cases, such as a unique situation in Forest Grove where the analysis does not account for zoning anomalies related to the 2003 UGB adjustment.
  - Upland trees in developed neighborhoods for a few special cases.
  - Incorrect conflicting use analysis category applied.
  - Map correction issues.

Potential differences in definition of ALP

- Metro's preliminary definitions of ALP are based primarily on allowed disturbance areas.
- The Tualatin Basin's preliminary ALP definitions remain general in nature, based on relative degrees of conflicting use limits. Similar to Metro's approach, a gradient of allowed disturbance areas is presumed, however specific ratios have not yet been determined.

How does this all pan out for comparing program option recommendations (see table on next page)?

- The Tualatin Basin's HIU is more all-encompassing, covering more categories and more acres. Metro's HUD is more selective (see Metro chart for acres by category).
- Metro's MUD has stronger protection for Class I riparian than Tualatin Basin's HIU. There are more acres in Metro's MUD, as well – especially true for "Other Industrial."
- Our "Rural" is the same.
- Future Urban is a small category for the Tualatin Basin, but Metro's corresponding category contains a large amount of land. The two are not comparable because of the varying approaches.

Table 3. Comparison between Metro and the Tualatin Basin's recommendations for Allow, Limit, Prohibit treatments for general land use categories.

Habitat Class	Regional Centers, RSIAs, Central City[1]		Employment Centers, Town Centers, Main Streets, Station Communities, Other Industrial		Inner and outer neighborhoods		Parks & Open Spaces		Outside UGB with design type[2]		Outside UGB, no design type (rural)		Corridors	
	Metro HUD	TB HIU	Metro MUD	TB HIU	Metro LUD	TB OU	Metro Other	TB OU	Metro	TB FU	Metro Other	TB NU	Metro LUD	TB HIU
Class I	ML	ML	SL	ML	SL	SL	SL	SL	N/A	SL	SL	SL	SL	ML
Class II	LL	LL	LL	LL	ML	ML	ML	ML	N/A	SL	ML	ML	ML	LL
Class III	LL	LL	LL	LL	LL	LL	ML	LL	N/A	ML	ML	ML	LL	LL
Class A	LL	ML	ML	ML	ML	SL	SL	SL	N/A	SL	SL	SL	ML	ML
Class B	LL	LL	LL	LL	ML	ML	ML	ML	N/A	SL	ML	ML	ML	LL
Class C	LL	LL	LL	LL	LL	LL	ML	LL	N/A	ML	ML	ML	LL	LL
Inner Impact	A	LL	A	LL	A	LL	A	LL	N/A	LL	A	LL	A	LL
Outer Impact	N/A	A	N/A	A	N/A	A	A	A	N/A	A	N/A	A	N/A	A

[1]In addition to these characteristics, Metro has also ranked land value and employment value as High, Medium or Low.
[2]Metro assigns such areas according to their design type.

Table 4. Comparison of Adjusted Tualatin Basin (Basin Study Area Inside Metro District) to Metro Staff Recommended Option (in acres and percentage).

	Tualatin Basin Adjusted ALP				
Metro Draft Recommendation	**ALP**	Strictly Limit	Moderately Limit	Lightly Limit	Allow	*totals*
	Strictly Limit	5926 (28.2%)	1519 (7.2%)	278 (1.3%)	10 (0.0%)	*7733 (36.7%)*
	Moderately Limit	746 (3.5%)	3589 (17.1%)	602 (2.9%)	17 (0.1%)	*4954 (23.5%)*
	Lightly Limit	30 (0.1%)	214 (1.0%)	2878 (13.7%)	29 (0.1%)	*3151 (15.0%)*
	Allow	46 (0.2%)	25 (0.1%)	4327 (20.6%)	807 (3.8%)	*5205 (24.7%)*
	totals	*6748 (32.1%)*	*5347 (25.4%)*	*8085 (38.4%)*	*863 (4.1%)*	*21043 (100.0%)*

Summary:

62.8	equal level of limit
25.5	Tualatin Basin has higher level of Limit
11.6	Metro Recommended option has higher level of limit
99.9	*(total)*

Table 5. Comparison of Adjusted Tualatin Basin (Entire Basin Study Area) to Metro Staff Recommended Option (in acres and percentage).

	Tualatin Basin Adjusted ALP				
Metro Draft Recommendation	**ALP**	Strictly Limit	Moderately Limit	Lightly Limit	Allow	*totals*
	Strictly Limit	19200 (35.9%)	1722 (3.2%)	294 (0.5%)	14 (0.0%)	*21230 (39.7%)*
	Moderately Limit	2284 (4.3%)	16876 (31.5%)	741 (1.4%)	29 (0.1%)	*19930 (37.2%)*
	Lightly Limit	40 (0.1%)	496 (0.9%)	3328 (6.2%)	30 (0.1%)	*3894 (7.3%)*
	Allow	81 (0.2%)	62 (0.1%)	6631 (12.4%)	1711 (3.2%)	*8485 (15.8%)*
	totals	*21605 (40.4%)*	*19156 (35.8%)*	*10994 (20.5%)*	*1784 (3.3%)*	*53539 (100.0%)*

Summary:

76.8	equal level of limit
18.0	Tualatin Basin has higher level of Limit
5.2	Metro Recommended option has higher level of limit
100.0	*(total)*

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BEFORE THE TUALATIN BASIN NATURAL RESOURCES
COORDINATING COMMITTEE

In the Matter of An Interim Decision For Metro Goal 5 Draft ESEE Analysis and Allow-Limit-Prohibit Recommendation Map	)))	Resolution and Order No. 2004-01

THIS MATTER having come before the Tualatin Basin Natural Resources Coordinating Committee for public hearing and testimony on March 29, 2004, for deliberation and discussion on April 12, 2004, and for final deliberation and decision on April 19, 2004; and

WHEREAS, Washington County together with ten cities and two special service districts (collectively "Basin governments") within the Tualatin River Basin have entered into an intergovernmental agreement pursuant to ORS 190.010 - 190.110 forming the Tualatin Basin Natural Resources Coordinating Committee ("TBNRCC"); and

WHEREAS, the Portland Metropolitan Service District ("Metro") has undertaken the responsibility to prepare a regional Goal 5 program which would affect existing and developing policies of the Basin governments, which undertaking gave rise to the formation of the TBNRCC; and

WHEREAS, Metro and TBNRCC have entered into an intergovernmental agreement ("Metro-TBNRCC IGA"), approved by the TBNRCC on June 10, 2002, and by the Metro Council by Resolution No. 02-3195 on May 16, 2002; which agreement was subsequently amended by an addendum extending timelines; and

WHEREAS, the Metro-TBNRCC IGA contemplates that the TBNRCC will conduct a Goal 5 analysis of the Metro regionally significant fish and wildlife habitat resources within the Tualatin Basin and recommend programs for protection of those resources to the Metro Council; and

WHEREAS, the Metro-TBNRCC IGA provides, as an interim step before development of program recommendations, that the TBNRCC staff will develop a draft map identifying locations to allow, limit, or prohibit conflicting uses for the regionally significant fish and wildlife habitat resources identified by the Metro Council, that the TBNRCC will then provide notice and public outreach and begin hearings on the map, and that the TBNRCC will approve a map identifying locations to allow, limit or prohibit conflicting uses for the regionally significant fish and wildlife habitat resources and submit the map to Metro;

WHEREAS, the TBNRCC staff, including the Tualatin Basin Steering Committee consisting of staff from the Basin governments and consultants, has developed a draft map and coordinated with Metro and provided public outreach, including open houses and mailed notice of the March 29 hearing;

WHEREAS, Metro Councilors Carl Hosticka and Susan McLain have regularly participated in monthly meetings of the TBNRCC as ex-officio members, and Metro staff has coordinated closely with TBNRCC staff, facilitating the TBNRCC's consideration of Metro's regional ESEE analysis; and

WHEREAS, the TBNRCC has received from its staff at its March 29 public hearing a "Tualatin Basin Draft ESEE" document dated March 2004, attached hereto and incorporated herein by reference, that identifies conflicting uses with the Metro regionally significant fish and wildlife habitat resources and sets forth analysis of the economic, social, environmental and energy consequences of allowing, limiting or prohibiting conflicting uses; and

WHEREAS, the TBNRCC has also received at its March 29 public hearing a staff report, attached hereto and incorporated herein by reference, dated March 22, 2004, consisting of 17 pages and Attachment A (General Map consisting of 68 sections with allow-limit-prohibit ("ALP") recommendations), Attachment B (Draft Adjustments Map again consisting of 68 sections); Attachment C (summary of Draft ESEE Analysis); Attachment D (ALP Adjustment Principles dated March 8, 2004) and Attachment E (Interim Criteria for Adjustments to General ALP Criteria); and

WHEREAS, the TBNRCC took oral testimony from 40 persons at its hearing on March 29 and held the record open for additional written comment until April 5, all of which testimony is included in the record of the TBNRCC's proceedings; and

WHEREAS, the TBNRCC staff provided issues papers and analysis in response to the testimony prior to the TBNRCC deliberations on April 12 and April 19; and

WHEREAS, the TBNRCC does not intend this to be a final land use decision and is not authorized by its formation intergovernmental agreement to make final land use decisions; and

WHEREAS, for the reasons set forth therein, the Tualatin Basin Draft ESEE and the March 22 staff report with its five attachments provide analysis and identification of ALP map decisions consistent with the responsibilities of the Metro-TBNRCC IGA and sufficient to proceed with the program planning phase of the Goal 5 process; now, therefore,

IT IS HEREBY RESOLVED AND ORDERED that the "General Map" Attachment A of the March 22 staff report, as modified by the "Adjustment Map" Attachment B of the March 22 staff report, is hereby adopted as the draft Allow-Limit-

Prohibit Map, and that the March 2004 Draft ESEE is hereby adopted as the draft ESEE analysis; and it is

FURTHER RESOLVED AND ORDERED that the TBNRCC staff proceed with program planning consistent with these interim draft decisions, recognizing that program work may result in modifications to the draft ALP map and draft ESEE analysis, and that staff return to the TBNRCC for further hearings and adoption of recommended programs to be submitted to Metro later this year; and it is

FURTHER RESOLVED AND ORDERED that this Resolution and Order, including its incorporated March 2004 Draft ESEE analysis and March 22, 2004, staff report with attachments, be delivered to the Metro Council, together with the record of oral and written testimony received by the TBNRCC in its proceedings on March 29 and written testimony received through the established deadline on April 5, 2004.

DATED this 19 day of April, 2004.

TUALATIN BASIN NATURAL RESOURCES COORDINATING COMMITTEE

By: Tom Brian

Title: Chairman

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Summary of General ESEE Preliminary Recommendations
Cross Tabulation of Conflicting Use and Environmental Categories
with Approximate Land Area Percentages

Environmental Category		Conflicting Use Category			
		1	2	3	4
		High Intensity Urban ***16%***	Other Urban ***40%***	Future Urban ***3%***	Non-Urban ***41%***
A	Class I resource ***17%***	1A ***2%***	2A ***5%***	3A ***<1%***	4A ***10%***
B	Class II resource ***12%***	1B ***<1%***	2B ***3%***	3B ***<1%***	4B ***8%***
C	Class III resource ***5%***	1C ***<1%***	2C ***2%***	3C ***<1%***	4C ***3%***
D	Inner Impact Area ***5%***	1D ***1%***	2D ***3%***	3D ***<1%***	4D ***2%***
E	Outer Impact Area ***61%***	1E ***12%***	2E ***27%***	3E ***1%***	4E ***20%***

Legend

Prohibit
Strictly Limit
Moderately Limit
Lightly Limit
Allow

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M E M O R A N D U M

METRO

TO: Metro Council

FROM: Chris Deffebach, Long-range Planning Manager CD

DATE: May 6, 2004

SUBJECT: Resolution 04-3440 relating to the Phase II ESEE analysis report, ESEE recommendation, and program direction

This memo serves to document what we have heard so far from public hearings and committee deliberations on Resolution 04-3440. Its purpose is to facilitate Council discussion at the May 11, 2004 work session by identifying key issues. The information consists of the following four attachments:

Attachment 1:
Attachment 1 is a chart that compares staff recommended modified Option 2B with the changes recommended by Goal 5 TAC/WRPAC and MTAC.

On April 30th, Goal 5 TAC and WRPAC approved by a majority of those present a recommendation that included modifications to the staff ALP recommendation. Their recommendation includes:

- Applies stricter protection (strictly limit) to Class I riparian/wildlife corridors in areas with "high" urban development value. Promote rezoning and other strategies to reduce conflicts and compensate for lost development capacity.
- Applies strictly limit to steep slopes, hazard areas for development (DOGAMI), unmapped headwater and intermittent streams, and Habitats of Concern in Class A wildlife in "medium" and "low" urban development value areas and Class B wildlife in "low" urban development value areas.
- Apply strictly limit to undeveloped floodplains in Class II. Apply moderately limit to remaining Class II habitat in "high" and "medium" urban development value areas. Apply strictly limit to Class II in "low" urban development value areas and other areas. Promote rezoning and other strategies to reduce conflicts and compensate for lost development capacities.

- Applies stricter protection (SL+) to parks designated as natural areas in Class I, II, A and B (with understanding that areas with other critical public need uses, such as for current or future water supply infrastructure, would not fall into this "natural area" category); applies staff recommendation to rural areas, active parks and other public lands in this category.
- Apply lightly limit treatment to all riparian impact areas. Apply lightly limit treatment to upland areas in "low" urban development value and "other" areas.

On May 5th, MTAC considered Resolution 04-3440 and recommended the following modifications:

- Moves "medium urban development value" components (other industrial areas [14-7-3], town centers [18-1-3], employment areas [13-7-3], main streets [10-6-8] and station communities [11-2-9]) into the "high urban development value" category to reflect their importance in meeting the goals of the 2040 Growth Concept.
- Applies stricter protection (SL+) to parks designated as natural areas (with understanding that areas with other critical public need uses, such as for current or future water supply infrastructure, would not fall into this "natural area" category); applies staff recommendation to rural areas, active parks and other public lands in this category [15-1-7].
- Retains staff recommendation to apply the "allow" treatment in impact areas but recommends that an education component be implemented as part of the non-regulatory program to teach property owners in these areas about the impacts of their actions on habitat resources [15-1-7].

Attachment 2: Key issues for Council consideration – summary of key issues received on the staff recommended modified Option 2B, Goal 5 program direction, and the Phase II ESEE analysis. Key issues are identified and staff responses are provided. Contains the committee comments (joint Goal 5 TAC/WRPAC; MTAC) on program direction and ESEE analysis.

Attachment 3: In the process of reviewing the recommendation, staff has received many requests for acreage data specific to the modified Option 2B. In response, the following table is attached:

- Development status of habitat and impact areas by habitat class and urban development value and treatments

If you have any questions regarding this information, please feel free to contact me.

Attachment 1.
Comparison of staff recommended Modified Option 2B with Goal 5TAC/WRPAC and MTAC recommendations

Fish & wildlife habitat classification	HIGH Urban development value Primary 2040 components,[1] high employment value, or high land value[4]	MEDIUM Urban development value Secondary 2040 components,[2] medium employment value, or medium land value[4]	LOW Urban development value Tertiary 2040 components,[3] low employment value, or low land value[4]	Parks and rural areas Parks and Open Spaces, no design types outside UGB
Class I Riparian/Wildlife				
STAFF	ML	SL	SL	SL
G5TAC/WRPAC	*SL*[5]	*SL*	*SL*	*SL/SL+*[6]
MTAC	**ML**	**ML**	**SL**	**SL/SL+**[6]
Class II Riparian/Wildlife				
STAFF	LL	LL	ML	ML
G5TAC/WRPAC	*ML/SL*[5, 7]	*ML/SL*[7]	*SL*	*SL/SL+*[6]
MTAC	**LL**	**LL**	**ML**	**SL/SL+**[6]
Class III Riparian/Wildlife				
STAFF	LL	LL	LL	ML
G5TAC/WRPAC	*LL*	*LL*	*LL*	*ML*
MTAC	**LL**	**LL**	**LL**	**ML**
Class A Upland Wildlife				
STAFF	LL	ML	ML	SL
G5TAC/WRPAC	*LL*[8]	*ML/SL*[9]	*ML/SL*[9]	*SL/SL+*[6]
MTAC	**LL**	**LL**	**ML**	**SL/SL+**[6]
Class B Upland Wildlife				
STAFF	LL	LL	ML	ML
G5TAC/WRPAC	*LL*	*LL*	*ML/SL*[9]	*ML/SL+*[6]
MTAC	**LL**	**LL**	**ML**	**ML/SL+**[6]
Class C Upland Wildlife				
STAFF	LL	LL	LL	ML
G5TAC/WRPAC	*LL*	*LL*	*LL*	*ML*
MTAC	**LL**	**LL**	**LL**	**ML**
Impact Areas				
STAFF	A	A	A	A
G5TAC/WRPAC	*A/LL*[10]	*A/LL*[10]	*LL*	*LL*
MTAC	**A**[11]	**A**[11]	**A**[11]	**A**[11]

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

[2]Secondary 2040 components: Town Centers, Main Streets, Station Communities, Other Industrial areas, Employment Centers. **(MTAC recommended moving all of these components to the "high" urban development value category).**

[3]Tertiary 2040 components: Inner and outer neighborhoods, Corridors

[4]Land value excludes residential lands.

[5]Provide a very high level of protection for resource areas, and promote rezoning and other strategies to reduce conflicts and compensate for lost development capacity. This comment can be extended to other resource categories as well. (G5TAC/WRPAC)

[6]"Other areas" includes rural lands and various public lands that have been acquired for different land uses that call for different levels of protection (i.e., public lands for active parks, natural areas and/or utilities). Because the conflicting uses on these lands varies, we recommend that the differences be addressed in the program in a way that provides the highest level of habitat protection for all public lands, while maintaining enough flexibility to allow for publicly beneficial development to occur. In any case, the

program should strive to achieve a net ecosystem benefit, to the maximum extent practicable. If possible, "conflicting uses" should be redefined to exclude actions that will benefit the resource (e.g., habitat restoration, reconfiguring trails to improve habitat protection, reducing erosion, replacing problem culverts, etc.), and the "prohibit" level of protection should be revisited on a site-specific basis in the program development phase. (G5TAC/WRPAC, MTAC)

[7]The recommended level of protection is split to provide a higher level of protection ("Strictly Limit") for all sites that contain undeveloped floodplains. (G5TAC/WRPAC)

[8]Pending more information about these areas. (G5TAC/WRPAC)

[9]The recommended level of protection is split to provide a higher level of protection for all sites that include steep slopes, hazard areas for development (i.e., ODF and USFS forest fire risk areas, DOGAMI maps for earthquakes and areas prone to landslide/mass wasting), headwater or intermittent streams not covered by Title 3 Water Quality Management Areas, and Habitats of Concern. (G5TAC/WRPAC)

[10]Impact areas for Riparian/Wildlife areas are defined differently than those for Upland Wildlife areas, and we recommend they be split accordingly. Riparian/Wildlife impact areas include the area within 150' of streams where the resources and their associated functions no longer exist. For Upland Wildlife and Riparian/Wildlife areas that extend beyond 150 feet, the impact area includes the area within 25 feet of the resource. Prior to development, the riparian impact areas were important components of riparian corridor systems. Therefore, they have the potential to play significant roles in restoration efforts as redevelopment occurs, and for the application of low impact development practices that can help maintain the integrity of adjacent resource areas. For this reason, we recommend that the lightly limit option apply to all Riparian/Wildlife impact areas so appropriate treatments can be developed as part of the program. This is not intended to imply that the Upland Wildlife impact areas do not also provide restoration potential and opportunities for low impact development strategies that could benefit and improve the resource areas, and we encourage the development of program elements to address these opportunities. (G5TAC/WRPAC)

[11] Non-regulatory education programs should be targeted in impact areas to reduce further degradation of the nearby habitat. (MTAC)

Key to abbreviations
SL = strictly limit
ML = moderately limit
LL = lightly limit
A = allow

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Attachment 2. Key issues for Council consideration and responses.

Table 1. Key issues related to the ALP recommendation.

Source	Issue
4/15 Public hearing, G5TAC/WRPAC	***Prohibit.*** Concern has been expressed that a prohibit treatment is not applied to the highest value habitat in the inventory.
4/15 Public hearing, G5TAC/WRPAC, 5/4 Public hearing, Written comments	***Highest value habitats.*** Concern has been expressed that Class I, II and A habitat do not receive adequate protection in the staff recommended option due to their scarcity and ecological importance.
4/15 Public hearing, G5TAC/WRPAC, MTAC, 5/4 Public hearing	***Floodplains.*** Concern has been expressed that valuable undeveloped floodplains would not receive enough protection; however concern has also been expressed that protection would be too high on developed floodplains due to the fact that a substantial amount of industrial land is located on them.
4/15 Public hearing, G5TAC/WRPAC	***Impact areas.*** Concern has been expressed that the riparian impact areas should receive regulatory protection to preserve opportunities to restore streamside habitat when such properties are redeveloped, by applying redevelopment standards. Apply lightly limit treatment to upland wildlife impact areas in "low" urban development value and parks and rural areas.
4/15 Public hearing, G5TAC/WRPAC	***Boundaries of primary 2040 design types.*** Design type boundaries (e.g., regional centers) in high urban development value areas could be re-drawn to exclude high value habitat that currently falls within the design type boundary, reducing conflicts between habitat protection and economic development.
MTAC, 5/4 Public hearing, Written comments	***Urban development value.*** Some of the 2040 design types are not in the appropriate urban development value category. • MTAC recommends that all design types in the "medium" urban development value category be moved into "high" due to their importance in achieving the goals of the 2040 Growth Concept. • Industrial. Several stakeholders have testified that all industrial design type land should be placed in the "high" urban development value category along with regionally significant industrial areas. • Town Centers. Several smaller jurisdictions have expressed concern that Town Centers should be in the "high" urban development value category due to their importance in these areas. • Corridors. The Retail Task Force members have expressed concern that Corridors should be in the "high" urban development value category due to their importance in reducing vehicle miles traveled.
MTAC	***"Checkerboard" protection.*** Concern has been expressed that the Option 2 series approach does not meet the vision of creating a "continuous, ecologically viable streamside corridor" because it will result in riparian corridors receiving inconsistent protection from one urban development value to another.
4/15 Public hearing, G5TAC/WRPAC, 5/4 Public hearing	***Unmapped headwater and intermittent streams and steep slopes.*** Many headwater and intermittent streams are unmapped and are currently classified as upland wildlife habitat, not as riparian habitat. Concern has been expressed that this does not provide enough protection to preserve the riparian functions provided by these habitats. Concern has also been expressed that steep slopes provide greater function than recognized in the inventory model.
G5TAC/WRPAC, MTAC	***Highest protection (SL+) for natural area parks.*** Recommendation to apply the strictest level of protection to natural area parks to retain the ecosystem functions provided by this habitat.

Table 2. Key issues related to program direction.

Source	Issue
MTAC	***Local implementation.*** Concerns have been expressed about local implementation of the regional fish and wildlife habitat protection program.

	Concerns include a revenue source to pay for the cost of regulatory and non-regulatory programs, program complexity, and the desire to provide a program that can be implemented without additional local work, but which also provides flexibility to permit jurisdictions to adapt the program to local conditions. There are also concerns about the accuracy of the regional inventory maps, and local jurisdiction responsibility to adjust them during program implementation.
MTAC, Goal 5 TAC/WRPAC, 5/4 Public hearing	***Avoid, minimize, mitigate.*** Recommendations have been made that Metro's program be designed based on the principles of "avoid, minimize, and mitigate," in order to provide maximum protection of habitat areas irrespective of the treatment (LL, ML, SL) applied.
MTAC	***Regional tree protection program.*** Consider a regional tree protection program to address both Goal 5 habitat needs and stormwater management issues.
MTAC, 5/4 Public hearing	***Transfer of Development Rights (TDRs) and development capacity.*** Strong reservation has been expressed about reliance on a TDR program to mitigate for lost development capacity resulting from a regulatory program. Off-site TDRs should not be over-emphasized in the program development.
4/15 Public hearing, MTAC, 5/4 Public hearing	***Vegetation clearing standards.*** Several jurisdictions have adopted Goal 5 ordinances that limit vegetation removal, a similar approach could be included in the regional program. Concern has been expressed that such standards could prevent gardening and landscaping practices.
4/15 Public hearing, G5TAC	***Mitigation.*** Strong concern has been expressed about excessive reliance on mitigation to blunt the impact of development in habitat areas. Mitigation may not always be effective, the costs of mitigation can be substantial, and the relative importance and effectiveness of mitigation in actually compensating for the loss of ecological functions in specific habitat areas depends on the location, type, and success of the mitigation (for example, whether it occurs in the same stream reach or sub-watershed as the habitat disturbance). Mitigation should occur on site or within the same sub-watershed.
MTAC	***Concept planning areas.*** A greater percentage of habitat exists in the concept planning areas than within the already urbanized areas. The presence of more habitat will result in higher levels of protection, but the same treatments should apply in the concept planning areas and future expansion areas as within the old UGB. However, there may be unique restoration opportunities in these areas.
Written comments	***Major medical and education facilities.*** Several interested stakeholder groups have expressed concern that the ESEE analysis does not adequately address the importance of major medical and education facilities. The urban development value assigned to these facilities in the ESEE analysis may not reflect their economic and social importance.
MTAC	***Major transportation facilities and other infrastructure.*** Concern has been expressed that major transportation facilities and public and private utilities were not assigned a distinct urban development value and distinct treatment.
MTAC	***Impact on existing development.*** Concern was expressed that Metro currently defines a land use action that would trigger fish and wildlife habitat regulations as requiring a building permit when there are some jurisdictions that define a land use action to include grading and vegetation removal. The definition of land use action will affect the magnitude of regulatory impact on existing development.
4/15 Public hearing, MTAC, 5/4 Public hearing	***Redevelopment.*** Redevelopment plays a critical role in meeting the objectives of the 2040 Growth Concept. Program development should include specific standards for redevelopment, especially in brownfield areas, that are different than protection standards for new development.
G5TAC/WRPAC, MTAC	***Performance standards.*** The program could include performance standards to promote or require low impact development, green streets, and green building design both within and outside significant resource areas.
MTAC, 5/4 Public hearing	***Unmapped habitat.*** The program should describe a process for adding habitat areas that are not currently on Metro's inventory map.

MTAC	***Quantify impact on UGB.*** Once the program is developed an analysis on the effect on housing and employment capacity within the urban growth boundary should be performed. Lost capacity relates to other Metro Functional Plan requirements, and Metro should recognize the difficulty of further increasing density within the urban growth boundary.
MTAC	***Guiding principles.*** Staff should develop principles to guide program development that will allow local flexibility to optimize habitat protection and urban development values.
MTAC	***Riparian district plans.*** The work plan for program development should include adequate staff support for the development of riparian district plans.

Table 3. Technical amendments to Resolution 04-3440.

Document	Description of amendment
Exhibit C	In the definition of **strictly limit**, add private utilities to description of allowable conflicting uses.
Exhibit C	Clarify expectations for habitat loss as well as development capacity in definitions of limit
Exhibit C	In the definition of **strictly limit**, change the word access to infrastructure.

Table 4. Key issues related to the Phase II ESEE analysis report.
(Staff is addressing these issues as updates to the ESEE analysis).

Source	Issue
IEAB	***Criteria.*** The assumption that each criterion receives equal weight means that the magnitudes of tradeoffs are lost; may lead some readers to simply sum the rankings to obtain an overall ranking. There is also a substantial amount of double counting among the criteria. The method of arriving at the ranking is unclear.
City of Portland, MTAC	***Baseline:*** Existing local Goal 5 programs should be included as part of the baseline analysis.
ODOT, PDOT, MTAC, Institutional Facilities Coalition, Lewis & Clark College, Providence Medical Facilities	***Economic.*** • The ESEE analysis does not adequately address the value of transportation facilities. • Residential lands are undervalued in ESEE analysis. • Does not address the importance of regional educational and medical facilities. • Does not describe the economic importance of rural lands for future development. • Does not describe the economic value of "active" recreational access. • Needs to include more about amenity value.
City of Portland	***Economic, Social.*** Analysis seems one-sided – emphasizes negative effects of regulation without considering economic and social benefits of conserving resources. It should be clear that a program could be designed to minimize negative economic impacts.

ALP Recommendation

Issue #1: Application of prohibit
Concern has been expressed that a prohibit treatment is not applied to the highest value habitat in the inventory.

Response
The Chief Operating Officer ("COO") chose not to apply a prohibit decision to Goal 5 habitat in his program recommendation. The COO recommends that some conflicting uses should be allowed in any habitat area if needed for the public good. Such an approach would, for example, permit development of trails, public and private utilities, and some roads, where necessary to benefit the public. While a public needs test would require substantial evidence to justify the intrusion of such a conflicting use into a habitat area, allowing such conflicting uses would be inconsistent with a prohibit treatment. See *Callison v. Land Conservation & Dev. Comm'n,* 145 Or. App. 277, 286-87 (1996) (a Goal 5 decision to prohibit most conflicting uses in certain habitat areas, but to nevertheless permit utility development, even if only in "rare and unusual circumstances," is properly classified as a "limit" decision, not a "prohibit" decision). If Metro decides to allow roads, utilities and other "public good" uses in habitat areas, even with strict limits, Metro cannot represent that its Goal 5 decision for the area is a "prohibit" decision. Put another way, if Metro wants to apply a "prohibit" decision to a Goal 5 resource, it cannot allow "public good" uses, or any other conflicting uses.

In addition, the Metro Council has already determined to avoid legal "takings" by allowing conflicting uses in habitat areas where all economic use of properties would otherwise be lost. Under a strict application of the Oregon Court of Appeals' approach in *Callison*, the Council's decision to permit conflicting uses to avoid "takings" effectively results in a limit decision. If the Council chose to prohibit all conflicting uses in some habitat areas the land could be purchased to avoid "takings."

Issue #2: Highest value habitats
Concern has been expressed that Class I, II and A habitat do not receive adequate protection in the staff recommended option due to their scarcity and ecological importance.

Response
For reasons described above, staff chose not to include a prohibit treatment in the recommended option. Staff's recommended modified Option 2B applies strictly limit to Class I Riparian/wildlife habitat everywhere except for high urban development value areas. Class I habitat is critically important to maintain the ecological health of the stream system and connectivity of the riparian corridor, and also includes Habitats of Concern. 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. The high level of existing protection effectively reduces the economic impact of applying regulations to Class I

Riparian habitat. Class I in high urban development value areas receives a moderately limit due to the importance of these lands in providing development opportunities to maintain a strong economy and achieve the 2040 Growth Concept. In high urban development value areas, a substantial portion (87%) of the Class I Riparian is vacant, and 41% of that vacant land is not constrained for development by Title 3, utility location, or other factors (other than local regulations) and is considered buildable. The moderately limit treatment, in conjunction with existing Title 3 water quality and floodplain protection standards, will protect a significant portion of the habitat while providing more flexibility to permit some development that a strictly limit designation would likely not permit.

Class II Riparian habitat, like Class I Riparian, is important for riparian corridor health, but provides fewer primary ecological functions than does Class I habitat (Class II provides 1-2 primary functions out of five total functions). Class II habitat areas also provide important restoration opportunities to improve ecological functions for a healthier riparian system. Undeveloped floodplains further than 300 feet from a stream are included as Class II habitat due to the lack of vegetation data available, otherwise they would have received higher scores and been included as Class I habitat. In the staff recommended option a lightly limit treatment is applied to Class II habitat in high and medium urban development value areas to retain some habitat value while allowing development. Class II habitat in low urban development value lands and parks and rural areas receives a moderately limit treatment, which would preserve more habitat value than in lightly limit but still meet some development needs.

Class A habitat receives lightly limit treatment on high urban development value lands, moderately limit on medium and low urban development value lands, and strictly limit in parks and rural areas. Title 3 Water Quality and Floodplain protection standards cover only about one percent of Class A wildlife, which leaves it very vulnerable to loss (i.e., very little of it is subject to current regional, baseline protections). It is important to note that all non-riparian Habitats of Concern, which have been identified as the scarcest and declining habitats in the region, are designated as Class A habitat. Class A habitat also provides the most valuable environment for many species of concern and provides important connections to and between riparian corridors, and contain the largest, most unfragmented wildlife habitat in the region. Staff recommended a moderately limit treatment for Class A habitat in medium and low urban development value areas to balance the need to accommodate housing and job capacity within the urban growth boundary and habitat protection needs. A large portion of the Class A wildlife is zoned for residential use, and local studies have shown that residential development can provide habitat value as long as the tree canopy is preserved. Staff recommended a strictly limit treatment for Class A habitat in rural areas and parks due to the importance of protecting the high value habitat and the fact that there is less urban development in these areas. A substantial portion of the parkland is classified as Class A or Class I habitat. In high urban development value areas, staff recommended a lightly limit treatment to provide some protection to habitat but allow for development in the areas critical to meeting the goals of the 2040 Growth Concept. Only one percent of Class A habitat is in high urban development value areas.

Issue #3: Floodplains
Concern has been expressed that valuable undeveloped floodplains would not receive enough protection; however concern has also been expressed that protection would be too high on developed floodplains due to the fact that a substantial amount of current industrial uses are located on them.

Response
Issues related to floodplains differ for *undeveloped* and *developed* floodplains. Undeveloped floodplains provide several important habitat functions, and all undeveloped floodplains within 300 feet of streams, rivers, or wetlands are categorized as Class I habitat. This habitat receives a moderately limit treatment in high urban development value areas and a strictly limit treatment everywhere else. Some undeveloped floodplains with low-structure vegetation, but no trees, and that are farther than 300 feet from a stream, may be categorized as Class II habitat (as described above), thereby receiving a lower level of protection. This is due to the fact that vegetation data was only analyzed within 300 feet of streams, rivers and wetlands. However, these undeveloped floodplains are providing the same functions as those closer to the water. In general, the staff recommended option addresses the need to protect the habitat function of undeveloped floodplains.

Developed floodplains are included as Class III habitat. These areas provide water storage functions at times of heavy rainfall. A substantial amount of industrial development is located in these areas. The modified Option 2B applies a lightly limit treatment to this habitat except in parks and rural areas, which would receive a moderately limit treatment. Since these floodplains are already developed, existing uses would continue without change. However, upon redevelopment some design standards, stormwater management approaches, and mitigation requirements could apply to help restore some of these areas' ecological functions.

Issue #4: Impact areas
Concern has been expressed that the riparian impact areas should receive regulatory protection to preserve opportunities to restore streamside habitat when such properties are redeveloped, by applying redevelopment standards. Apply lightly limit treatment to upland wildlife impact areas in "low" urban development value and parks and rural areas.

Response
To achieve a better balance between environmental effectiveness and regulatory effort, staff recommended that impact areas have an **allow** treatment. Much of the impact area is developed (66%), and is, 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, and unless, it redevelops. Metro staff identified two types of impact areas: riparian impact areas (land with no regionally significant habitat value, but within 150 feet of a stream) and other impact areas (a 25-foot area around all other habitat). 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 areas have more of an indirect effect on the surrounding habitat, especially when conflicting uses are allowed within the habitat lands. In general, the ecological impacts of development and other activities in impact areas are more similar to the ecological impacts of development occurring at other locations within watersheds. Staff therefore recommends that the effects of conflicting uses in impact areas be addressed in broader, watershed-based planning efforts that apply low impact design standards and other stormwater management tools to the larger area. Staff also recommends, however, that those impact areas within 150 feet of a stream be considered as potential restoration sites, when restoration strategies are developed.

Issue #5: Boundaries of primary 2040 design types.
Design type boundaries (e.g., regional centers) in high urban development value areas could be re-drawn to exclude high value habitat that currently falls within the design type boundary, reducing conflicts between habitat protection and economic development.

Response
Some high value habitats are located inside the boundaries of high priority design types (e.g., regional centers). These habitats provide important ecological functions as well as amenity values. This high value habitat would receive less protection in these locations than if it were located in a lower priority design type such as an inner neighborhood. One way to provide more habitat protection would be to re-draw the design type boundaries to exclude the habitat if job and housing capacity could be located nearby. The staff-recommended option applies a moderately limit treatment to the Class I habitat within high urban development value areas (including the city center and regional centers), and a lightly limit treatment to all other habitat classes in the high urban development value areas. These treatments would preserve some habitat function while allowing for growth in these important areas.

Issue #6: Urban development value.
Some of the 2040 design types are not in the appropriate urban development value category.

- MTAC recommends that all design types in the "medium" urban development value category (other industrial areas, town centers, employment areas, main streets and station communities) be moved into "high" due to their importance in achieving the goals of the 2040 Growth Concept.
- Industrial. Several stakeholders have testified that all industrial design type land should be placed in the "high" urban development value category along with regionally significant industrial areas.
- Town Centers. Several smaller jurisdictions have expressed concern that Town Centers should be in the "high" urban development value category due to their importance in these areas.
- Corridors. The Retail Task Force members have expressed concern that Corridors should be in the "high" urban development value category due to their importance in reducing vehicle miles traveled.

Response

An important aspect of the 2040 Growth Concept is to concentrate urban development in centers to make the most efficient use of land and transportation facilities within the urban growth boundary. To recognize this goal, Metro included the 2040 design type hierarchy as part of the definition of urban development value, along with employment density and land value. Metro's Economic TAC for Goal 5 and the Independent Economic Advisory Board (IEAB) reviewed the urban development categories as part of the Phase I ESEE Analysis. The Metro Council made further adjustments to the policy designating the placement of design types in the appropriate category in October 2003.

MTAC recommended moving all of the design types in the "medium" urban development value category to the "high" category. Members of the committee voted on each design type separately, with town centers and industrial design types receiving the most support for placement in "high". The rationale for moving all the design types is to be more consistent with the Tualatin Basin approach to categorizing urban uses ("high intensity urban" and "other urban"). This would decrease protection for approximately 3,000 acres of high value habitat.

Several smaller jurisdictions have raised concerns about the placement of town centers in the "medium" urban development value category. Town centers were placed in the "medium" category because they do not provide as many high density development opportunities as the regional centers. However, town centers are critical for achieving the overall goals of the 2040 Growth Concept, and are especially important to the jurisdictions in which they are located. The areas where most growth is encouraged to occur would receive fewer restrictions in the modified Option 2B than would other areas.

When originally defining urban development value, staff included all land with an industrial design type in the "high" urban development value category based on the recommendation of the Economic Technical Advisory Committee and the consultants working on the economic analysis portion of the ESEE. In October 2003, the Metro Council directed staff to place all industrial design type areas in the "medium" urban development category with the exception of Regionally Significant Industrial Areas (RSIA), which remained in the "high" category. The staff recommendation recognizes the importance of making the most efficient use of available industrial land as possible while also protecting the highest value habitat and mitigating for intrusion into habitat areas. The staff-recommended treatments in the high urban development value lands (moderately limit for Class I riparian and lightly limit for all other habitat) allow for substantial development but would preserve some habitat function with the help of mitigation.

Corridors are in the "low" urban development value category because the 2040 Growth Concept discourages "sprawling" growth and encourages it in centers. However, some stakeholders such as the Retail Task Force (RTF) (an unincorporated business coalition with participants including Fred Meyer, Safeway, Albertson's, WinCo and Gramor Development) are concerned that corridors do not receive the correct valuation. The RTF has stated that corridors are the most important places to preserve for the development and redevelopment of commercial nodes to provide supportive neighborhood and community scale shopping centers that will effect reductions in vehicle miles traveled throughout the region.

Issue #7: "Checkerboard" protection.
Concern has been expressed that the Option 2 series approach does not meet the vision of creating a "continuous, ecologically viable streamside corridor" because it will result in riparian corridors receiving inconsistent protection from one urban development value to another.

Response
The Goal 5 process requires a balancing of the economic, social, environmental and energy consequences of protecting or not protecting fish and wildlife habitat. Metro has spent many years working to implement the 2040 Growth Concept to encourage growth in centers and to support the regional economy. An important aspect of the Growth Concept is "ribbons of green" to maintain the integrity of streams, wetlands, and floodplains and watershed health, and citizens of the region have identified access to parks and nature as critical to quality of life. The staff recommended Option 2B applies treatments to the habitat based on the value of the habitat (higher value habitat receives more strict treatment) and modifies the treatments based on urban development value. The 2040 design types are a key part of the definition of urban development value. Reducing protection levels in the city center, regional centers and key industrial areas may result in inconsistent treatment of habitat areas across the landscape depending on how the program is developed. However, more protection in habitat less critical for urban development needs, and mitigation requirements for habitat disturbance, may partially compensate for the loss of some habitat in high urban development value areas. In addition, restoration promoted by non-regulatory programs can also help restore ecological functions.

Issue #8: Unmapped headwater and intermittent streams and steep slopes.
Many headwater and intermittent streams are unmapped and are currently classified as upland wildlife habitat, not as riparian habitat. Concern has been expressed that this does not provide enough protection to preserve the riparian functions provided by these habitats. Concern has also been expressed that steep slopes provide greater function than recognized in the inventory model.

Response
Upland wildlife habitat may include steep slopes and unmapped streams. In the staff recommended modified Option 2B, upland wildlife habitat does not receive as much protection as riparian habitat. Steep slopes may be protected from development due to local regulations to prevent hazardous developments. Steep slopes are subject to erosion and increased earthquake hazard. Metro's Goal 5 inventory does not identify steep slopes that are not associated with mapped riparian areas.

Metro updated the Title 3 stream layer for the Goal 5 fish and wildlife habitat inventory. This excluded streams draining less than 50 acres unless they appeared on USGS maps. Some jurisdictions have further refined their stream location data and identified new streams (City of Portland, Clean Water Services, Clackamas County) and Metro is in the process of adding those streams to the inventory map. Mapping these streams would change their classification from wildlife habitat to riparian habitat, thereby increasing protection levels. Metro is developing a process for map maintenance following adoption of a Goal 5 program.

Issue #9. Highest protection (SL+) for natural area parks.
Recommendation to apply the strictest level of protection to natural area parks to retain the ecosystem functions provided by this habitat.

Response
A substantial portion of the highest value Class I riparian and Class A upland wildlife habitat is in public ownership and designated as a park. However, it is difficult to identify and map which parks or portions of parks could be classified as "natural areas" that should receive a higher level of protection since most parks serve multiple uses. Land acquired with public funds for habitat purposes may also provide important recreation and education opportunities, and flexibility in regulations will be critical to allow for park-related uses such as paths, parking lots and boat ramps. Publicly owned land intended for habitat may also face demands to serve the public good by providing utility easements. The Goal 5 program could include language to require easements through habitat land to be held to a high standard to reduce impacts on fish and wildlife.

Program direction

Issue #10: Local implementation.
Concerns have been expressed about local implementation of the regional fish and wildlife habitat protection program. Concerns include a revenue source to pay for the cost of regulatory and non-regulatory programs, program complexity, and the desire to provide a program that can be implemented without additional local work, but which also provides flexibility to permit jurisdictions to adapt the program to local conditions. There are also concerns about the accuracy of the regional inventory maps, and local jurisdiction responsibility to adjust them during program implementation.

Response
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 specific riparian or wildlife district plans. Local jurisdiction staff have also emphasized that regulatory programs would result in additional costs to implement, and that the Metro staff's analysis seems to focus only on the additional costs of non-regulatory programs. For example, additional staff resources may be necessary to review and analyze development applications concerning parcels that include habitat inventory, and if mitigation is required, local jurisdictions will have to fund mitigation monitoring and enforcement programs. Metro staff has outlined some potential funding sources in the Phase II ESEE analysis, but additional work will be done throughout program development to address these implementation issues.

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 program until their next scheduled periodic review.

This could be a challenge for developing regionally consistent protection and standards in the region, especially since recent changes in state law mean that the Department of Land Conservation and Development 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.

Issue #11. Avoid, minimize, mitigate.
Recommendations have been made that Metro's program be designed based on the principles of "avoid, minimize, and mitigate," in order to provide maximum protection of habitat areas irrespective of the treatment (LL, ML, SL) applied.

Response
The definition of limit in Exhibit C to Resolution 04-3440 states: "As a guiding principle, first avoid, then limit, and finally mitigate adverse impacts of development to protect fish and wildlife habitat." Staff believes this adequately addresses the concern that Metro include avoid, minimize, mitigate as a key program principle.

Issue #12: Regional tree protection program.
Consider a regional tree protection program to address both Goal 5 habitat needs and stormwater management issues.

Response
Several jurisdictions currently protect trees for many reasons. Some ordinances restrict the removal of specific trees and others protect tree groves and forests. Local studies affirm the importance of trees to stream health both near streams and throughout the watershed. Forest canopy plays a major role in all five ecological functions mapped in Metro's riparian habitat inventory, and forest habitat comprise the majority of the wildlife inventory.

Trees are also directly linked to each of the eight major ecological impact categories described in the ESEE Phase I discussion draft. For example, trees help prevent altered hydrology and physical stream damage, and mitigate flooding caused by altered hydrology. They maintain water quality by taking up excess nutrients, heavy metals and other toxins, and provide shade over streams to cool water. Trees provide a primary source of wildlife habitat, and salmon and other aquatic wildlife frequently linger in shaded stream areas for thermal and predator protection.

Issue #13: Transfer of Development Rights (TDRs) and development capacity.
Strong reservation has been expressed about reliance on a TDR program to mitigate for lost development capacity resulting from a regulatory program. Off-site TDRs should not be over-emphasized in the program development.

Response
Metro staff included a reference to a Transfer of Development Rights (TDR) program in the Staff Report to Resolution 04-3440 as an example of one tool that could help make up for lost development capacity when applying regulatory protection to habitat lands. TDR programs allow for the development that could have occurred on a site to be transferred to another site (which would be upzoned) or to another part of the same site. TDR programs have been effective in other parts of the country, however, in the Metro region there may be a lack of "receiving sites," or places to transfer the development rights to. This is partially a result of focusing growth within the UGB, which requires local jurisdictions throughout the region to meet specific housing and employment capacity thresholds. However, on-site TDR programs or density transfers may be an effective method of protecting habitat on large enough sites. This would likely be most effective for residential uses, since commercial and industrial uses are more land extensive. It could also result in the provision of different types of housing than would have been otherwise been developed on a particular site.

Issue #14: Vegetation clearing standards.
Several jurisdictions have adopted Goal 5 ordinances that limit vegetation removal, a similar approach could be included in the regional program. Concern has been expressed that such standards could prevent gardening and landscaping practices.

Response
Some jurisdictions include vegetation clearing restrictions as part of a habitat protection program, especially in riparian corridors. Such restrictions affect existing development by providing direction on landscaping and gardening practices. Metro has currently stated that a regulatory program would not have an impact on these activities, but that they could be addressed with non-regulatory tools such as incentives and education. However, Title 3 Water Quality Resource Areas regulate the vegetated corridors within 50 feet of larger streams and 15 feet of smaller streams. These regulations prohibit new gardens or lawns if clearing exceeds 10 percent of the area within the Water Quality Resource Area (WQRA), and require revegetation with native plants if the WQRA is disturbed.

Issue #15: Mitigation.
Strong concern has been expressed about excessive reliance on mitigation to blunt the impact of development in habitat areas. Mitigation may not always be effective, the costs of mitigation can be substantial, and the relative importance and effectiveness of mitigation in actually compensating for the loss of ecological functions in specific habitat areas depends on the location, type, and success of the mitigation (for example, whether it occurs in the same stream reach or sub-watershed as the habitat disturbance). Mitigation should occur on site or within the same sub-watershed.

Response
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 detrimental environmental effects of such development 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, and of ensuring the overall integrity of the habitat protection program. 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 regional, watershed-based, or local restoration plans.

Issue #16: Concept planning areas.
More habitat, especially Class I riparian and Class A and B wildlife, exists in the concept planning areas than within the already urbanized areas. The presence of more habitat will result in higher levels of protection, but the same treatments should apply in the concept planning areas and future expansion areas as within the old UGB. However, there may be unique restoration opportunities in these areas.

Response
Land within the urban growth boundary has been planned for urban development, and jurisdictions are expecting to meet jobs and housing capacity needs on that land. A substantial portion of the habitat in Metro's inventory is on land with existing development. The staff's recommended option treats habitat areas the same, determining treatment levels based only on the quality of the habitat and the identified urban development value, whether they are located in already urbanized areas, in the concept planning areas, or in other areas within Metro's jurisdictional boundary but outside the urban growth boundary. However, land that has not yet been urbanized may offer the opportunity for greater habitat protection since urban scale development in those areas has not yet occurred. In addition, opportunities exist to employ innovative development practices to better integrate habitat within the urban landscape compared to already urbanized areas. The concept planning areas and future land slated for urban development could be planned for greater habitat protection to maintain ecological function while encouraging more development in less sensitive areas. However, the concept planning areas have a greater percentage of habitat in the first place, so protection would be increased without a different program application. Tools that are encouraged in urbanized areas could be required in urbanizing areas, for example, the concepts in Metro's Green Streets Handbook could be required in all newly developing lands.

Issue #17: Major medical and education facilities.
Several interested stakeholder groups have expressed concern that the ESEE analysis does not adequately address the importance of major medical and education facilities. The urban development value assigned to these facilities in the ESEE analysis may not reflect their economic and social importance.

Response
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. Staff may also recommend changes to Phases I and II of the ESEE Analysis to incorporate information related to this issue.

Many of the region's major institutions are located in town centers, regional centers or other 2040 design types where the recommendation weighs the human use values strongly in comparison to habitat values. A regional-level analysis will have exceptions because some institutions are located in residential neighborhoods. The staff recommendation includes a commitment to identify remaining ESEE issues and work towards development of a program that allows regulatory flexibility at the local jurisdiction implementation level.

Issue #18: Transportation and other infrastructure.
Concern has been expressed that major transportation facilities and public and private utilities were not assigned a distinct urban development value and distinct treatment.

Response
Major transportation facilities (such as the airports and port facilities) and major highways and roads play a critical role in maintaining the economy and quality of life in the Metro region. Utilities such as water, sewer, power and natural gas play an important role in providing basic services to residents and businesses. Council directed staff to address the importance of major transportation and other facilities in the Phase I of the ESEE analysis. Staff is continuing to make these changes. Major transportation facilities and utilities will be addressed in the program phase to ensure completion of projects and to describe guidelines for mitigation when such projects must disturb habitat areas. In the staff recommendation, these transportation facilities and other infrastructure would be subject to avoid, minimize, mitigate standards at levels equal to the surrounding habitat and urban development value.

Issue #19: Impact on existing development.
Some people have expressed concern that Metro currently defines a land use action that would trigger fish and wildlife habitat regulations as requiring a building permit when there are some jurisdictions that define a land use action to include grading and vegetation removal. The

definition of land use action will affect the magnitude of regulatory impact on existing development.

Response
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. Thus far staff has stated that 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, some jurisdictions have chosen to regulate such activities with regulations through Goal 5 by requiring permits for disturbance of a threshold amount of habitat. In addition, existing Title 3 regulations define development as including removal of ten percent of the vegetation within a Water Quality Resource Area. Therefore the definition of what is to be included in Metro's definition of a land use activity will be a critical aspect of the program development. As described above, tree protection and vegetation removal regulations could affect existing development.

Issue #20. Redevelopment.
Redevelopment plays a critical role in meeting the objectives of the 2040 Growth Concept. Program development should include specific standards for redevelopment, especially in brownfield areas, that are different than protection standards for new development.

Response
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. Redevelopment also plays a critical role in achieving the objectives of the 2040 Growth Concept and concentrating growth within the urban growth boundary. Standards for development in these areas will be different than those in undeveloped habitat. Clarification in the program of the intended effects on redevelopment is key to allowing development to occur while maintaining existing functions and potentially achieving some restoration.

Issue #21. Performance standards.
The program could include performance standards to promote or require low impact development, green streets, and green building design both within and outside significant resource areas.

Response
Staff will research and evaluate performance standards for low impact development and green design, cluster development, and consider the potential for requiring green streets standards in habitat areas.

Issue #22. Unmapped habitat.
The program should describe a process for adding habitat areas that are not currently on Metro's inventory map.

Response
Staff has requested Council direction on a process for maintaining and updating habitat inventory maps in Exhibit C to Resolution 04-3440.

Issue #23. Quantify impact on UGB.
Once the program is developed an analysis on the effect on housing and employment capacity within the urban growth boundary should be performed. Lost capacity relates to other Metro Functional Plan requirements, and Metro should recognize the difficulty of further increasing density within the urban growth boundary.

Response
Staff has identified the acres that could potentially be affected by new regulations. Once Council adopts a regulatory program, an analysis of buildable lands would be performed prior to the 2007 UGB update. Staff can estimate the potential loss of buildable land as the program is developed.

Issue #24. Guiding principles.
Staff should develop principles to guide program development that will allow local flexibility to optimize habitat protection and urban development values.

Response
Staff has committed to providing local flexibility in the program as described in Exhibit C to Resolution 04-3440.

Issue #25. Riparian district plans.
The work plan for program development should include adequate staff support for the development of riparian district plans.

Response
Riparian district plans have been included as part of the program development phase.

Attachment 3. Metro's Phase II ESEE Analysis for fish and wildlife habitat.
Development status of habitat and impact areas by habitat class and urban development value.

Key to shading: SL, ML, LL, A

Urban development value & habitat classes	VACANT Habitat and impact areas						TOTAL VACANT Habitat & impact areas	TOTAL Habitat & impact areas
	Constrained by Title 3 (WQRA & FMA)		*Constrained by other factors*		BUILDABLE[1] Habitat & impact areas			
	Acres	*% vacant habitat land & impact areas*	*Acres*	*% vacant habitat land & impact areas*	*Acres*	*% vacant habitat land & impact areas*		
HIGH URBAN DEVELOPMENT VALUE								
Class I riparian/wildlife	1108	57%	38	2%	795	41%	1,942	2,224
Class II riparian/wildlife	352	53%	7	1%	309	46%	668	941
Class III riparian/wildlife	6	13%	8	17%	33	69%	48	1,114
Class A upland wildlife	22	11%	23	11%	162	78%	207	275
Class B upland wildlife	2	1%	2	1%	355	99%	359	417
Class C upland wildlife	42	9%	18	4%	402	87%	462	580
Impact areas	87	18%	32	7%	359	75%	478	1,375
Total	*1621*	*39%*	*128*	*3%*	*2,415*	*58%*	*4,165*	*6,926*
MEDIUM URBAN DEVELOPMENT VALUE								
Class I riparian/wildlife	1562	74%	48	2%	498	24%	2,107	2,567
Class II riparian/wildlife	251	37%	38	6%	396	58%	686	1,095
Class III riparian/wildlife	6	5%	14	11%	111	85%	131	982
Class A upland wildlife	6	2%	15	4%	350	94%	372	473
Class B upland wildlife	8	1%	122	15%	679	84%	809	1,016
Class C upland wildlife	14	2%	83	10%	725	88%	822	1,139
Impact areas	114	14%	88	11%	622	75%	824	2,440
Total	*1962*	*34%*	*408*	*7%*	*3,380*	*59%*	*5,750*	*9,713*
LOW URBAN DEVELOPMENT VALUE								
Class I riparian/wildlife	3077	60%	213	4%	1,806	35%	5,097	7,340
Class II riparian/wildlife	489	36%	103	8%	773	57%	1,364	2,866
Class III riparian/wildlife	18	5%	48	14%	285	81%	351	1,795
Class A upland wildlife	27	1%	324	7%	4,402	93%	4,753	6,806
Class B upland wildlife	18	1%	343	11%	2,752	88%	3,112	5,802
Class C upland wildlife	22	1%	172	10%	1,543	89%	1,737	3,091
Impact areas	108	7%	234	14%	1,289	79%	1,631	8,674
Total	*3759*	*21%*	*1,437*	*8%*	*12,850*	*71%*	*18,046*	*36,376*
OTHER AREAS (NO URBAN DEVELOPMENT PRIORITY – Rural Areas: 16,248 acres, Parks & Open Space: 26,692 acres)								
Class I riparian/wildlife	2274	67%	11	0%	1,118	33%	3,402	15,744
Class II riparian/wildlife	467	39%	4	0%	717	60%	1,188	2,990
Class III riparian/wildlife	4	3%	3	2%	130	95%	137	541
Class A upland wildlife	39	1%	55	2%	3,083	97%	3,176	12,127
Class B upland wildlife	15	0%	31	1%	3,463	99%	3,509	5,653
Class C upland wildlife	3	0%	3	0%	1,463	100%	1,468	2,653
Impact areas	39	3%	9	1%	1,075	96%	1,123	3,232
Total	*2841*	*20%*	*115*	*1%*	*11,049*	*79%*	*14,004*	*42,940*

[1]Environmentally constrained lands (Title 3 water quality and flood management areas) and "other constraints" – land in public ownership (that would otherwise be buildable), already platted single-family lots (less than 3/8th of an acres), and buffers on major utilities lines (50-75 feet) – are subtracted from total vacant habitat land and impact areas to arrive at "buildable" acres in this column. This is not "net buildable" as defined by the Urban Growth Report. To arrive at net buildable acres, other "gross-to-net" reductions need to be made (e.g., estimated land need for future schools, parks, roads, places of worship).

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PARTNERS
FOR NATURAL PLACES

March 22, 2004

To: Tualatin Basin Natural Resource Coordinating Committee (TBNRCC)

From: Brent Curtis, Goal 5 Tualatin Basin Steering Committee (TBSC)

Subject: **INTERIM DECISION FOR TUALATIN BASIN GOAL 5 DRAFT ESEE ANALYSIS AND DRAFT ALLOW-LIMIT-PROHIBIT RECOMMENDATION (MAP)**

STAFF REPORT

For the March 29, 2004, Public Hearing
(The hearing will begin no sooner than 6:00 p.m.)

I. RECOMMENDATION

Conduct the public hearing for the interim TBSC recommendations and consider public testimony. Close the public testimony portion of the hearing and continue the hearing to April 12, 2004 for deliberations and approval of the Resolution and Order (R&O) for the Draft Tualatin Basin ESEE Analysis and the Draft Allow-Limit-Prohibit (ALP) Recommendation (Map). The legal R&O will be prepared subsequent to the public hearing, however its substance will be as described in this staff report.

The substance of the R&O is approval of the following items. Each of these are discussed in this staff report and provided as attachments for your reference.

- General (Basin-Wide) ALP Recommendation (Map) (Attachment A);
- Draft Adjustments to the General ALP Recommendation (Map) (Attachment B);
- Draft ESEE Analysis (portion included as Attachment C);
- ALP Adjustment Principles (Attachment D, memo to TBNRCC dated March 8, 2004); and
- Interim Criteria for Adjustments to General ALP Recommendation (Attachment E).

II. OVERVIEW

The subject hearing and Resolution & Order is the outcome of an extended, regionally cooperative planning process for the consideration of regionally significant riparian and upland natural resources for wildlife habitat in the Tualatin River Basin (Basin). This process has involved the active participation of local governments and agencies, special interest groups and the public. It is based on an analysis, pursuant to the procedures outlined in the Goal 5 Administrative Rule (OAR 660-023), using the significant resource inventory adopted by Metro in 2002. The subject inventory and analysis area includes the urban area within the Tualatin River Basin and the area generally within one mile of the Metro jurisdictional boundary. Two analyses, conducted at the Basin and local levels, incorporate site specific information as well as additional science and data provided locally.

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The draft analyses and subsequent ALP recommendation are the subject of this interim decision. The next phase of the Goal 5 work will be the development of a detailed implementing program that will be presented for your review and consideration at a public hearing in early August 2004. The ultimate program proposal also will include a recommendation for the rural area in Washington County beyond the limits of the Metro inventory. Following approval by the TBNRCC in mid-August, the Tualatin Basin Goal 5 program proposal will go to Metro for review and Council consideration. Pursuant to the TBNRCC-Metro Intergovernmental Agreement (IGA), a final Metro Council decision is expected in December 2004. Also pursuant to the IGA, local program adoption and implementation for participating Tualatin Basin governments is anticipated by June 2005.

III. BACKGROUND

A. Tualatin Basin Partners for Natural Places

"Partners for Natural Places" is the name of the collective community efforts underway to improve the natural environment within the Tualatin River Basin. The Partners' work will lead to programs to conserve, protect and restore streams and waterways and to support healthy fish and wildlife habitat. Tualatin Basin Partners for Natural Places is an alliance of local governments in Washington County working together with Metro to meet federal and state requirements for protecting natural resources in the Tualatin Basin. The draft Tualatin Basin ESEE Analysis has been prepared by the Tualatin Basin Partners, through their participation with elected officials on the Tualatin Basin Natural Resource Coordinating Committee (TBNRCC), and by technical staff in the Tualatin Basin Steering Committee (TBSC). The following participating agencies are represented on the TBNRCC and the TBSC: Clean Water Services (CWS), Metro, Tualatin Hills Parks and Recreation District (THPRD), Washington County, and the cities of: Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard, and Tualatin.

B. The Basin Approach (Intergovernmental Agreement)

The Basin Approach is based on an intergovernmental agreement (IGA) between the Partners and Metro which allows the Partners to conduct the second and third phases of the Goal 5 process, based on Metro's inventory of Goal 5 riparian and wildlife habitat resources. The Basin Approach is a watershed-based approach which capitalizes on the Partners' history of working collaboratively, local knowledge, scientific data and work already underway related to Clean Water Services' Healthy Stream Plan.

The Basin Approach provides local governments with an opportunity to shape a basin-wide program that is tailored to local conditions within the Tualatin River Basin while addressing regional Goal 5 objectives. The Basin Approach also provides an opportunity to coordinate concurrent, joint efforts by the Tualatin Basin governments, including Clean Water Services and others, to address Statewide Planning Goal 5 requirements in conjunction with Federal Clean Water requirements and Endangered Species Act listings. These efforts likely will affect the same land areas within the Tualatin River Basin as Metro's fish and wildlife habitat protection plan. The Basin Approach allows for coordination of compliance efforts to meet an array of similar, but distinct Federal, State and regional requirements.

The following language from the Basin Approach document is the goal statement for the Basin Approach. It establishes the Partners' commitment to improving the habitat health within each of the eleven Metro Regional Sites located in the Tualatin River Basin.

> Metro's fish and wildlife vision articulates the overriding goal of the Basin Approach:
>
> *"The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape. This system will be achieved through conservation, protection and appropriate restoration of streamside corridors through time."*

As stated in the Intergovernmental Agreement between the Basin Partners and Metro, the Partners will adopt a Goal 5 program designed to "improve regional resource conditions basin-wide, addressing the entire Tualatin Basin system, as well as addressing each regional resource site...." This commitment establishes the expectation that a benchmark which clearly establishes the existing condition / health of these areas prior to program development exists. To fulfill this expectation, the Basin Partners are preparing an "Existing Environmental Health Report" (EEHR). The EEHR will serve as a baseline to evaluate proposed strategies for improving the health of the eleven Regional Sites in Tualatin Basin during the program development phase of this project.

C. Metro's Inventory

Metro used the standard Goal 5 process, modified by specific requirements in the Administrative Rule (OAR), to inventory two key resources within and surrounding the Portland Metropolitan Area Urban Growth Boundary. The Metro inventory includes two types of resources: riparian corridors and upland wildlife habitat. The Metro inventory process involved four steps:

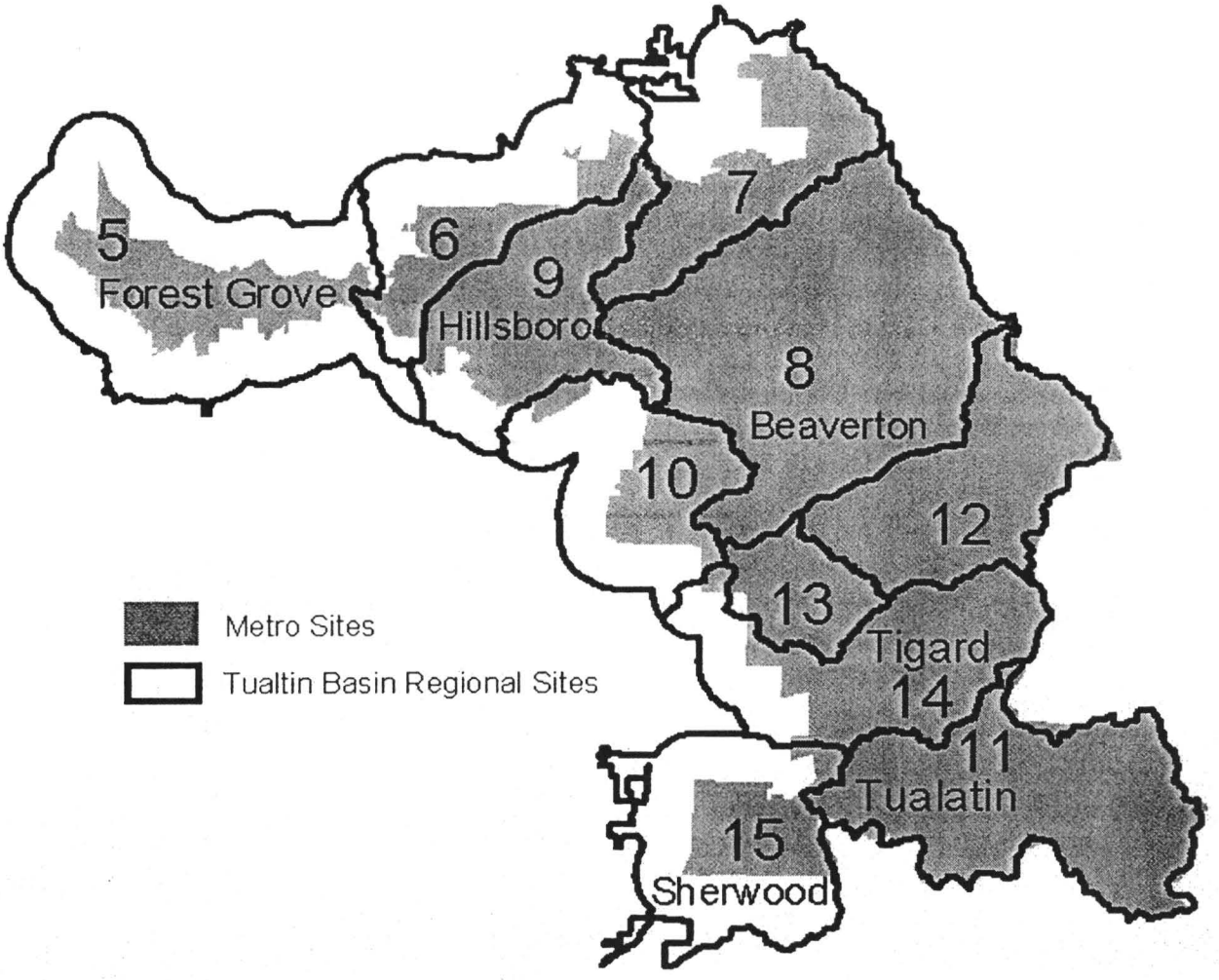
1. Collection of information about potential Goal 5 resource sites
2. Determination of the adequacy of the information
3. Determination of the significance of resource sites
4. Determination of regional resources

Following Metro's designation of "regional resources," results of this inventory were acknowledged by the Tualatin Basin Partners and accepted as a comprehensive inventory for the purpose of completing the remaining Goal 5 process for the resources identified within the Tualatin Basin.

The Goal 5 Rule defines a "resource site" or "site" as a particular area where resources are located. A site may consist of a parcel or lot or portion thereof or may include an area consisting of two or more contiguous lots or parcels. Metro has established twenty-seven regional resource sites for its

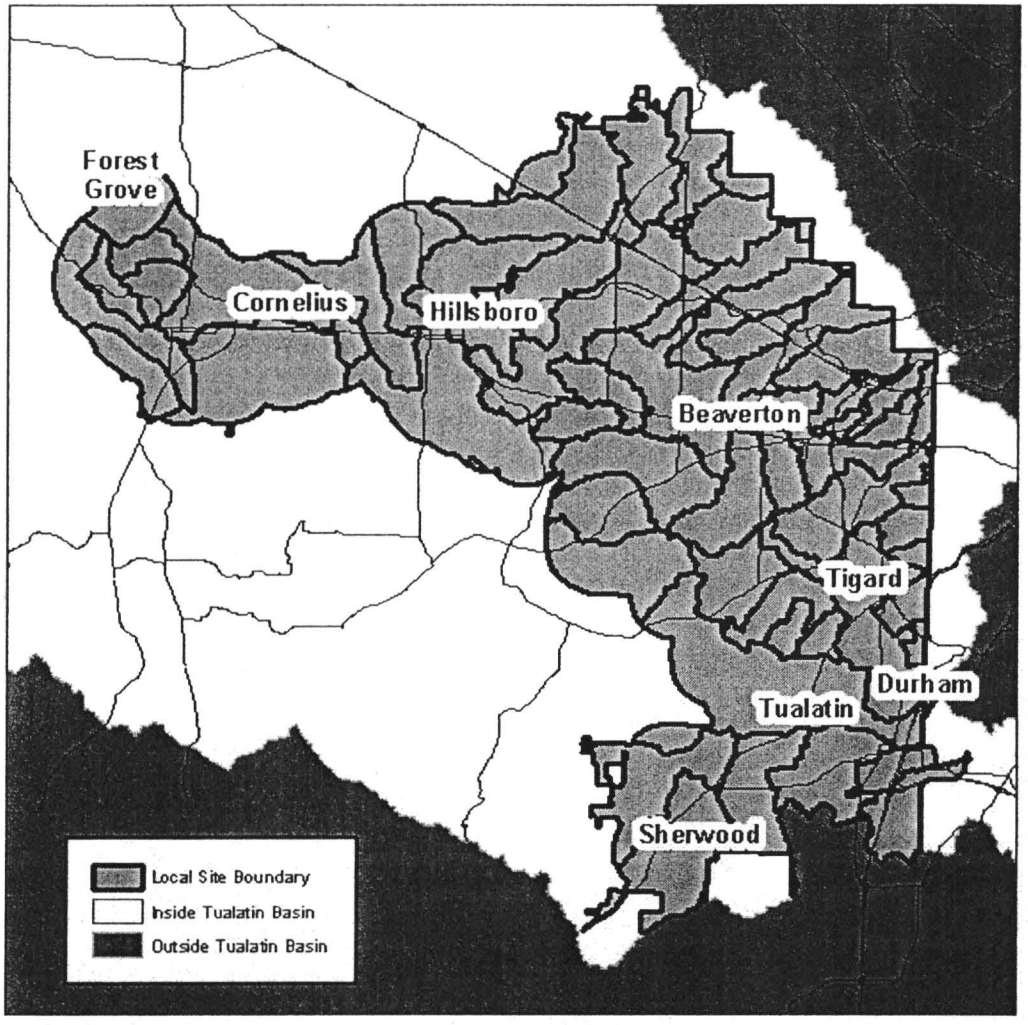
Goal 5 program. Metro's sites were developed using fifth and sixth field watershed mapping. The outer limits of Metro's sites are based on a one-mile buffer of the Metro jurisdictional boundary. As shown in **Figure 1**, eleven of Metro's regional resource sites fall within the Tualatin River Basin and define the "Tualatin Basin Regional Sites" as used in the Basin ESEE analysis.

Figure 1: Eleven Regional Sites within Tualatin Basin Study Area



For the purposes of the Tualatin Basin ESEE analysis, the eleven Regional Sites that fall within the Tualatin Basin Study Area have been further divided into sixty-nine "local" sites, which are generally based on watershed boundaries as shown in **Figure 2**. These smaller sites provide an opportunity to evaluate the ESEE consequences of allowing, limiting or prohibiting conflicting uses at a more detailed level than is possible at the regional scale.

Figure 2: Sixty-Nine Local Sites (Streamsheds)

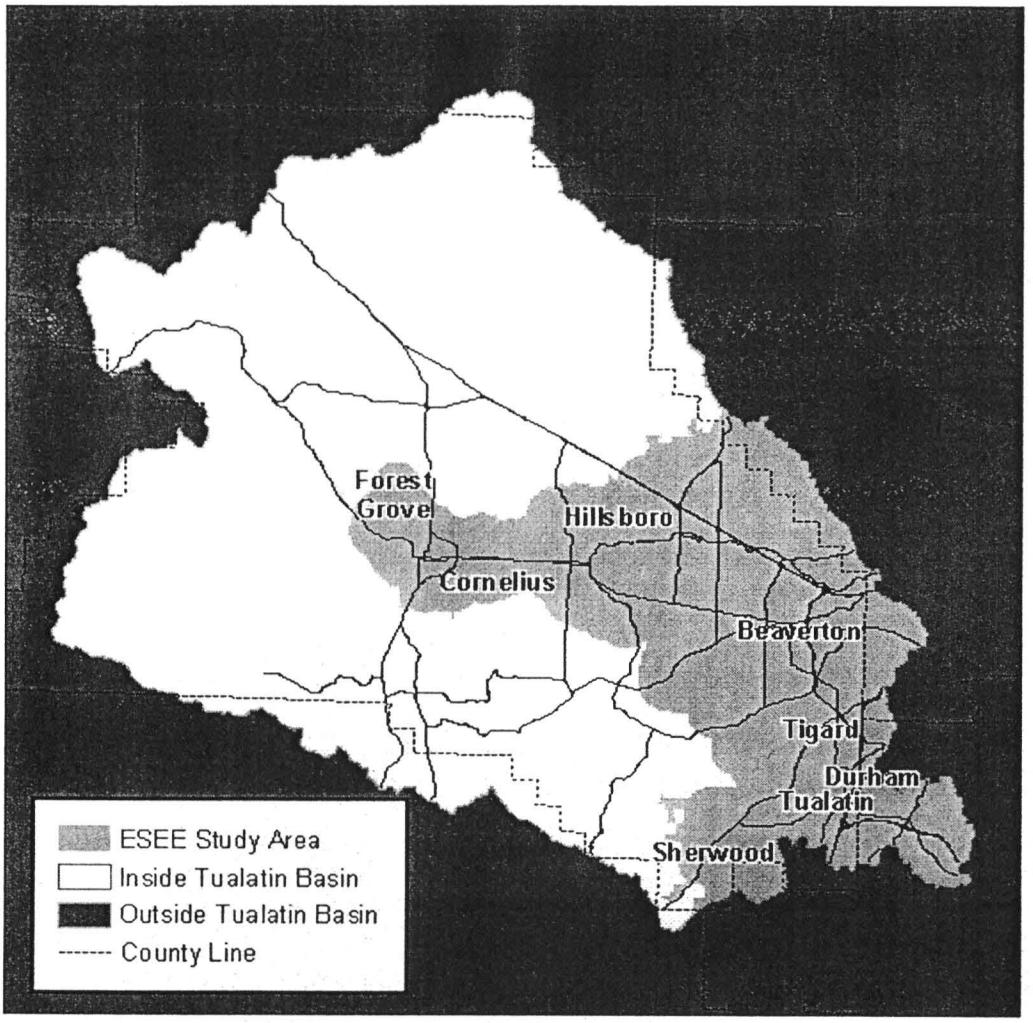


D. Tualatin Basin ESEE Study Area

The general geographic extent of the Basin Approach is that area draining the Tualatin River. The Basin falls primarily within Washington County and its incorporated cities. However, as shown in **Figure 3**, portions of the Tualatin Basin also fall within Tillamook, Yamhill, Columbia, Multnomah and Clackamas counties and the cities of Lake Oswego, Portland, River Grove and West Linn as well.

For the purposes of the ESEE analysis, the Tualatin Basin ESEE Study Area is limited to the geographic area of the Basin which is covered by the Metro Inventory. This is generally the areas of the Tualatin River Basin within the UGB and within approximately one mile of the Metro jurisdictional boundary. Those rural, farm and forest lands which are more than one mile from the UGB have not been included in the ESEE Study Area due to limitations on the availability of Goal 5

Figure 3: The Extent of the Tualatin River Basin, highlighting the Study Area



inventory data. However, these areas will be subject to other water-quality provisions that will be included in the program phase.

IV. TUALATIN BASIN GOAL 5 PLANNING PROCESS

A. Overview

The Goal 5 process consists of three primary steps, namely an inventory, analysis, and program development. The second of these steps, commonly referred to as the ESEE Analysis, involves four unique tasks or "steps" of its own. The four steps include 1) identifying Conflicting Uses; 2) determining Impact Areas; 3) analysis of the economic, social, environmental and energy (ESEE) consequences of Allowing, Limiting or Prohibiting identified Conflicting Uses; and 4) based on the ESEE analysis, determining whether conflicting uses should be allowed, limited or prohibited.

Completion of these tasks provides the necessary findings and basis for the preparation of a program to implement Goal 5.

The ESEE Analysis for sites located within the Tualatin River Basin was completed at two levels: first at a general or basin-wide level, and then at a more detailed, site-specific level for a total of sixty-nine unique sites (streamsheds) within the Basin. The General analysis, developed by the project consultant team, was used to establish a general methodology and process for addressing the elements of an ESEE analysis as required under the Goal 5 Rule. The Local analysis was then developed by the project Steering Committee utilizing the methodology established in the General analysis together with a template provided by the consultant team. A more detailed discussion of the three steps of the ESEE process which have been completed by the collective efforts of the Basin Partners is presented below under Section V.A.

B. Coordination with Other Agencies and Related Projects

Metro's Regional ESEE

The Goal 5 Rule provides for a "Regional" Goal 5 process to be conducted by the Metropolitan Service District (Metro). Specifically, OAR 660-023-0080 defines "regional resources" and authorizes Metro to adopt one or more regional functional plans to address all applicable requirements of Goal 5 and the OAR for one or more resource categories. Ultimately, the program requirements for Metro's Goal 5 work will become part of the Urban Growth Management Functional Plan (Functional Plan), specifically, Title 3, Section 5. Once adopted by the Metro Council and acknowledged, the Functional Plan text will become part of the Metro Code and local governments will be required to take actions and/or show "compliance" with its provisions.

Metro began conducting a Goal 5 process for the area within its service boundaries in 1999. In 2002, Metro adopted an inventory for Regionally Significant Riparian Corridors and Wildlife Habitat and began work on a regional ESEE analysis. The Basin Approach is being completed concurrently with Metro's regional tasks.

CWS Healthy Streams Plan and Watersheds 2000

CWS is the coordinating entity for the Endangered Species Act (ESA) in the Tualatin River Basin. The agency is currently developing a "Healthy Streams Plan" for the Basin, which is a coordinated response to the Clean Water Act (CWA) and ESA within the urban portions of this Basin. Clean Water Services, local cities, Washington County, Metro, Tualatin Hills Park and Recreation District, the Soil and Water Conservation District, FEMA, and Tualatin River Watershed Council are all partners in the Healthy Streams Plan development and implementation. The Healthy Streams Plan contains the following key elements: an inventory of the stream location and condition (Watersheds 2000), an analysis of public habits and values, an economic analysis, and policy and programmatic focus areas (including effective impervious area reduction, vegetated corridors, hydrology / hydraulics, and operations and maintenance). Much of this data has been utilized in the Basin's analysis, and will be considered as the program phase develops.

LCDC Goal 2 Coordination

LCDC's Statewide Planning Goal 2 requires coordination with affected local governments. Prior to completion of the original Tualatin Basin Approach and the formation of the Tualatin Basin Natural Resource Coordinating Committee, all governments within the Tualatin Basin were invited to be members/participants. Multnomah County, Columbia County, Clackamas County, Yamhill County,

the City of Portland, the City of Lake Oswego and the City of West Linn all declined the invitation; however, all requested they receive and be allowed to comment on all technical and policy work associated with the Basin Approach. Those jurisdictions have received all agendas and draft work products since the inception. Additionally, the Tualatin Basin Partners participate in Metro's Goal 5 process and routinely brief participants.

C. Public Outreach Efforts

Once the decision to form the TBNRCC had been implemented, its designated Steering Committee formed subcommittees to aid in its work. The Public Outreach Subcommittee has met and coordinated Basin Goal 5 public outreach since June of 2002. Members of this Subcommittee include public involvement or planning staff from Metro and the thirteen public partner agencies and importantly also include representatives form an assortment of interested private agencies, including: the CPOs, Audubon Society of Portland, Tualatin Riverkeepers, Home Builders Association, Associated General Contractors, and Westside Economic Alliance. This Subcommittee named themselves and the Basin's coordinated Goal 5 effort *Partners for Natural Places*, and undertook a lengthy series of outreach efforts for the Goal 5 fish and wildlife habitat protection program.

In September 2003 the Partners organized three open houses to share Goal 5 progress to-date with the general public. These were held in Forest Grove, Beaverton and at the Tualatin Valley Fire & Rescue Training Facility between Tualatin and Sherwood. In all, approximately 240 people attended this first series of open houses. Additional outreach activities included publication of a Newssheet, two televised presentations at the Washington County Public Affairs Forum in October 2003, talks at CPOs 1 and 5, the creation of a Partners' website, and numerous articles in jurisdictions' newsletters. Media releases and posters combined with creative outreach by all the Partners helped with public awareness. The Partners produced a panel television show under the auspices of Tualatin Valley Television (TVTV) which was broadcast throughout the late winter and early spring of 2004. Outreach from other entities include multiple Metro presentations to interested parties, a well-attended Goal 5 Business Summit organized by the Commercial Real Estate Economic Coalition (CREEC) in October 2003, a Raindrops to Refuge open house, and other outreach by organizations such as the Audubon Society of Portland and the Tualatin Riverkeepers.

In March of 2004 a second series of open houses was held to share the results of the ESEE analysis and the proposed Allow-Limit-Prohibit recommendation maps. The public notice for these events was created and mailed jointly by the Partners and Metro. These Open House events were held on March 1st and 4th leading up to the joint Open House and Public Hearing on March 29th.

Future public involvement activities will include another series of notices, media releases and posters announcing open houses and a public hearing in July 2004 to share possible program options with the public.

V. GENERAL (BASIN-WIDE) ESEE ANALYSIS and ALP RECOMMENDATION

A. Overview

The Goal 5 Administrative Rule requires that local governments analyze the economic, social, environmental and energy (ESEE) consequences of allowing, limiting or prohibiting conflicting uses

within significant Goal 5 resources and their impact areas. This analysis includes the weighing of the importance of the resource relative to the conflicting use and, conversely, the importance of the conflicting uses relative to the resource. The following discussion addresses the Basin Partners General ESEE analysis, which describes the ESEE consequences in broad terms applicable to the entire study area.

STEP 1 - Identification of Conflicting Uses
This task required the identification of "conflicting uses" which exist or could occur within an area identified as a significant resource or within areas surrounding the resource which have been identified and classified as "impact areas." For purposes of the ESEE analysis process, a conflicting use is defined as a "land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource" [OAR 660-023-0010(1)]. According to the Goal 5 Rule, the ESEE analysis "may address each of the identified conflicting uses, or it may address a group of similar conflicting uses" [OAR 660-023-0040(5)]. Analysis of conflicting uses at the group level requires generalizations of conflicting uses into categories that are easily defined, similar in impact and meet the requirements of Goal 5.

STEP 2 - Determining Impact Areas
As noted in the Goal 5 Administrative Rule, local governments must "determine an impact area for each significant resource site" (the area in which allowed uses could adversely affect the identified resource). Since the primary resources in this particular inventory are riparian in nature, it was determined that most conflicting uses potentially have impact areas which would extend to the outer boundary of the watershed within which the riparian area resource is located. The Basin Partners determined that it would be appropriate to establish impact areas which reflect this potential.

STEP 3 - Analysis of the ESEE Consequences of Allowing, Limiting or Prohibiting Conflicting Uses
In accord with the Goal 5 Rule, "a local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites" [OAR 660-023-0040 (4)]. This "matrix" approach was utilized by the Basin Partners to simplify the otherwise unfeasible task of identifying all potential conflicting uses for each unique resource type. The resulting matrix is extensive and forms the framework for the General or Basin-Wide ESEE analysis; it is detailed in the ESEE document that will be provided as an exhibit to the Resolution & Order.

The Partners further simplified the analysis task by aggregating similar conflicting uses and cross-referencing them with the various resource values. The result is twenty distinct Analysis Categories, which are further described below.

STEP 4 – Determination of Allow, Limit or Prohibit Decision
The final step of the ESEE analysis is the culmination of the three prior steps. The analysis of each of the conflicting uses and impact areas results in a decision to allow, limit or prohibit conflicting uses in a given analysis category.

B. Inventory Categories
The Tualatin Basin ESEE analysis addresses Riparian Corridors, pursuant to OAR 660-023-0090, and Wildlife Habitat, pursuant to OAR 660-023-0110. The Goal 5 Rule defines a "riparian area" as "the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic

ecosystem to a terrestrial ecosystem." A "riparian corridor" is "a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary." A "riparian corridor boundary" is "an imaginary line that is a certain distance upland from the top of bank...."

The Goal 5 Rule defines "wildlife habitat" as areas that wildlife depend on to meet their needs for food, water, shelter, and breeding. Wildlife habitat resource areas, as defined in the inventory for the purpose of meeting Goal 5, include all riparian areas together with isolated upland forested areas. Minimum forest size mapped was at least one acre. In addition to the wildlife habitat model, Metro worked with local experts and agency staff to identify "Habitats of Concern." Habitats of Concern are those sites known to be critical for sensitive species or to be scarce and declining in the Metro region.

Table 1, below, establishes criteria for ranking five Environmental Categories (A through E) used to qualify the Basin's conflicting use categories. These are based on the scores provided by Metro's Goal 5 Inventory of Riparian and Wildlife resources and assessment of Habitats of Concern (HOC). Through the inventory process, Metro evaluated riparian and wildlife resources as described below. For the purposes of the Tualatin Basin ESEE, the inventoried Goal 5 resources have been grouped into the following three categories, based on Metro's evaluation. Resource categorization and scoring is summarized below in **Table 1**.

Class I Significant Resources:

- Class I riparian/wildlife corridors provide three to five primary functions. Wildlife habitat and Habitats of Concern are also included in these areas where they overlay with the high value riparian resource. Class I includes rivers, streams, stream-associated wetlands, undeveloped floodplains, forest canopy within 100 feet of a stream, and forest canopy within 200 feet of streams with adjacent steep slopes.
- Class A upland wildlife habitat is high value wildlife habitat areas scoring seven to nine points in the wildlife model. Examples include large forest patches, wetland areas such as Smith and Bybee Lakes, and large contiguous patches such as Forest Park. This category may also contain areas providing secondary functions for riparian corridors and Habitats of Concern located outside of riparian corridors.

Class II Significant Resources:

- Class II riparian/wildlife corridors provide one to two primary functional values and one or more secondary functions. Wildlife habitat is included. Includes rivers, streams, 50-foot area along developed streams, forest canopy or low structure vegetation within 200 feet of streams, and portions of undeveloped floodplains extending beyond 300 feet of streams. Class II is elevated to Class I with a Habitat of Concern.
- Class B upland wildlife habitat are medium value upland wildlife habitat areas scoring four to six points in the wildlife model. These areas include forest patches with low structure connector patches along streams and rivers. This resource category may also contain areas providing secondary functions for riparian corridors.

Class III Significant Resources:

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

Table 1
Environmental Categories

	(A) Class I	(B) Class II	(C) Class III	(D) Inner Impact Area	(E) Outer Impact Areas
	Points	Points	Points		
Riparian/Wildlife Corridors	18 to 30	6 to 17	1 to 5	Inner Impact Areas	Remainder of Basin
Upland Wildlife Habitat	7 to 9 or HOC	4 to 6	2 to 3		

C. Conflicting Use Categories

The Goal 5 Rule defines a "conflicting use" as "a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource." In the Basin's ESEE analysis, conflicting uses were classified within one of four "Conflicting Use Categories." These categories were developed specifically for the Tualatin Basin. Each of the four categories represents a unique group of conflicting uses with similar impacts to the resource. These four categories are used in the ESEE analysis for identifying the consequences of allowing, limiting, or prohibiting conflicting uses within a Metro Regionally Significant Goal 5 fish and wildlife habitat resource and surrounding impact areas. The four categories are:

- High Intensity Urban (HIU);
- Other Urban (OU);
- Future Urban (FU); and
- Non-Urban (NU).

This categorization is fundamentally based on local zoning. The Basin Partners utilized summary level aggregations of regional zones to determine which Goal 5 resources and impact areas within the Basin fall into each of the four conflicting use categories. The regional zoning aggregations were developed by the Metro Data Resource Center as a GIS data layer to perform region-wide analysis. For the Basin, 204 local zoning categories are aggregated into Metro's regional zones. In turn, the regional zones are further aggregated by the TBSC into the four Conflicting Use Categories for the Basin analysis, as characterized in **Table 2**, below.

Table 2
Conflicting Use Categories

Category	Characterization
(1) *High Intensity Urban (HIU)* ▪ Commercial (COM) ▪ Industrial (IND) ▪ Mixed Use (MU) ▪ Regional Centers, Town Centers, Station Areas, Employment Areas	High potential for impacts to regionally significant riparian corridor and upland wildlife habitat resources due to the intensity of activity and the existing or expected amount of impervious surface area due to increased lot coverage and minimum Floor Area Ratios (FAR). Also, there is a high expectation for development or redevelopment in these areas.
(2) *Other Urban (OU)* ▪ Residential (SFR, MFR) ▪ Other (Institutional Facilities, Public Facilities, Parks)	Medium potential for impacts to regionally significant riparian corridor and upland wildlife habitat resources and medium to low expectation for change.
(3) *Future Urban (FU)* ▪ 2002 UGB Expansion Areas	Varying impacts to the resource depending on 2040 design types, and a high expectation for change and potential for future protection.
(4) *Non-Urban (NU)* ▪ Farm/Forest (FF) ▪ Rural (RUR, RR)	Low impacts from effective impervious area (EIA), but more impacts from agriculture; low expectations for change in these areas.

D. Impact Areas

The Goal 5 Rule directs that an impact area be delineated for significant natural resources in order to identify the area for the ESEE consequences analysis. The only guidance given in the Goal 5 Rule for determining impact areas is that the impact area shall be drawn to include only the area in which allowed uses could "adversely affect" the identified resource. The impact area defines the geographic limits within which to conduct the ESEE analysis for the identified significant resource site. In addition, any regulatory program that may result from the Goal 5 process must be limited to those areas mapped as significant Goal 5 resource sites and impact areas.

For the purposes of the Tualatin Basin ESEE analysis, two types of Impact Areas have been identified:

- Inner Impact Areas. The inner impact areas are comparable to the impact areas established by Metro for the purposes of the Regional ESEE analysis. These include:
  - The area within 150 feet of a stream, wetland or lake that is not within a significant resource site; and
  - The area within 25 feet of Wildlife Habitat and HOC significant resource sites and within 25 feet of the edge of remaining Riparian Corridor significant resource sites (not already covered in first part)

- Outer Impact Areas. The outer impact areas include all land within the Tualatin Basin ESEE Study Area which is not within a resource or an inner impact area.

Establishing Outer Impact Areas supports a watershed approach and is consistent with the use of effective impervious area (EIA) coverage information to evaluate stream impacts. Literature cited throughout Metro's work establishes a nexus between the levels of general development throughout watersheds to the viability of significant resources. For example, Booth and Jackson (1997)[1] establish that altered hydrology and increased impervious surfaces increase flooding and damage streams. Recognizing that riparian corridor and wildlife habitat health is the responsibility of the entire watershed will enable the impacts of any eventual program to be more equitably shared among beneficiaries and property owners.

E. Analysis Categories

As shown in **Table 3**, cross tabulating the four Conflicting Use Categories and the five Resource Categories results in the creation of twenty "Analysis Categories."

Table 3
Cross Tabulation of Conflicting Use and Environmental Categories

Environmental Category		Conflicting Use Category			
		1	2	3	4
		High Intensity Urban (HIU)	Other Urban (OU)	Future Urban (FU)	Non-Urban (NU)
A	Class I resource	1A	2A	3A	4A
B	Class II resource	1B	2B	3B	4B
C	Class III resource	1C	2C	3C	4C
D	Inner Impact Area	1D	2D	3D	4D
E	Outer Impact Area	1E	2E	3E	4E

Each analysis category represents a unique classification reflective of the level of resource quality and the relative intensity of anticipated conflicting uses. One of the twenty conflicting use categories is ascribed to all portions of the study area. These analysis categories represent the basis for the General ALP Recommendation.

F. General ALP Recommendation

Based on the results of the Basin-Wide ESEE Analysis, a General ALP Recommendation was developed. As illustrated in **Table 4** below, the General ALP Recommendation concept focuses the highest levels of resource protection on the highest quality resources and allows for reduction in resource protection on lower quality resources and in areas of high urban density. This concept also

[1] Booth, D.B. and C.R. Jackson. 1997. Urbanization of aquatic systems – degradation thresholds, stormwater detention, and the limits of mitigation. Journal of the American Water Resources Association 22:1-18.

attempts to capitalize on the opportunity to provide higher levels of resource protection in areas that are either currently undeveloped or are not yet planned for higher intensity urban uses.

Consequences and ALP Recommendation by Analysis Category

Under Goal 5, management of resources can range from allowing the conflicting use under any circumstances to prohibiting the conflicting use in all circumstances. Between those two extremes there is a wide range of opportunities to limit where and how conflicting uses occur within the resource. In order to describe this range more effectively, the Basin analysis employs three levels of "Limit," namely Lightly Limit, Moderately Limit, and Strictly Limit. This concept is consistent with Metro's approach, and is illustrated below in **Figure 4**.

Attachment C, entitled Draft ESEE Analysis, provides a summary evaluation of each of the twenty Analysis Categories described above (1A through 4E) in terms of the potential positive and negative economic, social, environmental and energy (ESEE) consequences of:

- Allowing conflicting uses within the analysis category;
- Limiting (Strictly, Moderately or Lightly) conflicting uses within the analysis category; or
- Prohibiting conflicting uses within the analysis category.

"Allowing conflicting uses" means there would be no additional land use regulations restricting conflicting uses within the analysis category pursuant to Goal 5. However, existing water quality and/or wetland regulations implemented by the local jurisdiction, Clean Water Services (CWS), the Corps of Engineers (COE) and the Division of State Lands (DSL) would remain in effect. The existing CWS Design and Construction Standards outline design requirements for storm and surface water management. The regulations are intended to prevent or reduce adverse impacts to the drainage system and water resources of the Tualatin River Basin. The CWS rules requiring a service provider letter, site assessment and the protection and enhancement of vegetated corridors, apply to development on properties with CWS-defined Water Quality Sensitive Areas and Vegetated Corridors.

"Limiting conflicting uses" means that, in addition to existing water quality and/or wetland regulations implemented by the local jurisdiction, Clean Water Services (CWS), the Corps of Engineers (COE) and the Division of State Lands (DSL), conflicting uses would be further limited to implement Goal 5 considerations. As mentioned above, the extent to which the conflicting use might be limited could vary based on the nature and severity of the impacts or its proposed location.

Figure 4: "Limit" Concepts

"Prohibiting conflicting uses" means that conflicting uses would be completely prohibited within the analysis category to the maximum extent possible (i.e., prohibited except where allowances are necessary to avoid a "taking" of property that would require compensation). Existing water quality

regulations implemented by CWS, COE and DSL would remain in effect, but would likely be less stringent than the Tualatin Basin's new Goal 5 regulations.

General Conclusion and Map

Table 4 below lists the General ALP Recommendation by Analysis Category.

Table 4
Summary of General ESEE Preliminary Recommendations
Cross Tabulation of Conflicting Use and Environmental Categories

Environmental Category		Conflicting Use Category			
		1	2	3	4
		High Intensity Urban	Other Urban	Future Urban	Non-Urban
A	Class I resource	1A	2A	3A	4A
B	Class II resource	1B	2B	3B	4B
C	Class III resource	1C	2C	3C	4C
D	Inner Impact Area	1D	2D	3D	4D
E	Outer Impact Area	1E	2E	3E	4E

Table 4 Legend

Prohibit	
Strictly Limit	
Moderately Limit	
Lightly Limit	
Allow	

The resulting General ALP Recommendation for the Basin-Wide Analysis summarized in **Table 4** also is depicted in the map series presented as **Attachment A**, entitled Draft General ALP Recommendation. The summary matrix and the General ALP Recommendation map are the basis for the Basin's second, site-specific or local level ESEE analysis, described below.

VI. SITE SPECIFIC (LOCAL) ESEE ANALYSIS and ADJUSTMENTS TO THE GENERAL ALP RECOMMENDATION

A. Overview

The objective of the local level analysis is to review the General ALP Recommendation at a streamshed scale in order to determine whether or not the recommendation remains appropriate considering site-specific information. The Steering Committee has completed a detailed ESEE analysis for each of the sixty-nine streamsheds local sites within the inventory area. This analysis was utilized to determine whether or not the General ALP Recommendation provided the appropriate level of limitation for each of the local sites. The TBSC considered a variety of sources, including aerial photos, local knowledge, and recent land use decisions. As a result of the local analysis, the group identified several unique circumstances which are under further consideration for an adjustment to the General ALP or—in some cases—a possible correction to the Metro

inventory map. There are some situations where adjustments to the General ALP Recommendation are recommended; these are described later.

B. Adjustments to the General ALP Recommendation (Map)
During the local level ESEE analysis, the TBSC identified a number of abiding concerns regarding possible adjustments to the General ALP Recommendation. To address these concerns, the group identified the following principles as a basis for making adjustment decisions. These are taken from the March 8, 2004 memo to the TBNRCC, which is provided as **Attachment D**, entitled ALP Adjustment Principles.

1. Ability to Revisit: At this stage of the analysis, many tentative suggestions regarding appropriate ALP program recommendations have been made without a full understanding of what the program outcome will be. Final decisions regarding program recommendations will be better-informed as the TBSC progresses with the program work and gains a clearer understanding of how programs will be applied throughout the Basin. The group therefore reserves the right to re-visit the ESEE analysis work and make adjustments to the ALP program recommendation as necessary.
2. Map Corrections: The local site analysis work has revealed a number of areas where Metro's Goal 5 inventory does not accurately reflect the resource in the field. Several of the adjustments to the General ALP map discussed by the TBSC have involved attempts to rectify inventory inaccuracies through an adjusted program recommendation. Through discussions with Metro staff, the TBSC has concluded the more appropriate method for addressing mapping inconsistencies is via Metro's Goal 5 Inventory map correction process. The Basin therefore will pursue a map corrections process with Metro. These situations will be considered "map corrections" rather than ALP adjustments.
3. Adjustments: Site specific adjustments to the General ALP program recommendation will be reserved for truly idiosyncratic or anomalous situations. The TBSC will first attempt to resolve all other concerns with program solutions before revisiting the adjustment criteria.
4. Limit Decision: As the TBSC considers adjustments to the General ALP program recommendation, all areas accounted for in Metro's Goal 5 Inventory will maintain a minimum level of protection under the Basin program. Therefore, with the exception of the map corrections mentioned above, there will be no adjustments below the "Lightly Limit" level pending a more definitive program outcome. Also as mentioned above, the group may revisit these adjustments at a later date.
5. Program Components: Metro's Pre-Program Concepts categorize programs into two groups, regulatory (or required) and non-regulatory (or voluntary). The TBSC has had preliminary discussions about regulatory program concepts and finds that it can be approached as three components, namely regulation, revenue and design. The regulatory component can be characterized as traditional land use controls, such as required buffer widths and the like. The revenue component will involve a broad consideration of revenue tools that would be used toward mitigation or restoration projects elsewhere in the watershed, in order to off-set development impacts. The design component may, for example, encourage the implementation of "green" design that strives to minimize new impervious surface area. It is likely that the program work will involve finding a balance for incorporating a combination of all three components.

With these principles or caveats as a base, the TBSC addressed issues and concerns raised during the local analysis process. As a result, several specific categories for adjustments to the General ALP Recommendation Map are recommended at this time, with the reservation that additional adjustments will be considered throughout the program development phase. The adjustments recommended for your consideration at this time are depicted in the map series presented as **Attachment B**, entitled Draft Adjustments to General ALP Recommendation.

The recommended adjustment categories are listed and characterized for your review in **Attachment E**, entitled Interim Criteria for Adjustments to General ALP Recommendation. This Attachment also lists General ALP Adjustments and issues still under consideration. As mentioned above, the TBSC will continue to make specific program and/or adjustment recommendations surrounding these issues throughout the program development phase.

Summary of ESEE Consequences and Allow-Limit-Prohibit Recommendation by Analysis Category

Summarized from Draft Tualatin Basin ESEE Analysis Document

1. Analysis Category Series 1A through 1E: High Intensity Urban (HIU) Areas

As noted above, the HIU Conflicting Use Category includes lands zoned commercial, industrial, and mixed-use as well as any other areas designated for regional centers and town centers. The expectation is for increased intensity of use and public investment. Where resources occur, HIU lands represent areas of potential conflict between the need for urban lands and the need to protect resources.

Recommendation for Analysis Category 1A: Moderately Limit

In order to balance the need for higher intensity urban lands and the need to protect Class I resources, which are the highest quality resources, as a general recommendation conflicting uses is moderately limited on Category 1A lands. These areas represent focused public investment and planning and are strategic to the economic viability of the Basin; however, allowing conflicting uses too fully could result in a significant impact to the highest quality natural resources in the Basin.

Recommendation for Analysis Category 1B: Lightly Limit

Class II resources provide fewer functional values than Class I resources and do not include any Habitats of Concern. Therefore, in order to meet the need for higher intensity urban lands while still providing some protection for Class II resources, as a general recommendation conflicting uses should be lightly limited in Category 1B lands. These areas represent focused public investment and planning and are strategic to the economic viability of the Basin; however, allowing conflicting uses too fully could result in a significant impact to important significant natural resources in the Basin.

Recommendation for Analysis Category 1C: Lightly limit

Class III resources provide only secondary functional values and do not include any Habitats of Concern. Therefore, in order to meet the need for higher intensity urban lands while still providing some limited protection for Class III resources, as a general recommendation conflicting uses should be lightly limited in Category 1C lands. These areas represent focused public investment and planning and are strategic to the economic viability of the basin; however, allowing conflicting uses too fully could result in a significant impact to important significant natural resources in the basin.

Recommendation for Analysis Category 1D: Lightly limit

Category 1D includes inner impact areas that occur on lands zoned commercial, industrial, and mixed-use as well as any other areas designated for regional centers and town centers. The expectation for these lands is for increased intensity of use and public investment. In inner impact areas the focus is on how conflicting uses may impact adjacent resources and possible restoration activities. Therefore, in order to meet the need for higher intensity urban lands while still providing some protection for adjacent resources, as a general recommendation conflicting uses should be lightly limited in Category 1D lands. In addition to considering the conflicting use category, it may also be appropriate to allow the program to vary the degree of limit relative to the classification of the adjacent resource (e.g., impact areas adjacent to Class I resources could provided more protection than those adjacent to Class III resources).

Recommendation for Analysis Category 1E: Allow
Category 1E includes outer impact areas that occur on lands zoned commercial, industrial, and mixed-use as well as any other areas designated for regional centers and town centers; there are no inventoried resources on these lands. The expectation for these lands is for increased intensity of use and public investment. In outer impact areas the focus is on the inter-connectedness of the natural system and how individual actions and conflicting uses may have an overall impact on water quality within the Basin. Given the large amount of land within the outer impact area, the focus of future programs in the outer impact area could emphasize voluntary stewardship, water quality education and funding. Therefore, as a general recommendation conflicting uses should be allowed in Category 1E lands.

2. Analysis Category Series 2A through 2E: Other Urban (OU) Areas
The OU series of Conflicting Use Category lands include those primarily zoned single family and multi-family residential, as well as those designated for institutional use and public facilities. There is a medium to low expectation for development or redevelopment in these areas. Where resources occur, OU lands represent areas of potential conflict between the need for residential land and associated services and the need to protect resources.

Recommendation for Analysis Category 2A: Strictly limit
Analysis Category 2A includes Class I resources that occur on lands primarily zoned single family and multi-family residential, as well as those designated for institutional use and public facilities. The expectation for these lands is for increased continued residential use, infill and new development and redevelopment. In order to balance the need for new residential development and the redevelopment of existing neighborhoods with the need to protect Class I resources, which are the highest quality resources, as a general recommendation conflicting uses should be strictly limited in Category 2A lands.

Recommendation for Analysis Category 2B: Moderately limit
Analysis Category 2B includes Class II resources that occur on lands zoned single family and multi-family residential, as well as those designated for institutional use and public facilities. The expectation for these lands is for increased continued residential use, infill and new development and redevelopment. In order to balance the need for new residential development and the redevelopment of existing neighborhoods with the need to protect Class II resources, which provide some primary functions, as a general recommendation conflicting uses should be moderately limited in Category 2B lands.

Recommendation for Analysis Category 2C: Lightly limit
Analysis Category 2C includes Class III resources that occur on lands zoned single family and multi-family residential, as well as those designated for institutional use and public facilities. The expectation for these lands is for increased continued residential use, infill and new development and redevelopment. In order to balance the need for new residential development and the redevelopment of existing neighborhoods with the need to protect Class III resources, which provide some secondary functions, as a general recommendation conflicting uses should be lightly limited in Category 2C lands.

Recommendation for Analysis Category 2D: Lightly limit
Analysis Category 2D includes inner impact areas that occur on lands primarily zoned single family and multi-family residential, as well as those designated for institutional use and public facilities. The expectation for these lands is for increased continued residential use, infill and new development and redevelopment. In inner impact areas the focus is on how conflicting uses may impact adjacent resources and possible restoration activities. Therefore, in order to meet the need for residential lands and the needs of property owners to redevelop their property while still providing some protection for adjacent resources, as a general recommendation conflicting uses should be lightly limited in Category 2D lands. In addition to considering the conflicting use category, it may also be appropriate to allow the program to vary the degree of limit relative to the classification of the adjacent resource (e.g., impact areas adjacent to Class I resources could provided more protection than those adjacent to Class III resources).

Recommendation for Analysis Category 2E: Allow
Analysis Category 2E includes outer impact areas that occur on lands primarily zoned single-family and multi-family residential, as well as those designated for institutional use and public facilities; there are no inventoried resources on these lands. The expectation for these lands is for increased continued residential use, infill and new development and redevelopment. In outer impact areas the focus is on the inter-connectedness of the natural system and how individual actions and conflicting uses may have an overall impact on water quality within the basin. Given the large amount of land within the outer impact area, the focus of future programs in the outer impact area could emphasize voluntary stewardship, water quality education and funding. Therefore, as a general recommendation conflicting uses should be allowed in Category 2E lands.

3. Analysis Category Series 3A through 3E: Future Urban (FU) Areas
The FU Conflicting Use Category applies to those lands that came into the Urban Growth Boundary in 2002. Expected land uses and land values vary, depending on the 2040 Design Type designation. The expectation is that these areas will develop at an urban intensity, but the relative lack of existing development also increases the viable options for future protection measures. Where resources occur, possibilities of conflict between future urbanization and the need to protect resources exist on FU lands, but so too do opportunities to create nature-sensitive urban communities. The program recommendations for this Analysis Category therefore take advantage of the opportunity to minimize encroachment on relatively in-tact resource areas.

Recommendation for Analysis Category 3A: Strictly limit
Analysis Category 3A applies to those lands that came into the Urban Growth Boundary in 2002 which are Class I Resources. Possibilities of conflict between future urbanization and the need to protect Class I resources, which are the highest quality resources, exist on Category 3A lands, but so too do opportunities to create nature-sensitive urban communities. In order to balance the new for new urban lands, especially the need for additional industrial lands, with the need to provide for the protection and enhancement of Class I resources, as a general recommendation conflicting uses should be strictly limited in Category 3A lands.

Recommendation for Analysis Category 3B: Strictly limit
Analysis Category 3B applies to those lands that came into the Urban Growth Boundary in 2002 which are Class II resources. Possibilities of conflict between future urbanization and the need to

protect Class II resources, which provide primary functional values, exist on Category 3B lands, but so too do opportunities to create nature-sensitive urban communities. In order to balance the new for new urban lands, especially the need for additional industrial lands, with the need to provide for the protection and enhancement of Class II resources, as a general recommendation conflicting uses should be strictly limited in Category 3B lands.

Recommendation for Analysis Category 3C: Moderately limit
Analysis Category 3C applies to those lands that came into the Urban Growth Boundary in 2002 which are Class III resources. Possibilities of conflict between future urbanization and the need to protect Class III resources, which are the lowest quality resources, exist on Category 3C lands, but so too do opportunities to create nature-sensitive urban communities. In order to balance the new for new urban lands, especially the need for additional industrial lands, with the need to provide for the protection and enhancement of Class III resources, as a general recommendation conflicting uses should be moderately limited in Category 3C lands.

Recommendation for Analysis Category 3D: Lightly limit
Analysis Category 3D applies to those lands that came into the Urban Growth Boundary in 2002 which are inner impact areas. Possibilities of conflict between future urbanization and the need to restrict activities in inner impact areas exist on Category 3D lands, but so too do opportunities to create nature-sensitive urban communities. In inner impact areas the focus is on how conflicting uses may impact adjacent resources and possible restoration activities. Therefore, in order to meet the need for higher intensity urban lands while still providing some protection for adjacent resources, as a general recommendation conflicting uses should be lightly limited in Category 3D lands. In addition to considering the conflicting use category, it may also be appropriate to allow the program to vary the degree of limit relative to the classification of the adjacent resource (e.g., impact areas adjacent to Class I resources could provided more protection than those adjacent to Class III resources).

Recommendation for Analysis Category 3E: Allow
Analysis Category 3E applies to those lands that came into the Urban Growth Boundary in 2002 which are outer impact areas; there are no inventoried resources on these lands. Possibilities of conflict between future urbanization and the need to regulate activities in outer impact areas exist on Category 3E lands, but so too do opportunities to create nature-sensitive urban communities. In outer impact areas the focus is on the inter-connectedness of the natural system and how individual actions and conflicting uses may have an overall impact on water quality within the basin. Given the large amount of land within the outer impact area, the focus of future programs in the outer impact area could emphasize voluntary stewardship, water quality education and funding. Therefore, as a general recommendation conflicting uses should be allowed in Category 3E lands.

4. Analysis Category Series 4A through 4E: Non-Urban (NU) Areas
The NU Conflicting Use Category includes lands outside the UGB and are primarily zoned for agricultural or forestry activities or rural residential. The potential for urban development is low, but there are potential environmental impacts associated with agricultural practices, forestry and rural residential development. Where resources occur, NU lands represent areas of possible conflict between rural land uses and the need to protect resources.

Recommendation for Analysis Category 4A: Strictly limit
Analysis Category 4A includes Class I resources that occur on lands primarily zoned for agricultural or forestry activities or rural residential. While the potential for urban development is low, there are potential environmental impacts associated with agricultural practices, forestry and rural residential development. There are limits on the extent to which local Goal 5 programs can regulate forest and agricultural practices. However, in order to balance the importance of agriculture and forestry to our economy with the need to provide for the protection and enhancement of Class I resources, as a general recommendation those conflicting uses which can be regulated by local jurisdictions should be strictly limited in Category 4A lands.

Recommendation for Analysis Category 4B: Moderately limit
Analysis Category 4B includes Class II resources that occur on lands zoned for agricultural or forestry activities or rural residential. While the potential for urban development is low, there are potential environmental impacts associated with agricultural practices, forestry and rural residential development. There are limits on the extent to which local Goal 5 programs can regulate forest and agricultural practices. However, in order to balance the importance of agriculture and forestry to our economy with the need to provide for the protection and enhancement of Class II resources, as a general recommendation those conflicting uses which can be regulated by local jurisdictions should be moderately limited in Category 4B lands.

Recommendation for Analysis Category 4C: Moderately limit
Analysis Category 4C includes Class III resources that occur on lands zoned for agricultural or forestry activities or rural residential. While the potential for urban development is low, there are potential environmental impacts associated with agricultural practices, forestry and rural residential development. There are limits on the extent to which local Goal 5 programs can regulate forest and agricultural practices. However, in order to balance the importance of agriculture and forestry to our economy with the need to provide for the protection and enhancement of Class III resources, as a general recommendation those conflicting uses which can be regulated by local jurisdictions should be moderately limited in Category 4C lands.

Recommendation for Analysis Category 4D: Lightly limit
Analysis Category 4D includes inner impact areas that occur on lands zoned for agricultural or forestry activities or rural residential. In inner impact areas the focus is on how conflicting uses may impact adjacent resources and possible restoration activities. While the potential for urban development is low, there are potential environmental impacts associated with agricultural practices, forestry and rural residential development. There are limits on the extent to which local Goal 5 programs can regulate forest and agricultural practices. However, in order to balance the importance of agriculture and forestry to our economy with the need to provide for the protection and enhancement of adjacent resources, as a general recommendation those conflicting uses which can be regulated by local jurisdictions should be lightly limited in Category 4D lands. In addition to considering the conflicting use category, it may also be appropriate to allow the program to vary the degree of limit relative to the classification of the adjacent resource (e.g., impact areas adjacent to Class I resources could provided more protection than those adjacent to Class III resources).

Recommendation for Analysis Category 4E: Allow

Analysis Category 4E includes outer impact areas that occur on lands zoned for agricultural or forestry activities or rural residential; there are no inventoried resources on these lands. The potential for urban development is low, but there are potential environmental impacts associated with agricultural practices. In outer impact areas the focus is on the inter-connectedness of the natural system and how individual actions and conflicting uses may have an overall impact on water quality within the basin. Given the large amount of land within the outer impact area, the focus of future programs in the outer impact area could emphasize voluntary stewardship, water quality education and funding. Therefore, as a general recommendation, conflicting uses should be allowed in Category 1E lands.

DATE: March 8, 2004

TO: **Tualatin Basin Natural Resources Coordinating Committee**

FROM: Tualatin Basin Steering Committee (TBSC)

SUBJECT: Adjustment Recommendations for General ALP Program

In preparation for the March 29 public hearing, the TBSC has conducted preliminary site-level ESEE analyses for all of the inventoried streamsheds and, as a result, recommended adjustments to the General ALP program recommendation. The underlying basis for these recommendations is outlined below:

1. Ability to Revisit: At this stage of the analysis, many tentative suggestions regarding appropriate ALP program recommendations have been made without a full understanding of what the program outcome will be. Final decisions regarding program recommendations will be better-informed as the TBSC progresses with the program work and gains a clearer understanding of how programs will be applied throughout the Basin. The group therefore reserves the right to re-visit the ESEE analysis work and make adjustments to the ALP program recommendation as necessary.
2. Map Corrections: The local site analysis work has revealed a number of areas where Metro's Goal 5 inventory does not accurately reflect the resource in the field. Several of the adjustments to the General ALP map discussed by the TBSC have involved attempts to rectify inventory inaccuracies through an adjusted program recommendation. Through discussions with Metro staff, the TBSC has concluded the more appropriate method for addressing mapping inconsistencies is via Metro's Goal 5 Inventory map correction process. The Basin therefore will pursue a map corrections process with Metro. These situations will be considered "map corrections" rather than ALP adjustments.
3. Adjustments: Site specific adjustments to the General ALP program recommendation will be reserved for truly idiosyncratic or anomalous situations. The TBSC will first attempt to resolve all other concerns with program solutions before revisiting the adjustment criteria.
4. Limit Decision: As the TBSC considers adjustments to the General ALP program recommendation, all areas accounted for in Metro's Goal 5 Inventory will maintain a minimum level of protection under the Basin program. Therefore, with the exception of the map corrections mentioned above, there will be no adjustments below the "Lightly Limit" level pending a more definitive program outcome. Also as mentioned above, the group may revisit these adjustments at a later date.
5. Program Components: Metro's Pre-Program Concepts categorize programs into two groups, regulatory (or required) and non-regulatory (or voluntary). The TBSC has had preliminary discussions about regulatory program concepts and finds that it can be approached as three components, namely regulation, revenue and design. The regulatory component can be characterized as traditional land use controls, such as required buffer widths and the like. The revenue component will involve a broad consideration of revenue tools that would be used toward mitigation or restoration projects elsewhere in the watershed, in order to off-set development impacts. The design component may, for example, encourage the implementation of "green" design that strives to minimize new impervious surface area. It is likely that the program work will involve finding a balance for incorporating a combination of all three components.

General ALP Adjustments Recommended

The following is a categorized description of adjustments to the General ALP Recommendation that are reflected in the map series included as Attachment B, entitled Draft Adjustments to the General ALP Recommendation.

1. RSIA Lands: In the Basin, identified Regionally Significant Industrial Lands are located outside the UGB and thus were incorrectly evaluated for the ESEE analysis. Adjustments are recommended to re-analyze these two areas as High Intensity Urban lands.
2. Local Goal 5 Program provides a higher level of protection: In order to maintain a base level of protection, adjustments are recommended for specific areas where existing Goal 5 programs provide a level of protection not reflected in the General Recommendation.
3. Consistent and comparable resource protection: Adjustments are recommended based on local environmental knowledge for adjacent, similar resource areas which do not receive similar levels of limit according to the General ALP Recommendation.
4. Approved / committed development: Adjustments are recommended to reflect pre-determined commitments or recent land use approvals where development is pending. This category reflects initial determinations; additional consideration of this category will continue during the program development phase.
5. Swap / trade protection levels: Adjustments are recommended for a unique situation in Forest Grove where the analysis does not account for zoning anomalies related to the 2003 UGB adjustment. These adjustments effectively "trade" limit levels between adjacent resource areas.
6. Upland trees in developed neighborhoods: Adjustments are recommended for a unique situation in Tigard's Bull Mountain area, where a large residential area featuring upland wildlife habitat is adjusted to recommend further limitation on steeply sloped portions, and less limitation on more moderately sloped areas. The resulting recommendation would not result in significant fragmentation of the resource.
7. Incorrect conflicting use category applied: Adjustments are recommended for a few specific areas where the general analysis is inaccurate due to a mis-categorization of the conflicting use.

In addition, inventory map correction requests are being compiled for areas where the inventoried resource has been removed or radically modified. These situations reflect areas where the inventoried resource has been significantly altered, e.g., trees removed, drainage piped, DSL removal-fill permit, Army Corps floodplain alteration permit, etc., as a result of an authorized permit or land use action.

General ALP Adjustments Still Under Consideration

The following is a list of topics identified by the TBSC that are still under discussion for adjustments to the General ALP Recommendation.

-Urban Renewal Districts
-industrial lands
-employment areas
-2040 Centers / Economic Development Areas
-regional housing density targets
-locally non-significant wetlands
-disconnected resource fragments
-planned infrastructure improvements
-upland trees in developed neighborhoods
-residential infill opportunities
-locally important recreation or education - opportunities
-lands acquired by school or park districts
-developed institutional facilities
-water quality / detention facilities or farm ponds