

A G E N D A

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



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: October 21, 2004  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. CONSOLIDATED ECONOMIC DEVELOPMENT STRATEGY** Neill

**4. CONSENT AGENDA**

4.1 Consideration of Minutes for the October 14, 2004 Metro Council Regular Meeting.

**5. ORDINANCES – FIRST READING**

5.1 **Ordinance No. 04-1060**, For the Purpose of Removing \$367,740 in Grants, Donations and Related Expenditures from Regional Parks Capital Fund, and Transferring \$58,500 from Capital Outlay to Contingency in the Regional Parks Capital Fund; and Declaring an Emergency.

5.2 **Ordinance No. 04-1061**, For the Purpose of Recognizing \$367,740 in Grants, Donations and Related Capital Expenditures in the Regional Parks Capital Fund; and Declaring an Emergency.

**6. RESOLUTIONS**

6.1 **Resolution No. 04-3506**, For the Purpose of Directing the Chief Operating Officer to Develop a Fish and Wildlife Habitat Program that Relies on a Non-regulatory effort to improve habitat prior to any implementation of new regional, performance-based regulations. Park

8. CHIEF OPERATING OFFICER COMMUNICATION

9. COUNCILOR COMMUNICATION

10. BUDGET WORK SESSION

Stringer

ADJOURN

Television schedule for October 21, 2004 Metro Council meeting

<b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b> Channel 11 -- Community Access Network <a href="http://www.yourtv.org">www.yourtv.org</a> -- (503) 629-8534 Thursday, October 21 at 2 p.m. (live)	<b>Washington County</b> Channel 30 -- TVTV <a href="http://www.yourtv.org">www.yourtv.org</a> -- (503) 629-8534 Saturday, October 23 at 11 p.m. Sunday, October 24 at 11 p.m. Tuesday, October 26 at 6 a.m. Wednesday, October 27 at 4 p.m.
<b>Oregon City, Gladstone</b> Channel 28 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.	<b>West Linn</b> Channel 30 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.
<b>Portland</b> Channel 30 (CityNet 30) -- Portland Community Media <a href="http://www.pcatv.org">www.pcatv.org</a> -- (503) 288-1515 Sunday, October 24 at 8:30 p.m. Monday, October 25 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, (503) 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 e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website [www.metro-region.org](http://www.metro-region.org) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).



Agenda Item Number 4.1

Consideration of Minutes of the October 14, 2004 Regular Council meeting.

Metro Council Meeting  
Thursday, October 21, 2004  
Metro Council Chamber

**Ordinance No. 04-1060**, For the Purpose of Removing \$367,740 in Grants, Donations and Related Expenditures from Regional Parks Capital Fund, and Transferring \$58,500 from Capital Outlay to Contingency in the Regional Parks Capital Fund; and Declaring an Emergency.

*First Reading*

Metro Council Meeting  
Thursday, October 21, 2004  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REMOVING \$367,740	)	ORDINANCE NO. 04-1060
IN GRANTS, DONATIONS AND RELATED	)	
EXPENDITURES FROM THE REGIONAL	)	Introduced by Mike Jordan, Chief Operating
PARKS CAPITAL FUND, AND	)	Officer, with the concurrence of the Council
TRANSFERRING \$58,500 FROM CAPITAL	)	President
OUTLAY TO CONTINGENCY IN THE	)	
REGIONAL PARKS CAPITAL FUND; AND	)	
DECLARING AN EMERGENCY	)	

WHEREAS, the Metro Council, through ordinance 04-1044B enacted June 17, 2004, adopted the FY 2004-05 annual budget, making appropriations and levying ad valorem taxes; and

WHEREAS, at the time of budget adoption an action was taken that inadvertently resulted in a violation of Oregon Budget Law; and

WHEREAS, the Tax Supervising and Conservation Commission has identified and requested remedy of this violation; and

WHEREAS, the Metro Attorney has advised on the best course of action to remedy the violation; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2004-05 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of removing \$367,740 in grants, donations and related capital expenditures from the Regional Parks Capital Fund and transferring \$58,500 from capital outlay to Contingency in the Regional Parks Capital Fund. Both actions being necessary to remedy a violation of budget law that occurred at the time of budget adoption in June 2004.
2. That the Chief Operating Officer, or his/her designee, shall forward a signed certified copy of this action to the Tax Supervising and Conservation Commission as evidence of the remedy of the violation of Oregon budget law.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

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

**Exhibit A**  
**Ordinance No. 04-1060**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Regional Parks Capital Fund</b>							
<b>RESOURCES</b>							
<i>GRANTS Grants</i>							
4100	Federal Grants-Direct		216,872		(216,872)		0
4110	State Grants-Direct		300,000		0		300,000
4115	State Grants-Indirect		116,877		(116,877)		0
<i>DONAT Contributions from Private Sources</i>							
4750	Donations and Bequests		33,991		(33,991)		0
<i>EQTREV Fund Equity Transfers</i>							
4970	Transfer of Resources						
	* from Regional Parks		1,489,822		0		1,489,822
<i>INTSRV Internal Service Transfers</i>							
4980	Transfer for Direct Costs						
	* from Regional Parks		120,000		0		120,000
	* from Open Spaces		125,000		0		125,000
	* from Parks Special Accounts		70,000		0		70,000
<b>TOTAL RESOURCES</b>			<b>\$2,472,562</b>		<b>(\$367,740)</b>		<b>\$2,104,822</b>
<b>REQUIREMENTS</b>							
<b><u>Materials &amp; Services</u></b>							
<i>CAPMNT Capital Maintenance</i>							
5261	Renewal & Replacement - CIP		345,000		0		345,000
5262	Renewal & Replacement - Non-CIP		275,000		0		275,000
<b>Total Materials &amp; Services</b>			<b>\$620,000</b>		<b>\$0</b>		<b>\$620,000</b>
<b><u>Capital Outlay</u></b>							
<i>CAPCIP Capital Outlay (CIP Projects)</i>							
5715	Improve-Oth thn Bldg (CIP)		807,740		(367,740)		440,000
5725	Buildings & Related (CIP)		280,000		(58,500)		221,500
<b>Total Capital Outlay</b>			<b>\$1,087,740</b>		<b>(\$426,240)</b>		<b>\$661,500</b>
<b><u>Contingency and Ending Balance</u></b>							
<i>CONT Contingency</i>							
5999	Contingency		0		58,500		58,500
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Unappropriated Balance		594,822		0		594,822
	* Renewal & Replacement Reserve		170,000		0		170,000
<b>Total Contingency and Ending Balance</b>			<b>\$764,822</b>		<b>\$58,500</b>		<b>\$823,322</b>
<b>TOTAL REQUIREMENTS</b>			<b>\$2,472,562</b>		<b>(\$367,740)</b>		<b>\$2,104,822</b>

**Exhibit B**  
**Ordinance No. 04-1060**  
**FY 2004-05 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>REGIONAL PARKS CAPITAL FUND</b>			
Operating Expenses (PS & M&S)	\$620,000	\$0	\$620,000
Capital Outlay	1,087,740	(426,240)	661,500
Contingency	0	58,500	58,500
Unappropriated Balance	764,822	0	764,822
<b>Total Fund Requirements</b>	<b>\$2,472,562</b>	<b>(\$367,740)</b>	<b>\$2,104,822</b>

*All Other Appropriations Remain as Previously Adopted*

## **STAFF REPORT**

IN CONSIDERATION OF ORDINANCE NO. 04-1060 FOR THE PURPOSE OF REMOVING \$367,740 IN GRANTS, DONATIONS AND RELATED EXPENDITURES FROM THE REGIONAL PARKS CAPITAL FUND, AND TRANSFERRING \$58,500 FROM CAPITAL OUTLAY TO CONTINGENCY IN THE REGIONAL PARKS CAPITAL FUND; AND DECLARING AN EMERGENCY

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Date: October 4, 2004

Prepared by: Kathy Rutkowski

### **BACKGROUND**

At the time of budget adoption in June 2004, following budget committee approval on April 29, 2004 and the Tax Supervising and Conservation Commission (TSCC) public hearing on June 9, 2004, two actions were taken to recognize additional appropriation in the Regional Parks Capital Fund. The first action recognized \$367,740 in grants and donations for a specific restoration project and increased capital outlay by a like amount. The second action transferred \$175,000 from the Regional Parks Operating or the Open Spaces Fund and increased appropriation to recognize additional capital projects in the Regional Parks Capital Fund. The total new expenditure recognized at the time of adoption was \$542,740.

Oregon Budget Law includes a provision that following budget committee approval no fund may be increased by more than 10 percent of estimated expenditures. Oregon Budget Law also includes provisions related to the budgeting of grants, gifts, bequests, and other devises received in trust for specific purposes. These provisions would indicate that, following budget committee approval, such resources are exempt from budget law provisions in the year of receipt.

In early September 2004 we received from the TSCC certification of Metro's FY 2004-05 property tax levies and notification that we had violated the 10 percent increase limitation in the Regional Parks Capital Fund. The letter, dated September 1, 2004, requested that Metro amend the adopted budget to bring it into compliance with budget law, and forward a copy of the amending ordinance to the TSCC.

In consultation with Metro Attorney Dan Cooper, it was determined that two steps would be needed to fully comply with Oregon Budget Law. The first step is to remove from the budget the \$367,740 in grants, donations and capital expenditures related to the restoration project that were recognized at the time of adoption. ORS 294.361(3) indicates that grants, gifts, bequests and other devises transferred to a municipal corporation in trust for specific purposes shall not be included in the budget unless the amount can be reasonably estimated by the time the budget committee approves the budget. Since this action occurred after budget committee approval it would have been more appropriate to amend the budget after adoption using the exemption provided in Oregon Budget Law ORS 294.326(3).

The second step is to move \$58,500 from capital outlay to contingency. With the removal of the grant and donation related expenditures, total estimated expenditures increased in the Regional Parks Capital Fund by \$175,000. The maximum increase allowed under budget law was \$116,500. Metro violated the 10 percent increase limitation by \$58,500. Moving this appropriation to contingency will fully remedy this violation. If, during the year, the Regional Parks and Greenspaces department determines it will need this appropriation they will return to the Council with an appropriate budget amendment.

Finally, a companion ordinance to this action will re-recognize the grants, donations and capital expenditures related to the restoration project using the exemption provided in ORS 294.326(3). That section provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose. Such expenditures are allowed only after the governing body has enacted the appropriate amendment.

#### **ANALYSIS/INFORMATION**

1. **Known Opposition** None known.
2. **Legal Antecedents** ORS 294.435(2) states that following budget committee approval no fund may be increased by more than 10 percent of estimated expenditures unless the amended budget is resubmitted to the tax supervising and conservation commission for another public hearing. ORS 294.361(3) indicates that grants, gifts, bequests and other devises transferred to a municipal corporation in trust for specific purposes shall not be included in the budget unless the amount can be reasonably estimated by the time the budget committee approves the budget. ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts, bequests, and other devises received by a municipal corporation in trust for a specific purpose.
3. **Anticipated Effects** This action will remedy a budget law violation that occurred at the time the budget was adopted in June 2004, and bring the FY 2004-05 into full compliance with Oregon Budget Law.
4. **Budget Impacts** This action will reduce overall resources and requirements by \$367,640 as well as transfer \$58,500 from capital outlay to contingency. These actions will remedy a budget law violation that occurred at the time of budget adoption in June 2004.

#### **RECOMMENDED ACTION**

The Chief Operating Officer, in concurrence with the Council President, recommends adoption of this Ordinance.



**Ordinance No. 04-1061**, For the Purpose of Recognizing \$367,740 in Grants,  
Donations and Related Capital Expenditures in the Regional Parks Capital Fund;  
and Declaring an Emergency

***First Reading***

Metro Council Meeting  
Thursday, October 21, 2004  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOGNIZING	)	ORDINANCE NO. 04-1061
\$367,740 IN GRANTS, DONATIONS AND	)	
RELATED CAPITAL EXPENDITURES IN THE	)	Introduced by Mike Jordan, Chief Operating
REGIONAL PARKS CAPITAL FUND; AND	)	Officer, with the concurrence of the Council
DECLARING AN EMERGENCY	)	President

WHEREAS, the Metro Council has reviewed and considered the need to transfer appropriations within the FY 2004-05 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326(3) allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

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

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2004-05 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of recognizing \$367,740 in grants and donations from various sources and increasing capital outlay appropriation in the Regional Parks Capital Fund by a like amount.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

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

**Exhibit A  
Ordinance No. 04-1061**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Regional Parks Capital Fund</b>							
<b>RESOURCES</b>							
<i>GRANTS Grants</i>							
4100	Federal Grants-Direct		0		216,872		216,872
4110	State Grants-Direct		300,000		0		300,000
4115	State Grants-Indirect		0		116,877		116,877
<i>DONAT Contributions from Private Sources</i>							
4750	Donations and Bequests		0		33,991		33,991
<i>EQTREV Fund Equity Transfers</i>							
4970	Transfer of Resources						
	* from Regional Parks		1,489,822		0		1,489,822
<i>INTSRV Internal Service Transfers</i>							
4980	Transfer for Direct Costs						
	* from Regional Parks		120,000		0		120,000
	* from Open Spaces		125,000		0		125,000
	* from Parks Special Accounts		70,000		0		70,000
<b>TOTAL RESOURCES</b>			<b>\$2,104,822</b>		<b>\$367,740</b>		<b>\$2,472,562</b>
<b>REQUIREMENTS</b>							
<u><b>Materials &amp; Services</b></u>							
<i>CAPMNT Capital Maintenance</i>							
5261	Renewal & Replacement - CIP		345,000		0		345,000
5262	Renewal & Replacement - Non-CIP		275,000		0		275,000
<b>Total Materials &amp; Services</b>			<b>\$620,000</b>		<b>\$0</b>		<b>\$620,000</b>
<u><b>Capital Outlay</b></u>							
<i>CAPCIP Capital Outlay (CIP Projects)</i>							
5715	Improve-Oth thn Bldg (CIP)		440,000		367,740		807,740
5725	Buildings & Related (CIP)		221,500		0		221,500
<b>Total Capital Outlay</b>			<b>\$661,500</b>		<b>\$367,740</b>		<b>\$1,029,240</b>
<u><b>Contingency and Ending Balance</b></u>							
<i>CONT Contingency</i>							
5999	Contingency		58,500		0		58,500
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Unappropriated Balance		594,822		0		594,822
	* Renewal & Replacement Reserve		170,000		0		170,000
<b>Total Contingency and Ending Balance</b>			<b>\$823,322</b>		<b>\$0</b>		<b>\$823,322</b>
<b>TOTAL REQUIREMENTS</b>			<b>\$2,104,822</b>		<b>\$367,740</b>		<b>\$2,472,562</b>

**Exhibit B**  
**Ordinance No. 04-1061**  
**FY 2004-05 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>REGIONAL PARKS CAPITAL FUND</b>			
Operating Expenses (PS & M&S)	\$620,000	\$0	\$620,000
Capital Outlay	661,500	367,740	1,029,240
Contingency	58,500	0	58,500
Unappropriated Balance	764,822	0	764,822
<b>Total Fund Requirements</b>	<b>\$2,104,822</b>	<b>\$367,740</b>	<b>\$2,472,562</b>

*All Other Appropriations Remain as Previously Adopted*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1061 FOR THE PURPOSE OF RECOGNIZING \$367,740 IN GRANTS, DONATIONS AND RELATED CAPITAL EXPENDITURES IN THE REGIONAL PARKS CAPITAL FUND; AND DECLARING AN EMERGENCY

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Date: October 4, 2004

Prepared by: Kathy Rutkowski

### BACKGROUND

This action is the companion ordinance to Ord. 04-1060, which remedied a violation of budget law that occurred at the time of budget adoption. Both ordinances have been submitted for simultaneous consideration and approval.

Ordinance No. 04-1060, remedied a violation of Oregon budget law, in part, by removing \$367,740 in grants, donations, and related capital expenditures that were received for a specific restoration project and recognized in the budget after budget committee approval on April 29, 2004. ORS 294.361(3) indicates that grants, gifts, bequests and other devices transferred to a municipal corporation in trust for specific purposes shall not be included in the budget unless the amount can be reasonably estimated by the time the budget committee approves the budget. Since the recognition of these grants and donations occurred after budget committee approval it would have been more appropriate to amend the budget after adoption using the exemption provided in Oregon Budget Law ORS 294.326(3). That section provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose. Such expenditures are allowed only after the governing body has enacted the appropriate amendment.

This action requests the Council re-recognize \$367,740 in grants, donations and related capital expenditures as shown in Exhibit A to this ordinance. The grants and donations support the Gales Creek/Tualatin River Confluence Habitat Restoration Project approved by the Council on May 27, 2004. They are to be received from the US Department of Agriculture (Wetland Reserve Program), the Oregon Watershed Enhancement Board, and Ducks Unlimited. Ducks Unlimited is a partner with Metro on the project.

### ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose.
3. **Anticipated Effects** This action will re-recognize \$367,740 in grants, donations and capital expenditures that were removed from the budget in Ord. 04-1060 to remedy a budget law violation that occurred at the time of adoption.
4. **Budget Impacts** This action increases overall resources and requirements by \$367,640.

**RECOMMENDED ACTION**

The Chief Operating Officer, in concurrence with the Council President, recommends adoption of this Ordinance.

Agenda Item Number 6.1

**Resolution No. 04-3506**, For the Purpose of Directing the Chief Operating Officer to Develop a Fish and Wildlife Habitat Program that Relies on a Non-regulatory effort to improve habitat prior to any implementation of new regional, performance-based regulations

Metro Council Meeting  
Thursday, October 21, 2004  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING THE ) RESOLUTION NO. 04-3506  
CHIEF OPERATING OFFICER TO DEVELOP A )  
FISH AND WILDLIFE HABITAT PROGRAM )  
THAT RELIES ON A NON-REGULATORY )  
EFFORT TO IMPROVE HABITAT PRIOR TO )  
ANY IMPLEMENTATION OF NEW REGIONAL, ) Introduced by Metro President David Bragdon  
PERFORMANCE-BASED REGULATIONS ) and Metro Councilor Rod Park

WHEREAS, Oregonians have a long tradition of understanding the interdependent values of economic prosperity and environmental quality, both of which constitute important elements of the livability that distinguishes this state and the Portland metropolitan region; and

WHEREAS, citizens of the Metro region value living in a place that, within the built environment, provides access to greenspaces and habitat for fish and wildlife species; and

WHEREAS, citizens representing a range of economic and environmental interests have stated that wildlife habitat and water quality need to be more consistently protected and improved across the region, as part of an ongoing regional commitment to planning for the future; and

WHEREAS, the Metro Policy Advisory Committee (MPAC), comprised of elected officials representing the region's cities and counties, adopted a "Vision Statement" in 2000 to enunciate the region's commitment to improve the ecological health and functionality of the region's fish and wildlife habitat; and

WHEREAS, that Vision Statement set an overall goal "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 . . . [to be] achieved through conservation, protection and appropriate restoration of streamside corridors through time;" and

WHEREAS, Metro has pursued the development of a regional fish and wildlife habitat and water quality protection program consistent with Statewide Planning Goal 5, one of 19 state land use planning goals, thereby producing a region-wide inventory of habitat comprising over 80,000 acres that has been located and classified for its ecosystem values and mapped to provide an information system for developing the region-wide program; and

WHEREAS, by developing the habitat inventory, Metro now has extensive and comprehensive information on the ecological health of the region's fish and wildlife habitat, and an important role for Metro to play in the future will be to keep the inventory up to date, to continue to monitor the state of habitat in the region, and to share such information with local governments in the region to help them develop effective habitat protection and restoration programs; and

WHEREAS, fish and wildlife habitat depends on healthy functioning watersheds and follows the natural contours of the landscape, while political boundaries frequently split watersheds and divide the natural landscape, and Metro, as a regional government, can play an important role to help ensure a



consistent level of habitat protection and restoration across the region's political boundaries, in an ecologically-based manner that respects watersheds and the natural landscape; and

WHEREAS, access to resources for protecting and conserving habitat varies widely among the region's communities and Metro also can provide technical assistance to communities with fewer resources to help them develop protection and conservation approaches that are appropriate for their communities, such as tools to allow and encourage lowest impact development or the conservation of critical wildlife habitat through purchase or the use of creative land-trust instruments; and

WHEREAS, the rights of private property owners and their commitments to community goals and environmental protection should be recognized and honored, and that doing so will help us attain and sustain a high quality of life for both humans and wildlife; and

WHEREAS, the types of actions that affect the quality and quantity of the region's fish and wildlife habitat vary widely, including thousands of small decisions made each day by individuals, such as whether to use pesticides on their lawns, as well as bigger decisions, such as how development of these properties occurs; and

WHEREAS, to produce desired, measurable outcomes of cumulative improvements to fish and wildlife habitat throughout the region, the fish and wildlife habitat protection and restoration program must enlist the broad support of hundreds of thousands of people across the region, making habitat property owners participants in a regional program that includes education and incentives for lowest-impact development practices, restoration initiatives directed by watershed councils, and purchase of the most ecologically valuable habitat areas from willing sellers through the funds generated by a bond measure; and

WHEREAS, by making a concerted effort to provide the region's citizens with additional fish and wildlife habitat education, incentive, restoration and willing-seller property acquisition programs the region can potentially make substantial progress toward improving the quality and quantity of its fish and wildlife habitat; and

WHEREAS, Metro, local governments, and the citizens of the region should make such a concerted effort to meet the goals of the Vision Statement using non-regulatory strategies, and our progress toward meeting those goals should be measured, before local governments are required to comply with any new rules or regulations; now therefore,

BE IT RESOLVED that the Metro Council hereby directs the Chief Operating Officer to develop a fish and wildlife habitat protection and restoration program consistent with the following provisions:

1. Metro's Program Shall Rely Primarily on Education, Incentive, Restoration and Acquisition Programs

Metro, other government agencies and volunteer-based non-governmental organizations across the region already have in place extensive education, restoration and acquisition programs designed to protect and enhance the quality and quantity of well-functioning fish and wildlife habitat. Metro's parks and solid waste and recycling departments and the Oregon Zoo, for example, have already developed education programs to teach individuals about fish and wildlife habitat, water quality, natural gardening, and what we all can do to improve fish and wildlife habitat. Many local governments (e.g. Portland's Bureau of Environmental Services), special districts (e.g. Clean Water Services in the Tualatin Basin), and non-governmental organizations (e.g. Friends of Trees) already engage in extensive natural area restoration programs and

neighborhood tree planting programs that improve habitat. Metro, local governments, and non-governmental organizations (e.g. the Wetlands Conservancy) are all engaged in willing-seller land acquisition programs designed to purchase, preserve, and restore the region's highest-quality fish and wildlife habitat. Many of these efforts only take place thanks to the strong support of the region's private businesses and the efforts of many individuals. The region's vision of protecting and restoring a "continuous ecologically viable streamside corridor system" will only be achieved by harnessing the collective power of regional and local governments, non-profits, citizen volunteers, and private business to expand these programs. Such an effort should include:

a. Education and Incentive Programs

Metro's program shall be focused, first and foremost, on creating citizen education and incentive programs to help the citizens of the region voluntarily make the best choices for the protection and enhancement of fish and wildlife habitat. In addition, existing incentive programs that have not yet been implemented at the local level, such as Oregon's riparian and wildlife habitat property tax incentive programs that are ready for use by local governments, shall be identified and efforts made to ensure that such programs are available to, and used by, the citizens of the region.

b. A Regional Habitat Acquisition and Restoration Program

The Metro Council intends to develop, and take before the voters for approval, a fish and wildlife property acquisition and restoration bond measure to purchase from willing sellers those properties, or conservation easements on those properties, that are deemed to be of the greatest ecological importance for fish and wildlife habitat, and to fund habitat restoration efforts that could provide even higher quality habitat.

2. Development of Local Program Performance Standards and Timeline for Compliance

The regional fish and wildlife habitat protection and restoration program shall establish local program performance standards to be achieved by the local fish and wildlife habitat protection and restoration efforts adopted by local jurisdictions in the region. Local jurisdictions will be required to show that their programs will meet the local program performance standards, and Metro shall make such local program performance standards as clear and objective as possible to provide local governments with a clear understanding of what programs will be sufficient to meet such standards. For example, such standards could include calculations of the amount of habitat that is protected through public ownership, a tree protection ordinance, regulatory buffers, easements, or other tools, and an assessment of the potential to minimize or mitigate impacts to fish and wildlife habitat through the use of low-impact, habitat friendly design approaches. Local governments will have the option of retaining their existing programs, developing their own new programs, or using a model program approach to be developed by Metro. Local program performance standards will be broad and flexible enough to allow for local programs to take very different approaches, and Metro shall review and give equal credence to all approaches when determining whether local governments are in substantial compliance with those standards. The model program developed by Metro shall be based on the use of best management practices for low-impact, habitat-friendly, environmentally sensitive land development. Local governments shall be required to be in compliance with the local program performance standards no later than June 1, 2012, subject to the provisions of paragraph 4 of this resolution.

3. Regional Outcome Measures and Metro Monitoring of Habitat Conditions

Metro shall develop regional outcome measures to evaluate the region's progress toward meeting the vision of conserving, protecting and restoring fish and wildlife habitat in the region. Upon Metro's adoption of a fish and wildlife habitat protection and restoration program, Metro shall begin immediate implementation of the non-regulatory program components described in paragraph 2, above, and paragraph 5, below. The Chief Operating Officer shall periodically assess the region's progress toward meeting the regional outcome measures. Not later than March 1, 2010, the Chief Operating Officer shall prepare and present to the Metro Council a written report on the region's progress toward meeting the regional outcome measures. Such report shall include a new analysis of habitat inventory in the region, using the same methodological approaches used to create the habitat inventory adopted by the Metro Council in Resolution No. 02-3218A, but allowing for the use of analytic and data improvements developed in the interim. The Metro Council shall hold at least three public hearings to review and consider the Chief Operating Officer's report. Not later than June 1, 2010, the Metro Council may adopt an ordinance to extend the time by which local governments are required to comply with the local program performance standards if the Metro Council concludes that the region has made substantial progress toward achieving the regional outcome measures described above.

4. Metro Technical Assistance to Local Governments

To help the region meet the regional outcome measures, as Metro implements the non-regulatory approaches described in paragraph 2, above, it shall provide technical assistance to local governments to help them develop and improve their local fish and wildlife habitat protection and restoration programs. Such technical assistance may include providing information about alternative low impact development practices, scientific analysis of local habitat conditions, the collection, organization and use of geographic information system data and mapping technologies, development of educational information and curricula, and review of local land use codes to identify current barriers to development approaches that benefit fish and wildlife habitat and potential modifications to benefit fish and wildlife habitat.

5. This Resolution is Not a Final Action

This resolution is not a final action. The Metro Council's action in this resolution is not 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 OAR 660-023-0050 (Programs to Achieve Goal 5).

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

Randy Miller

102104c-01

RLM, 5<sup>TH</sup> GENERATION OREGONIAN

SPEND 80% OF MY DAY ON CIVIC ENGAGEMENT, DUE TO PASSION FOR OREGON

CONTINUING THREAD EC DEV, W/O ADEQUATE INCOME, WHAT ELSE...

UNDERSTAND CULTURE HERE, <sup>L/S</sup> REC PREFERENCES WHAT IS SPECIAL TO US

*Amb Program Retention*

EC DEV EFFORTS ACKNOWLEDGE THESE PREFERENCES

BUSINESS ATTRACTION WASTEFUL IF WE TRY TO ATTRACT BUSINESS

THAT DOESN'T FIT OUR CULTURE

BUSINESSES COMING OR EXPANDING HERE, BY IN LARGE, SUPPORT THIS

WE DON'T FIT FOR MOST OF CORP US, THAT'S WHY WE DON'T EXP FAST GROWTH

THE ONES THAT WANT TO BE HERE, RESPECT OUR DIFFERENT WAY OF LIFE

CONSEQUENTLY, I DO NOT BELIEVE WE HAVE TO PLACE ONEROUS RESTRICTIONS

AND IMPOSITIONS AND THREATS TO OUR EC LIFEBLOOD

THE GOAL HERE SHOULD BE BALANCE AND THIS RESOLUTION

ADDRESSES THIS NEED

~~I ENDORSE OUR LAND USE LAWS, BUT FEEL THEY HAVE BEEN OVERLY~~

~~RESTRICTIVE~~

*We need to be in*

AND WE ARE OUT OF BALANCE WITH OTHER COMMUNITY NEEDS

WE HAVE SEEN THE NET RESULT TO A DECLINING ECONOMY AND THE

HAVOC ON

SOCIAL SERVICES , PUBLIC SAFETY, AND SCHOOLS

BUSINESSES HAVE LOTS OF CHOICES ELSEWHERE, BUT WE HAVE NO  
OPTIONS OF

PUBLIC FINANCE THAT CAN BETTER FINANCE THESE SERVICES

BETTER THAN THRU BUSINESS PROSPERITY

THIS RESOLUTION IS A PRUDENT STEP TOWARDS THIS BALANCE, AND I  
URGE YOU TO

SUPPORT IT.



blairackley@comcast.net

102104c-02

1

For the record my name is Blair Ackley  
& I reside at 655 NW 229<sup>th</sup> Hillsboro  
Council President & Member of the Council <sup>971524</sup>

I am an ~~affected~~ property owner  
who is affected by ~~our~~ <sup>the</sup> Goal 5  
decisions because our property has  
a sig. Nat. Resource area <sup>in</sup>  
our <sup>property</sup> boundaries and ~~it is adjacent~~  
to we have a metro open space  
parcel contiguous to our property.

Any time we ~~anticipate~~ <sup>contemplate</sup> decisions  
we must, face the law of unintended  
consequences. To the North, West &  
South of our property there are  
open fields; yet, ~~with~~ in anticipation  
of ~~your~~ <sup>the</sup> Goal 5 decision, the  
property owner has sold the  
property to developers for  
3 million \$ vs. 700,000 <sup>post</sup> goal 5 decision



Consequently, we will have  
 48 new homes to ~~the~~ North  
 of our property & 43 new homes to our West  
 & South of our property. Therefore  
 the 6 resident deer, owls &  
 hawks that ~~you~~ we all want  
 to protect will lose significant  
 habitat because we want to  
 protect the habitat. That is  
 an unintended consequence  
~~just~~ similar to the free cutting  
 & property sales that <sup>we read about</sup> all in the news  
 directly related to <sup>the</sup> ~~you~~  
 Goal 5 decisions.

I am here because ~~it's~~  
~~as a project~~ we need  
 a balanced ~~decision~~ Goal 5  
 decision.



We do not have ~~enough~~  
enough environmental police  
to protect all habitat.

We have been careful stewards  
of our property & the significant  
Natural Resource w/in our property.

Therefore, I am testifying  
in support of the Resolution  
A-3506 as the best alternative  
Compromise for all environmental  
views.



Cindy Catts, Associated General Contractors  
 9450 SW Commerce Circle  
 Wilsonville

- First want to offer AGC's support of this resolution. We applaud Councilor Park and Pres Bragdon for taking a much needed, but nonetheless courageous step to change the manner in which Metro partners with ~~2~~ cities, 3 counties, property owners & developers in this region.
- AGC is a big proponent of using carrots to achieve positive outcomes rather than beating your partners into submission with a big stick.
- This resolution signals a new leadership model from Metro — offering the carrot in the spirit that jurisdictions, ~~and~~ property owners & developers ~~do~~ really want to do the right thing and are capable.
- You will hear from others that your <sup>acknowledged</sup> <sup>GS</sup> decision on this new direction <sup>program</sup> needs more time. I encourage



you not to fall into that trap.  
While many details are not known  
about this new approach, the decision  
to take this path doesn't need a  
lot of time! Make the decision  
on the ~~28th~~  
4th to move forward.

— A few things to consider:

- \* May want to make the  
"periodic reporting" part of  
the resolution ~~clear~~ <sup>more explicit</sup>. We  
would suggest timelines like —
- Developing outcomes & performance  
measures in 2005
  - 1<sup>st</sup> interim report due in 2007
  - 2<sup>nd</sup> interim report due in 2009
  - Metro decision on voluntary efforts  
in 2010

\* Need to be sure that outcomes  
& performance measures are  
easy to understand, achievable  
& measurable and ~~if~~ that  
they allow for flexibility on  
the ground and tailoring  
to specific community  
needs



\* We are supportive of moving forward with a bond measure to finance a willing seller program & restoration program

\* As always, ABC commits my time to assist w/ the details that need to be flushed out over the next several months

\* If the new <sup>expanded</sup> Implementation Team will be charged with oversight of the development of performance standards, we would encourage adding additional development expertise to that group.

ABC recommends a "yes" vote on this resolution

**Commercial Real Estate Economic Coalition**

1211 SW Fifth Ave. ♦ Suite L-17 ♦ Portland, OR 97204  
(503) 228-9214 ♦ Fax (503) 223-1659

**PUBLIC HEARING ON RESOLUTION 04-3506  
TESTIMONY BY BEVERLY BOOKIN, AICP  
ON BEHALF OF THE COMMERCIAL REAL ESTATE ECONOMIC COALITION (CREEC)  
OCTOBER 21, 2004**

---

*President Bragdon and Members of the Metro Council:*

*Good afternoon, I am Beverly Bookin, a representative of the Commercial Real Estate Economic Coalition (CREEC), here today to register my organization's strong support in principle of the Bragdon/Park proposal (Resolution 04-3506).*

*As you know, I and several other representatives of the business community, many of whom are here this afternoon, have participated in the Regional Goal 5 planning process since its inception. Initially, the work scope for the effort featured the "gap" approach, whereby Metro would provide a regional framework, filling the gaps between the existing acknowledged local Goal 5 programs, coordinating planning for regional resources and providing technical assistance. Shortly thereafter, a decision was made to undertake a full-bore regional process, including the development of its own inventory, ESEE analysis, Allow/Limit/Prohibit (ALP) map and regulatory program, which the development community opposed as it needlessly duplicates rather than leverages existing local work.*

*This approach has taken twice as long and cost several times more than initially anticipated. What's more, because the Council declared everything on the regional inventory as "regionally significant" regardless of its natural resource value, Metro has created a large disaffected class of property owners who have been in limbo for years. This disaffection has been skillfully exploited by property rights' advocates and has resulted in a significant backlash in support of Measure 37.*

*What is clear is that the Regional Goal 5 program as currently conceived is politically untenable and we congratulate President Bragdon and Counselor Park for their political courage to acknowledge this. The proposed new direction actually is a return to the initial approach, that of regional coordination and technical assistance. Does the substitution of regional performance standards signal a pull-back of efforts to preserve natural resources? Not necessarily so.*

- *Local Goal 5 planning has improved substantially in the past five years. This includes all of the jurisdictions in the Tualatin Basin. Portland has an updated inventory that it has delayed adopting only because it was waiting for the completion of the regional work. Wilsonville, Lake Oswego and Clackamas County recently have adopted stringent Goal 5 programs that have been acknowledged by the state. Building upon these local efforts, Metro can use its natural resource staff and funding to assist smaller jurisdictions that do not have the expertise to do Goal 5 planning themselves or need help updating their existing programs.*
- *There also have been concurrent improvements in other development regulations, including stormwater management and tree preservation, which apply to all development. And, more private developers are adopting sustainable building practices, seeing it as the "right thing to do", something that can be expanded through education and incentives.*

*As I noted above, CREEC supports Resolution 04-3506 in principle but, as always, the devil is in the details. There are two approaches to implementation:*

- *In the first approach, Metro grants a local jurisdiction the authority to develop its own Goal 5 program but dictates that it use the regional inventory, significance determination, ESEE analysis and ALP map. In this alternative that essentially describes the Tualatin Basin effort, Metro merely shifts the political risk and legal liability to the local jurisdiction without the flexibility to use its own local Goal 5 work and tailor its program to local conditions and political realities. This approach is unacceptable to my constituents.*
- *In the second more preferable approach, Metro acknowledges that Goal 5 compliance is primarily a local/state affair where Metro plays a role in regional coordination, technical assistance and open space acquisition, not as a legal or regulatory intervener. In this scenario, Metro's extensive technical work becomes a resource, providing guidance and a point of departure particularly for jurisdictions whose Goal 5 programs are inadequate or outdated. By establishing regional performance standards and/or outcomes, Metro can set a rigorous but reasonable regional standard to which all local jurisdictions can strive, first through updating their programs for state review/acknowledgment and then to Metro for a ruling of "substantive compliance". If Metro chooses this alternative, then we would strongly urge it to reconsider its "regional significance" determination to be more discriminating, e.g., set the standard at sites with say 12 points or more on a scale of 30, so as to identify those sites that the region considers really worth saving. It would then not be unreasonable to ask local jurisdictions to consider adding these to their inventories.*

*As always, representatives of the development community commit to participating with other stakeholders to create an effective and well-balanced regional natural resource program which leverages existing and future local Goal 5 efforts. Thank you for the opportunity to testify today.*





Testimony presented by  
**Jonathan F. Schlueter**  
Executive Director,  
**Westside Economic Alliance**

To The Metro Council  
In Consideration Of The Proposed  
**Resolution 04-3506**  
Wednesday, October 21, 2004

**Introduction:**

The Westside Economic Alliance is a regional economic development organization that represents and serves 180 employers and business developers who are dedicated to improving the business climate and economic vitality of their communities, and provide more than 41,000 jobs on the westside of the Portland metro area. As such, our members and community partners have a clear and significant interest in the economic and environmental health of the metro region, and enhancing the quality of life that attracts both human residents and wildlife species to live and co-exist here.

But at a time when Oregon holds the dubious distinction for having the highest unemployment rate in the country, we are constantly reminded that there is much more work that must be done to improve the economic climate and business environment in our local communities and in the State of Oregon. For the 7.3 percent of our neighbors and friends who are currently unemployed, we must do everything we can to improve the business and economic climate of our state. As long as our state trails the national economic recovery, we will continue to endure critical funding challenges for our public schools and basic social services, the nation's highest rates of hunger, and where the brand of Fortune magazine as being the fourth "*most overpriced city in America.*"

These disturbing trends leave us to question whether we are the victims of bad luck and poor timing, or bad policies and poor planning. It is appropriate, therefore, that we search for new and innovative ways to address the needs of our region at all levels of government.

Westside Economic Alliance  
Resolution 04-3506  
October 21, 2004  
Page Two

And let me very clear on this point: We do not regard the economic and social needs of our region as being mutually exclusive or in competition with the environmental resources and attendant wildlife habitat with which we co-exist. What I am suggesting is that the environmental needs and ambitions of our community and the metro region can be far better served if we have full employment and a prosperous economy to pay for our efforts.

With this in mind, Westside Economic Alliance wish to take this opportunity to praise Metro President Bragdon and Councilor Park for crafting and sponsoring Resolution 04-3506. We certainly favor the incentive based approach envisioned and proposed by this resolution as far more preferable than the regulatory stick that has met with growing resistance at every turn and has allowed this process to drag out for 8 long years with no satisfactory resolution for anyone. .

Westside Economic Alliance favors the proposal to acquire environmental gems within the Urban growth boundary---and elsewhere in the state of Oregon---with revenues collected from all beneficiaries in this region. The 1995 regional bond measure to raise \$135 million for local and regional green space acquisition has been very successful in protecting 8500 acres of green space and park areas in the tri-county region, and has been well-accepted by residential, commercial and industrial taxpayers alike.

This effort should be extended and expanded by Metro Council. Businesses would support regional efforts to acquire property from willing sellers, as a welcome alternative to the uncertainty and delays which have plagued the Goal 5 resolution from the outset. It is appropriate to find measures which have worked well in the past and improve on these successes. By emphasizing public acquisition of the environmental gems of this region, Resolution 04-3506 wins the support and approval of the business community.



Westside Economic Alliance  
Resolution 04-3506  
October 21, 2004  
Page Three

We would much prefer to work with Metro, with our local communities, and with the environmental organizations who will testify here today, in cooperation and common purpose than to confront you in the courts and here in the Metro chambers as we chart the course of our region for the next 20 years.

Like most other groups that have testified here today, Westside Economic Alliance is eager to learn what the sponsors of Resolution 04-3506 have in mind with the scope and application of the performance based standards for our region and local communities. But we are able to see enough potential and opportunity with this new approach to offer you our support and encouragement. We urge the other members of the Metro Council, and the other interest groups assembled here today to back this measure as well.

By working together, we can restore the Oregon economy and community to the quality of lifestyle we all desire for ourselves and for our neighbors. But in doing so, we don't have to abandon or squander the environmental quality of our region. By working together, businesses, communities, and environmentalists--we can protect, restore and enhance the natural resources and wildlife habitat that we all treasure, and that make Oregon the place we all want to live and work in the future.

For additional information, please contact

Jonathan Schlueter  
Executive Director

Westside Economic Alliance  
10200 S.W. Nimbus Avenue Suite G-3  
Portland, Oregon 97223  
(503) 968-3100



**Carl Axelsen**

**11405 SW 33<sup>rd</sup> Avenue  
Portland, OR 97219  
axelsen@easystreet.com, 503-452-3521**

Metropolitan Regional Government  
Metro Council  
600 NE Grand Ave  
Portland, OR 97232-2736

October 21, 2004

Dear Council Members

I am Carl Axelsen a 62 year resident of the Portland Metro Region and retired from the business world to volunteer and work on behalf of the Region's critical natural habitats.

I began my career and adult life in the mid 60's and, in my corporate job, was involved in the civil rights movement. The effort to gain equality for minorities in the 60s and 70s was extraordinarily contentious. Laws, ordinances and executive orders were new and some were flawed. Resistance was at the gut level and extreme. Risk was high. Courage was everywhere.

Now our country counts the success of that movement. People of color, women, those disadvantaged for various reasons, compete much more equally for their bit of the dream. In hindsight, we see the resistance was self-serving, short-term focused, and coming from a minority of the population making a majority of the noise.

Looking back, it was mostly voluntary efforts that achieved success - businesses, landlords, bankers, educators, and legislators - choosing to do the right thing. But no one believes equality would have been achieved without laws. Without the laws and the enforcement of them by courageous public officials, the screams and threats of the resistant minority would certainly have prevailed. Laws allowed voluntary efforts to succeed.

Now we struggle to restore and preserve a little bit of the habitat critical to the health of fish and wildlife that, along with a diverse plant mix, make human life healthy and, ultimately, possible. And now too we are hammered by the threats of those who place short-term personal gain above the health and economic interests of the many.

An amazing army of volunteers is out there every day- thousands of them - working to save the last best parts of our green world here in the Region. Homeowners and businesses are choosing voluntary efforts, often costly and risky, to do their part. They are greatly encouraged that Region-wide regulations support their selfless commitment because they know that laws are also required. And if the laws are flawed, fix them, don't drop them. They understand the concept of Region government – that a patchwork of local laws won't work when the environment is at stake.

Please do not toss out the regulatory component of this critical Region-wide Greenspaces program. **Reject Resolution #04-3506.** Do not let the scare tactics of a shortsighted, selfish few ruin this wonderful program. Please.

Thank you for your consideration,

Carl Axelsen

p.s. Has anyone thought of what will happen to the millions that come to the region now as habitat restoration grants?



October 21, 2004

Metro Council  
Metro Regional Center Council Chamber  
600 NE Grand Avenue  
Portland, OR 97232

Dear Metro Council:

Defenders of Wildlife is a national, non-profit organization dedicated to the protection and restoration of native wildlife, fish, and plants in their natural communities. We are well known for our leadership and involvement in fish and wildlife habitat planning and protection efforts. We led the Oregon Biodiversity Project, a comprehensive assessment that provides the framework for a statewide biodiversity conservation strategy.

Defenders of Wildlife applauds Metro for your comprehensive and scientifically based approach to identifying high priority fish and wildlife habitats in the region. In fact, we feature Metro on our Biodiversity Partnership website ([www.biodiversitypartners.org](http://www.biodiversitypartners.org)) as a model for habitat mapping at the regional scale.

Defenders has been working for years to improve the effectiveness of conservation incentive programs on private lands. We believe that incentive programs and other non-regulatory tools are a vital part of any habitat conservation program. In order to be effective, incentive and other non-regulatory approaches need to be carefully designed, well funded, diverse, flexible, and readily accessible to large numbers of diverse landowners. An effective non-regulatory program will require a major commitment of dedicated funding and staff time to develop and implement the programs and to provide technical assistance. Defenders staff is committed to working with the Council and staff to develop incentive programs that are effective for Metro, for our cities and counties, for landowners, and for fish and wildlife.

We are concerned that, after years of hard work to develop a comprehensive habitat protection program, the Metro Council is considering Resolution 04-3506 to drop regulatory tools from the implementation toolbox until 2012. We believe that non-regulatory approaches, including incentives, are a necessary part of an effective regional habitat conservation program, but these approaches are not likely to be effective without a baseline level of regulation.

By dropping regulatory protections for habitat for the next eight years, we believe that the following unintended consequences would occur:

Northwest Office  
1880 Willamette Falls Drive  
Suite 200  
West Linn, Oregon 97068  
Telephone: 503-697-3222  
Fax: 503-697-3268

National Headquarters  
1130 17th Street NW  
Washington, D.C. 20036  
Telephone: 202-682-9400  
Fax: 202-682-1331

- Habitat conservation efforts will be undermined in the region, and in the entire state. Few jurisdictions will choose to fill the regulatory gap that Metro will create if this resolution is adopted, and voluntary programs are unlikely to provide adequate habitat protection.
- Proactive planning efforts, such as those in the Damascus area, will likely fall back to business as usual, with little thought to habitat conservation.
- In some high priority habitat areas, landowners or developers will take advantage of the long window with no regulations, and destroy these high quality habitats so that future regulations won't apply.
- Many high priority habitats will have absolutely no protection, if habitat conservation is entirely voluntary. This undermines any attempt to use a strategic approach to "protect the best" habitats.
- Fish and wildlife populations will continue to decline, and habitats will become even more fragmented. Natural functions (such as improving water quality and moderating floods/flows) will be degraded.
- Quality of life for Oregonians in the Metro area will be compromised, as habitat protection is compromised.

If the Metro Council decides to use non-regulatory tools as the primary approach to habitat protection, we urge you to make a transition rather than an abrupt change. For habitat protection efforts to be effective, Metro needs to develop and implement a strong non-regulatory program first, then consider transitioning away from regulatory approaches. A transition would also allow Metro to maintain some baseline level of regulation, particularly for the highest priority habitats, while local jurisdictions develop their programs.

Defenders of Wildlife is committed to working with Metro to collaborate on developing effective incentive programs for the Metro region. However, these voluntary efforts will be more effective if they are part of a broader habitat protection program that balances regulatory and non-regulatory approaches.

Sincerely,

Sara Vickerman  
Director, Northwest Office

Cheryl Hummon  
Senior Conservation Incentives Specialist



Good afternoon Metro Council

Testimony to Metro Council  
October 21, 2004  
Robert A. McKean, Ed.D.  
Superintendent, Centennial School District

Speaking in favor of Resolution #04-3506

Centennial School District owns about 18 acres of undeveloped property on Butler Road in Gresham that has tentatively been designated Class B wildlife habitat. The School Board is very concerned about the effect of this designation on the value of this property either for development as a new school or for sale to others to generate cash that could be used to purchase land for a new school.

Enrollment will continue to climb in our district due to the Pleasant Valley Urban Growth Boundary Expansion and implementation of the Damascus/Boring Concept. Paying for the land and buildings for new schools to serve the additional 15 to 20 thousand students in these growth areas will be a tremendous challenge for the ~~five~~ school districts that will be impacted by increasing population.

*affected*

Our School Board wants to protect the financial interest of the District and do the best for the taxpayers in our school district.

*at Com. Asset goals initiative*

From the perspective of our School Board the imposition of ~~these~~ regulations could be a reason to go forward with disposing of this property in order to protect the financial interests of the school district.

On the other hand, with ~~the type of standards that are~~ *an approach* *such as those* proposed in Resolution 04-3506, Centennial could potentially develop the site into a middle school in a way that preserves wildlife habitat to the maximum extent possible and ties in with the wetland mitigation project, the storm-water detention pond, the bio-swale and the riparian mitigation projects that already exist at the adjoining elementary school. In addition, these resources would provide an excellent environmental education resource for students in our school district. We believe the type of standards that provide the flexibility to engage in development of the resource in this way are far superior to stringent limits that encourage the immediate development of the habitat in order to protect the financial asset.

*Proven Best of year*

- Technical Assistance
- Incentive
- Education
- Performance Standards

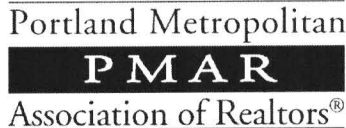
Bob a narrative for the council is printed above. They would like to have you turn in anything you read from to help the Clerk to the Council. The three Main Talking Points, from which I wrote the narrative are stated below:

1. The imposition of strict regulations for Statewide Goal 5 environmental protection on our property will reduce the value of the public asset. This is a matter of concern to the school board because of how hard it is for us to raise money to construct new schools.

*In Short*

2. From our perspective this proposed resolution is a positive way to meet the Goal 5 protection and not create an enormous incentive for property owners such as ourselves to sell property or destroy habitat in anticipation of the new regulations.

*It also provides for us*  
3. We do have a great opportunity to look at new ways to develop *a* schools that would save habitat to the greatest extent possible, *and* provide the school we need and *that might* also provide a great “environmental science laboratory” for students to *use in their curriculum*.



Testimony  
before the  
METRO Council  
Resolution 04-3506  
October 21, 2004

Presented by: Jane Leo, Governmental Affairs Director, for the Portland Metropolitan Association of Realtors®; 5331 SW Macadam Avenue, Suite 207, Portland, Oregon, 97239.

On behalf of the 6400 members of the Portland Metropolitan Association of Realtors® (PMAR), I encourage you to support Resolution 04-3506. This is a policy decision that positively resets the direction of the work METRO has undertaken to protect those areas identified as significant to the environmental health of the region.

PMAR supports the new direction proposed by Council President Bragdon and Councilor Park; a direction that recognizes and respects the work, programs, and desires of the region's local municipalities and individuals. We support METRO assuming a role of regional coordinator for the Goal 5 program and outcome measures, and METRO providing technical and financial assistance to those cities that lack expertise and/or are unable to fund their own program's development.

Additionally, PMAR strongly supports a regional habitat protection program that purchases from willing sellers land identified as regionally significant rather than a program that regulates away the use and enjoyment of a person's property.

We thank Council President Bragdon and Councilor Park for bringing forward a fresh approach to achieving the goals of protecting our region's environment.

We ask for your vote in support of Resolution 04-3506.



5331 SW Macadam Avenue, Suite 207  
Portland, OR 97239  
503.228.6595  
Fax 503.228.4170



Travis Williams  
Riverkeeper &  
Executive Director

October 21, 2004

BOARD OF  
DIRECTORS

Testimony to the METRO Council

Cathy Tortorici  
President

Re: Resolution 04-3506

Rosemary Furfey  
Secretary

From Willamette Riverkeeper

Joe Coffman  
Treasurer

Dear Metro President Bragdon and Councilors:

Patricia Benner

We have several issues with Resolution 04-3506.

Scott Fogarty

1) First and foremost, this issue must be fully addressed after the November 2nd election. The timing of this resolution is poor and full public consideration should be incorporated. As it stands, there is little time for discussion of this matter and it would be better deliberated at length in the weeks ahead.

John Haines

Gayle Killam

ADVISORY BOARD

Lawrence R. Curtis,  
PhD.

2) We disagree with this resolution. This resolution undermines years of hard work, and the protection of key habitat. As you know, development of a program that would explicitly protect key wildlife habitat will benefit fish and wildlife, and clean water.

Mike Lindberg

Paul Lumley

3) The problem, as identified in the Oregonian, with likely input from the Councilors introducing this resolution, is one of *perception* and *uncertainty*. It would seem that there are better methods of dealing with public perception and uncertainty in relation to this issue. Instead of taking a big step back, perhaps Metro should work aggressively to inform people of the benefits of this program as it is developed.

Mary Lou Soscia

4) Volunteerism is good. There are many good examples of it. I might even mention the many people that adopt sections of Willamette River for Willamette Riverkeeper. They care about the resource and are inspired. Unfortunately, we cannot rely on the simple "good will" of all people and cannot guarantee an appropriate level of "inspiration" among people to protect key habitat for the many native



species around us. This is true of clean water, and land protection efforts. There are always those that will never be swayed by reasoned arguments, whether about habitat destruction or business ethics. This is why we have laws and regulations - for the public good.

- 5) Currently, the State of Oregon is seeking greater protection of the Willamette River system, and Governor Kulongoski is working on ways to protect the Willamette River long-term. This resolution does little to augment these efforts, and if anything, sends the wrong message at a critical time for the Willamette.
- 6) Does this resolution actually meet the goal of the Vision Statement of MPAC on this issue?

We look forward in the days ahead to further dialogue on this issue and look forward to developing a fish and wildlife protection program that works.

Thank you for your consideration of these comments.



Travis Williams  
Riverkeeper & Executive Director  
Willamette Riverkeeper



CLAIR KLOCK  
503.695.5882

cbklock@cascadiarecess.com  
Continued

25th

Chair Bradley, member of the council  
and mayor of the metro area

Nov 4th

In the hand - My name is CLAIR KLOCK  
I reside @ 931 . . Salzman Corbett, East ~~MTAC~~ Co

I'm here today to urge you ~~to not~~ not adopt  
against resolved OR-3506, as presently stated

I would like to point out the process  
is not make w/o some form of regulation -  
- as distasteful as we may think it is.

The OR Forest practice act was a result  
of industry inability to consider long-term  
health of our forest & streams

The point source clean-up ~~was~~ the Willamett  
was not achieve only through regulatory & some  
volunteer effort

The only reason that we await ~~the~~ legislation  
The Agr practice Act through the ballot box  
is SB 1000 - there is a combination of  
regulatory & volunteer approach by the  
nursery & farming committee - regulatory background

In light of this history I see no  
reason to postponed both regulatory and  
volunteer effort to maintain Fish & Wildlife  
Goals for the metro area. The process has  
included every conceivable stakeholder in the  
metro area - from cities, environmental, consumer  
district, ~~special~~ special district and citizen input.

MTAC, WRPAK

again ~~in support of~~ <sup>in support</sup> again urge that you not  
adopt this resolution -  
Thank you ~~are there any~~ are there any  
question



Regarding: Resolution No. 04-3506

October 21, 2004

For the record, my name is Brenda Brady and my address is 28901 SE Wheeler Road in Boring, Oregon. I'm here representing Mt. Hood Community College President Bob Silverman.

Council President and Members of the Council:

Mt. Hood Community College and its Board of Education support the resolution under consideration.

As you know, in the recent past Metro purchased just over 62 acres from the College, land that became part of the Beaver Creek Greenway corridor. This land is the largest parcel acquired by Metro to date in the Beaver Creek Greenway target area. Mt. Hood Community College was pleased to partner with Metro in the effort to protect habitat and natural open space. The space will continue to serve as a sort of "living laboratory" for our forestry, science, art and other programs and students, and we feel fortunate to have this beautiful property be part of our landscape.

Adjacent to the property that lies along Beaver Creek and part of the Gresham campus is about 40 acres of land that the college has long-planned to develop. Goal 5 as we understand it will hinder development of that land to such an extent that our ability to change the landscape or construct buildings is in question. We are encouraged by this resolution in that the 62 acres of dedicated greenspace will complement the developable land that lies just east of it and will allow the College to contribute further to the economic development of the area while meeting the needs of our students. The College Board is committed to sustainable building practices and environmentally sound development.

Thank you for your time. We look forward to developing a project that will benefit our students, our community, and our region.

**METRO RESOLUTION 04-3506 TESTIMONY**

NOSE CARUTH GS

Council President Bragdon, members of the Council: I am Wayne Kingsley, Past President and board member of the Central Eastside Industrial Council and a member of the Portland Business Alliance board. However, I am not officially representing either of those organizations, today.

In this noisy election season, the talk of the town is Resolution 04-3506. This talk is the most positive I have ever heard concerning the much too contentious and too often combative tone associated with setting and meeting environmental goals. Therefore, I commend Council President Bragdon and Councilor Park for their bold and innovative proposal to refocus METRO's fish and wildlife program. I urge the other Council members to support this resolution.

We have been bogged down in an unproductive and divisive approach to Goal Five for many years. This proposal offers hope of an approach that both protects the most important fish and wildlife resources AND protects our region's currently shaky and uncertain economic vitality.

Countless businesses and property owners think timely approval of this resolution will launch us on a new, more likely to succeed, course of action. It will allow us to select the right tools for the right job and to build upon the existing knowledge, expertise and cooperation of local governments. These efforts will be framed and driven by regional performance standards. They will be supported by technical assistance, acquisition programs and backed up <sup>Asy</sup> regulation only when needed.

Taken together this approach will put this region back in the forefront of getting the job done ~~for our region~~ in a balanced and productive manner. ~~It~~ other words, it is only by developing and implementing our environmental goals in a cooperative manner involving all parties and interests that the necessary broad consensus can be attained and sustained. That best serves the short and long-term interests of this region.

Passing this resolution represents a beginning, there is a lot of hard work needed to answer the many questions that have been raised and to define and

develop the performance standards, the tools and programs make it a success.

*The resolution*

For this reason I urge this Council to approve and move forward so that we can get about the work necessary to achieve a balanced approach to fish and wildlife habitat protection AND the economic vitality that this region has long been known for but which now is in jeopardy.

Thank you



October 21, 2004

David Bragdon, President  
Metro Council  
Metro Regional Services Center  
600 NE Grand Avenue  
Portland, OR 97232-2736

Re: Resolution 04-3506 Directing the Chief Operating Officer to Develop a Fish and Wildlife Habitat Program that Relies on a Non-Regulatory Effort to Improve Habitat Prior to any Implementation of New Regional Performance-Based Regulations

Dear President Bragdon:

Thank you for the opportunity to comment on Resolution 04-3506. As one of the largest landowners with significant property along waterways and natural resource areas likely to be affected by Goal 5, the Port of Portland (Port) strongly supports the new direction in natural resource protection proposed by Council President David Bragdon and Councilor Rod Park. The Port has a history of managing our property for multiple objectives, including natural resource protection. In keeping with the Port's natural resource policy, the Port regularly incorporates natural resource considerations into all Port development projects. Two recent examples of our environmental stewardship include: the Terminal 4 bank restoration project and the Port's riverbank management plan.

The Port believes that natural resource protection and industrial development can occur in concert. Fish and wildlife habitat protection is an important regional objective, but must be considered along with other regional needs such as the region's industrial land supply and economic health. We believe the current Metro Goal 5 approach does not achieve this. We welcome the new direction proposed in Resolution 04-3506 and congratulate you on your leadership in recognizing the need for this new direction – a direction which emphasizes regulatory flexibility for local jurisdictions, education, land acquisition and regional performance standards.

For the past six years, the Port and other jurisdictions have worked with Metro on its development of the Goal 5 natural resource inventory and Economic Social Environmental and Energy analysis (ESEE) of program options to ensure that Metro had accurate and complete information and was using appropriate assumptions regarding natural resource habitat. We consistently reinforced with Metro the need for the Goal 5 regulatory program option to be considered with other regional objectives and provide flexibility critical to implementation.

It was not until recently, however, that sufficient data was available to allow Port staff to evaluate the financial impacts of the proposed 2B Goal 5 program option on Port

properties. Using Metro's latest Goal 5 maps and Metro's hypothetical developable area limits and potential mitigation requirements as assumptions, we determined the impact was significant enough to conclude that Metro's current Goal 5 approach was not workable on the ground. We believe that this assessment by the Port represents a telling case study for Metro Council to consider.

There are three key areas of concern in the current Goal 5 approach which led us to support the new resolution and new direction. First, the ESEE failed to recognize the unique location, economic value and irreplaceable nature of Port operations and properties. To illustrate this, the ESEE and subsequent mapping provides an "Allow" use designation on only 88 acres out of the 10,000 acres owned by the Port, despite the fact that most of the Port terminal areas and properties are designated as regionally significant industrial areas (RSIA). Second, when we applied Metro's hypothetical ESEE developable area limits and mitigation requirements to our "Lightly Limit" and "Moderately Limit" properties, we determined that the mitigation costs alone for our property would be more than \$60 million (see attached Port Goal 5 Impact Assessment). This financial impact does not include the loss of revenue from the 552 acres that would be considered not developable. Notably, this potential loss of developable industrial acreage represents more than one-quarter of the recent 1,940 acres of urban growth boundary (UGB) expansion. This would create a significant financial impact the Port cannot afford to absorb. It also represents a de facto reduction in the amount of developable industrial land inside the UGB, creating even more pressure to expand the UGB into greenfields. The current Goal 5 approach would also make it difficult to redevelop or improve existing public facilities like marine terminals and airports.

Resolution 04-3506 represents a common sense approach to proceeding with the regional Goal 5 program. This resolution acknowledges the Goal 5 work of local jurisdictions by allowing these jurisdictions to fine-tune their existing programs to meet regional – as opposed to site specific performance standards. The resolution provides a model program to those jurisdictions without the resources to undertake development of their own Goal 5 program. It places education and land acquisition at the center of a regional Goal 5 program with a proposed regional habitat and acquisition program funded through a regional bond measure. It requires Metro to track progress towards meeting the performance standards through quantifiable measures as Metro has done in other arenas. Perhaps most importantly, the resolution is responsive to local control and the need for a more flexible approach to natural resource regulation. We see this new direction as building on the work and inventories previously completed by Metro while reducing the potential for duplication of effort between the regional government and local jurisdictions.

We certainly understand that some may have concerns about the details of this approach. We too share this concern. The Port is committed to working with Metro and others on details of this new approach to ensure it can be implemented and will achieve multiple regional objectives.

We urge Metro Council to support this resolution. We further recommend that Council:

- **Ensure that other industrial and commercial developers are at the table with the Regional Fish and Wildlife Habitat Program Work Group in developing the regional performance measures.** The current Work Group does not have representation by these interests.



It is critical that this group understand the effects of the model regulations being proposed and the feasibility of non-regulatory program recommendations and performance standards from an industrial/commercial development perspective.

- **Closely track the performance standards and Goal 5 regulatory program work of the Work Group so that it reflects the proposed new direction.** The performance standards proposed to the Work Group on September 29th may be too site specific to allow for a district or watershed approach or to provide local governments with the kind of flexibility described in the resolution.
- **Undertake a financial assessment of proposed performance standards to understand the “on the ground” impacts.**
- **Evaluate the impact of proposed performance standards on other regional policy objectives, such as UGB expansion, preservation of industrial land (Title 4) and transportation infrastructure investment.**
- **Consider designating RSIA properties with high economic value as “Allow” uses under the regional Goal 5 program in recognition of the fact that the reduction of available industrial land within the UGB will likely result in expansion of the UGB and a corresponding impact on other natural resources.**

We appreciate your consideration of our comments. We are committed to continuing to work with Metro and others in the region on an approach that meets the multiple needs of this region.

Sincerely,



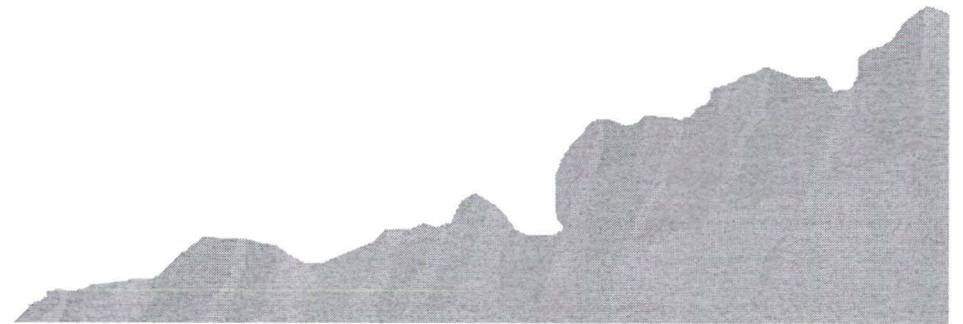
Bill Wyatt  
Executive Director

Attachment

c: Metro Council  
Metro Policy Advisory Committee  
Port Commission  
Mike Jordan  
Mike Wetter  
Andy Cotugno  
Chris Deffebach  
Paul Ketcham  
Lise Glancy  
Susie Lahsene  
Tom Bouillion  
Dorothy Sperry

# Port Goal 5 Impact Assessment

October 20, 2004





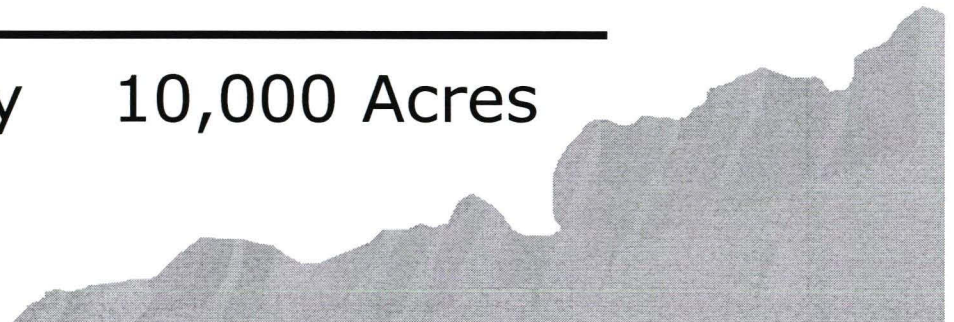
# Summary of Goal 5 Application to Port Property

◆ Allow	88 Acres
◆ Lightly Limit	1,270 Acres
◆ Moderately Limit	1,324 Acres
◆ Strictly Limit	<u>2,500 Acres</u>
◆ Total LL, ML, SL	5,094 Acres

◆ Prohibit	0 Acres
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◆ Total Port Property	10,000 Acres
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# Goal 5 by Port Property

Port Property	Allow	Lightly Limit	Moderately Limit	Strictly Limit
Terminal 2		33	0	
Terminal 4	0	46	0	
Terminal 5	2	31	21	
Terminal 6	6	70	21	
PDX	27	372	124	
PIC	8	168	31	
N. Rivergate	5	52	22	
S. Rivergate	9	113	53	
Rivergate Natural Areas		0	18	526
West Hayden Island		2	715	
Swan Island	3	27	9	
Hillsboro Airport	9	119	55	
Troutdale Airport	4	58	29	
Government Island				1974
Reynolds	15	179	226	
Total	88	1270	1324	2500

# Proposed Goal 5 vs. Current Environmental Regulations

Port Property*	Port Property Area	Total Currently Regulated Area****	Proposed Goal 5 Regulated Area**	Net Increase in Regulated Area
Terminal 2	52	33	33	0
Terminal 4	254	40	47	7
Terminal 5	189	24	52	31
Terminal 6	512	75	91	18
PDX	2825	523	496	237
PIC	463	31	199	168
N. Rivergate	137	24	74	55
S. Rivergate	372	61	166	106
Rivergate Natural Areas	548	532	544	12
West Hayden Island	717	717	717	0
Swan Island	110	42	35	2
Hillsboro Airport	885	50	174	125
Troutdale Airport ***	276	8	87	82
Government Island	1974	1974	1974	0
Reynolds ***	695	144	405	262
<b>Total</b>	<b>10009</b>	<b>4278</b>	<b>5094</b>	<b>1105</b>
* - All measures in acres				
** - Based on the Metro COO's recommendation as modified by Metro Council				
*** - For Hillsboro E-zone equivalent is City SNRO zone; for WHI & Govt Island E-zone equivalent is Multnomah County SEC zone; for Troutdale Airport & Alcoa E-zone equivalent is City VECO zone which is not a mapped layer & therefore covers an unknown amount of acreage				

Note: Because currently and proposed regulated areas overlap, columns are not additive. The net increase is not derived by subtracting the total regulated column from the proposed regulated column.



# Assumptions for Limit

<b>TREATMENT</b>	<b>MAXIMUM DEVELOPABLE AREA OF RESOURCE</b>	<b>UNDEVELOPABLE AREA OF RESOURCE LANDS</b>	<b>MITIGATION</b>
Lightly limit	50%	50%	2:1
Moderately limit	35%	65%	3:1
Strictly limit	20%	80%	4:1

Source: ESEE Phase 2 Analysis Update, page 34 and Development Assumption tables presented to Joint Economic Technical Advisory Committee on December 19, 2003



# Potential Port Financial Impact

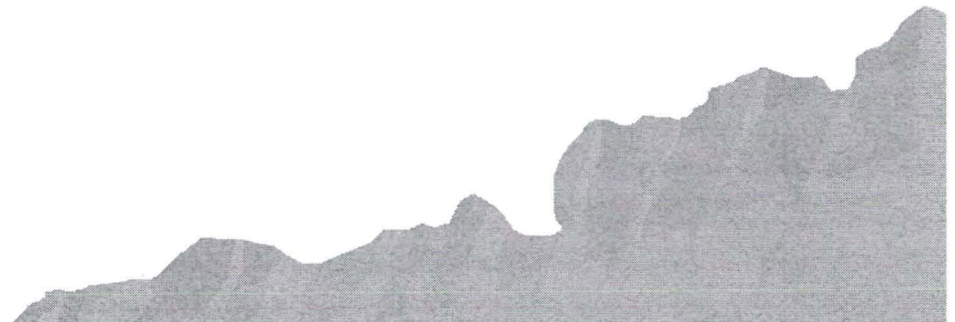
## Lightly Limit Assumption

- ◆ 1180 newly regulated LL acres x .5 permitted development area x 2:1 mitigation x \$50,000/acre mitigation = \$59,000,000

## Lightly & Moderately Limit Assumption

- ◆ 590 newly regulated LL acres x .5 permitted development area x 2:1 mitigation
- ◆ 590 newly regulated ML acres x .35 permitted development area x 3:1 mitigation area x \$50,000/acre mitigation
- ◆ Total mitigation costs \$60,475,000

**NOTE:** Neither assumption takes into consideration the loss of the use of Port property and the land costs. It simply reflects the assumed cost of mitigation.



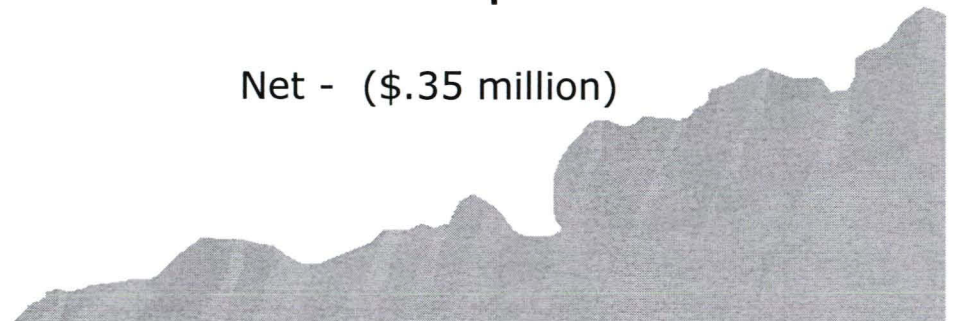
# Example One

10 Acres (All Lightly Limit)



Development Costs	Return
Land - \$.4 million	Gross -
Infrastructure - 5 acres @ \$2/sf = \$.45 million	5 acres @ \$5/sf =
Mitigation (2:1) - 5 acres @ \$60,000 per \$.6 million	
Total - \$1.45 million	\$1.1 million

Net - (\$.35 million)





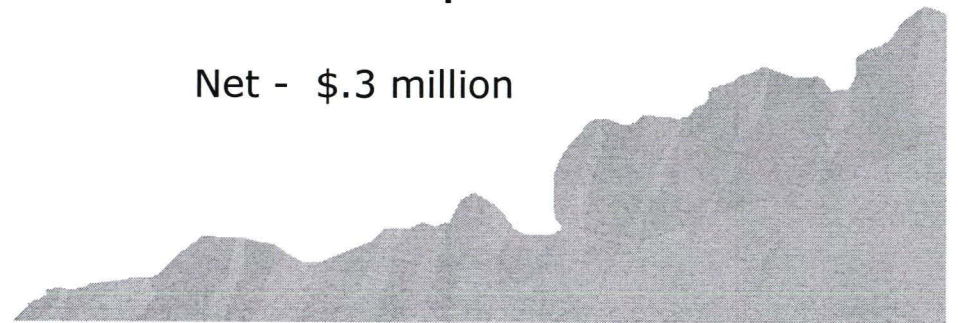
# Example Two

20 Acres (1/2 Lightly Limit)



Development Costs	Return
Land - \$1.1 million	Gross -
Infrastructure - 15 acres @ \$2/sf = \$1.3 million	15 acres @ \$5/sf =
Mitigation (2:1) - 5 acres @ \$60,000 per \$.6 million	
Total - \$3 million	\$3.3 million

Net - \$.3 million



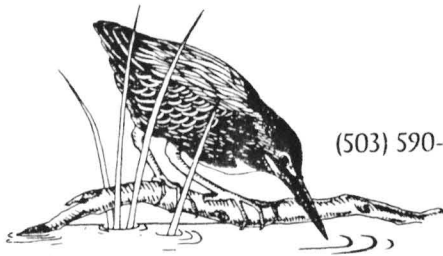
# Implications

- ◆ Makes development infeasible for several Port parcels
- ◆ Decreases developable industrial land within the UGB
  - Increases pressure on UGB and greenfield development
- ◆ Reduces 1,940 acre gain in industrial land from June 2004 UGB expansion by 1/4
- ◆ Reduces region's business competitiveness and economic development potential





102104c-15



# TUALATIN Riverkeepers

16507 SW Roy Rogers Rd. Sherwood, OR 97140  
(503) 590-5813 • fax: (503) 590-6702 • www.tualatinriverkeepers.org  
email: info@tualatinriverkeepers.org



To: Metro Council, MPAC, MTAC  
From: Sue Marshall, Tualatin Riverkeepers  
Regarding: S.B 1010 Water Quality Management  
Date: October 18, 2004

The following information is provided to clarify the regulatory component of S.B. 1010 Agricultural Water Quality Management.

S.B. 1010 is not a strictly voluntary program. It has codified prohibitions that are enforced by the Oregon Department of Agriculture. OAR 603-095-0140 is one example of a prohibited condition that applies to agricultural practices including container nurseries.

OAR 603-095-0140

(5) Irrigation water discharges: no activities shall result in irrigation water discharges to waters of the state during the period May 1 through October 31 annually, except as provided in OAR603-095-0140(5)(a).

(a) Irrigation water discharges may be allowed upon submittal and written approval by the department of a monitoring program to be conducted by the landowner or operator. Such monitoring program shall provide reasonable assurance that the quality of the irrigation water discharge meets all applicable water quality standards.

Even with this regulatory backstop, local basin implementation of SB 1010 has been very slow due to lack of funding needed to develop individual farm management plans.

According the October 27, 2003 Tualatin Basin Plan Update .....

.... *Since July, 1999, 70 Voluntary Water Quality Farm Plans have been approved and are being implemented. These Voluntary Water Quality Farm Plans outline conservation practices, specific to each farm, as a means to prevent and control pollution from agricultural activities. Through the adoption of conservation practices, a landowner or operator can prevent or reduce soil erosion, sediment loss, runoff, and escapement of wastes. From July 2001 through June 2003 approximately 2,622 acres have been implemented. Although several practices may have been applied to an acre, they were only counted once.*

Overall performance of the Tualatin Basin Agricultural Water Quality Plan has been very slow and improvement in water quality in the rural community has been quantifiably insignificant. Through June 1999, 54 Farm Plans were completed in the Tualatin Basin according to the 1999 Tualatin Basin Plan update.

According to the 1997 Census of Agriculture there were 1681 farms in Washington County covering 130,887 acres.

At the rate of 1311 acres per year it will take 100 years for all farm acreage to be covered by a voluntary farm plans.

This is not to say that great strides have not been made and the water quality of the Tualatin has improved dramatically. They have. The significant improvements in Tualatin River water quality were achieved with the increase in flow from Hagg Lake reservoir, consolidation of wastewater treatment plants triggered by a state imposed building moratorium, and two successful Clean Water Act lawsuits that compelled enforcement of pollutant limits.



October 21, 2004

Metro Council  
600 NE Grand Ave.  
Portland, OR 97232

Dear Metro Councilors,

I want to ask you to please honor the time and commitment of the citizens and stakeholders of this region, including Audubon Society of Portland, who have invested countless hours and energy in developing the 2040 Growth Concept and the Regional Fish and Wildlife Plan to date, and not pass Resolution 04-3506 as written.

This resolution does elevate the emphasis on some important tools such as performance standards and transfer of development rights that we feel should be part of a Regional Fish and Wildlife Protection Program.

However the 8-year delay in requiring local governments to update ANY of their local codes and development standards to avoid, minimize, or mitigate environmental impacts leaves many of the region's streams and watersheds EXTREMELY vulnerable to severe degradation over the next decade. It is simply not realistic- given the pace and pressure at which development threatens the loss of habitat in this region- to expect cash-strapped local governments and watershed councils to implement voluntary and incentive programs that can significantly prevent the severe degradation posed by future development. These voluntary and incentive programs lack both the funding and the mechanisms to prevent the imminent environmental impacts posed by development.

For example, local governments have identified almost 100 miles of previously unmapped streams that are not covered by Title 3 or most Goal 5 programs. Many of these waterways are small headwater streams that support sensitive and at-risk species and- due to there number- dramatically determine the quality and quantity of downstream waters and aquatic habitats. These unprotected streams are critical to the overall health of the region's watersheds. That is why Clean Water Services extended protections to intermittent streams- not protected by Title 3- last spring during the revision of the district's vegetated corridor standards. The region cannot wait to upgrade its protections for newly mapped and currently unprotected headwater streams.

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Portland, Oregon 97210

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There is a similar urgency to address the on-going loss of undeveloped floodplains and channel meander zones. There is strong data and anecdotal evidence that we are rapidly losing our undeveloped floodplains even under Title 3's balance cut and fill. There is also evidence that development in the uplands will increase the extent of existing floodplains and flooding under planned 2040 build out. For example, the Fanno Creek Management Plan forecasts a 30% increase in flooding by 2040 from increased development. Whether currently treed or not, development in the region's remaining undeveloped floodplains poses far-reaching habitat impacts while putting life and property at risk of floods.

In short, there is an urgent need for some sort of regional regulatory program, applied consistently across the region at the earliest possible date in order to protect the most environmentally sensitive lands in our watersheds that are imminently threatened by permanent loss or degradation.

It is entirely different to say regulations should not be "*the* centerpiece of a program"- as the Bragdon Memo to MPAC stated- and to dispense with or render meaningless a regional regulatory program entirely. That is what this resolution, as presently written, would certainly do.

I want to express our sincere interest in working with the Council, staff, and other stakeholders in revising this resolution to accommodate the issues I have raised today. I envision some combination of a phased regulatory program and performance standards on a shorter timeline with the enhanced commitment to develop substantive non-regulatory tools.

But please do adopt the resolution as written. The pace and manner by which this dramatic shift in direction and content of the Regional Fish and Wildlife Plan has been put forth is not conducive to developing sound public policy for the region.

Respectfully,



Jim Labbe  
Urban Conservationist  
Audubon Society of Portland

## **Changes in Riparian Vegetation Buffers in Response to Development in Three Oregon Cities**

**J. A. Yeakley, C. P. Ozawa and A. M. Hook**

### **Abstract**

Riparian vegetation buffer loss was investigated for three cities with contrasting local regulatory controls in urbanizing northwest Oregon. The cities examined were Hillsboro, Oregon City and Portland, all having experienced high rates of population increase in the 1990s. All cities are covered under Oregon's land use law that provides goals for the protection of open space and natural resources. On the municipality level, regulatory controls in Portland included a system of environmental zoning for riparian area protection, while regulatory controls on development in riparian areas in Hillsboro and Oregon City were less stringent. Digital aerial photographs covering buffer areas within 200 m of all permanent streams for these cities were digitized for the years 1990 and 1997 using criteria including minimum inter-patch distance of 5 m for adjacent classes and minimum patch area of 20 m<sup>2</sup>. Cover classes were divided into vegetation areas adjacent to stream and total, as well as woody and unmanaged vegetation areas. Banding analysis was performed for these vegetation coverages for several buffer widths out to 100 m from streams. Results for the 1990 to 1997 period showed larger losses for unmanaged adjacent

---

J. A. Yeakley, C. P. Ozawa and A. M. Hook are, respectively, Associate Professor of Environmental Science, Professor of Urban Studies and Planning, and Research Associate in Environmental Science, Portland State University, P.O. Box 751, Portland, OR 97207-0751. Email: [yeakley@pdx.edu](mailto:yeakley@pdx.edu); Website: <http://www.esr.pdx.edu>.

In: Aguirre-Bravo, Celedonio, et. al. Eds. 2004. Monitoring Science and Technology Symposium: Unifying Knowledge for Sustainability in the Western Hemisphere; 2004 September 20-24; Denver, CO. Proceedings RMRS-P-000. Ogden, UT: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station.



vegetation 100 m from stream for Hillsboro and Oregon City ( $\geq 1.5$  percent/year) than for Portland ( $< 1$  percent/year). For adjacent tree vegetation within a 100 m buffer width, again Hillsboro and Oregon City had higher rates of loss ( $> 1$  percent/year), while Portland lost trees in the 100 m buffer at a lower rate ( $< 1$  percent/year). Factors explaining these lower rates of riparian buffer loss for Portland may include both a higher amount of riparian area in public ownership and more stringent local regulatory controls on development in riparian buffers. These results also demonstrate that vegetated riparian buffers continue to be lost due to development in growing Oregon municipalities regardless of the level of regulatory protection.

### **Key Words**

Landscape dynamics, Pacific Northwest, Plot to regional scale, Regulatory controls on environmental resources, Remote sensing, Riparian buffer management, Riparian vegetation, Urban ecology, Urban environmental management, Urbanization effects on environmental conditions, USA.

### **Introduction**

Growing populations exert increasing pressure in urban areas to develop urban land uses, which can create observable impacts on that natural environment that can degrade ecosystem conditions. Our research seeks to better understand the interplay among social systems, regulatory processes, land cover change and ecosystem functions in areas undergoing urbanization (fig. 1). We have focused on a specific ecosystem attribute, vegetated riparian buffers, in urban areas, with the overall goal of clarifying the linkages shown in figure 1. This paper presents results on vegetated buffer loss in three cities that experienced significant

population growth over a 7-year period in the Pacific Northwest of the USA, and discusses regulatory and geographic constraints that are likely related to the resource losses observed.

### **Vegetated Riparian Buffers**

Generally, riparian buffers can be disconnected, compressed and eliminated by urban development. Riparian areas are particularly susceptible to impacts associated with development (Budd and others 1987). Conservation of riparian zones in urban and industrial areas has usually been limited to narrow borders along streambanks, if at all (Naiman and others 2000). Protection of riparian buffers has been singled out for protective policy in the Portland metropolitan region (Furfey and others 1997). Conditions of the vegetated zone along stream banks are positively related to stream water and wildlife habitat quality. Studies have concluded that minimal buffer widths necessary to maintain stream water quality, native vegetation and wildlife habitat range from at least 20 m to as much as 200 m (Lowrance and others 1984, Castelle and others 1994, Naiman and Decamps 1997, O'Neill and Yeakley 2000, Hennings and Edge 2003).

### **Regulatory Framework**

Oregon is distinguished by its passage of one of the USA's first statewide land use planning laws in 1973. Among the law's 19 goals are provisions to limit the expansion of urban areas and to protect the state's open areas and natural resources. The law sets a framework for local governments to address stream bank protection through comprehensive planning (Abbott and others 1996). The 24 cities and towns and three counties in the Portland metropolitan area (fig. 2) develop comprehensive plans independently, but are expected to act consistently with guidelines set by Metro, the regional planning authority. Considerable discretion with respect to management strategy to protect stream banks remained in the hands of local planners and decision makers until 1998, when Metro assumed a more aggressive stance toward riparian

buffers. Through functional plans pertaining to water quality and flood management, Metro set explicit standards to which the region's cities and counties were given a specific period of time to amend their local plans. By 2002, not only were cities expected to be in compliance, but land use changes that resulted from decisions prior to the amendments were expected to have been fully implemented.

### **Vegetation Losses in Northwestern Oregon**

In spite of this relatively progressive regulatory state-level land use framework to curb the degradation of natural and agricultural areas in Oregon, it is becoming clear that enormous losses of vegetated land have yet occurred in urbanized areas of the Willamette Valley over past decades. A study recently concluded by American Forests found that tree vegetation in urbanized areas of western Oregon has declined by 56 percent over the period from 1972 through 2000. | < 1970.

Clearly such losses are not only occurring in general, but also in critical riparian corridors.

While it is likely that increased regulatory measures as described above have slowed the rate of loss of riparian buffers, regulations on the books alone are not sufficient to prevent the degradation of ecosystems in urban areas. For example, during one field visit, we encountered a recent example where the review process failed to enforce the 7.5 m riparian buffer restriction on new development for that municipality. In the planning and permit decision making process, the protection of natural resources is only one among several competing objectives. Therefore, provisions are made for a balancing to occur on a case-by-case basis through the use of "exceptions" or "variances." Such features in the regulatory system indicate that losses of riparian ecosystems will likely continue in spite of increased regulation.

## **Study Objective**

Our overall goal is to better elucidate the linkages among social dynamics, regulatory effectiveness, land cover changes and ecological functions, as shown in figure 1. In this paper we show some of the initial results of our research regarding riparian buffer losses for three Oregon municipalities with varying regulatory strategies over a 7-year period of high population growth.

## **Approach**

### **Municipalities Selected**

We selected three municipalities in the greater Portland, Oregon metropolitan region for intensive study: Oregon City, Hillsboro and Portland. Portland was chosen as the largest city in Oregon and a city with an aggressive approach to protecting natural resources. Hillsboro and Oregon City were chosen due to their comparably rapid population growth rates during the 1990s (table 1), their physical locations that roughly “bracket” the urban growth boundary (UGB) of the metropolitan area (fig. 2), as well as their anecdotal reputations as communities respectively less and more progressive in their attitudes toward resource protection. Regulatory controls varied among the cities. As discussed in Ozawa and Yeakley (2004), by 1990, Portland had instituted a system of environmental zoning (E-zones) for riparian area protection, which depending on location relative to stream, either outright forbid any new building development or only allow construction of structures that follow strict criteria (for example, a low percentage of disturbed area allowed, replacement of vegetation, special construction practices). Hillsboro and Oregon City, however, had far less stringent regulatory constraints on riparian area development. At the county level during the 1990s, Hillsboro riparian areas became subject to a regulation that prohibited development within 7.5 m of streams (although with exceptions that could allow



developers to encroach within 4.6 m). Oregon City had no outright restrictions on riparian development from 1990 to 1997; rather development in that municipality was guided by a series of “overlay districts,” each relating to specific resources and/or landscape conditions and hazards (for example, water quality, unstable slopes, flood management).

### **Analysis**

Our approach for documenting riparian vegetation changes over time in each of the 3 municipalities consisted of digitizing aerial photographs into 4 riparian vegetation classes for all permanent streams at two points in time, 1990 and 1997. We then performed a banding analysis where riparian vegetation coverage was measured at several buffer widths out to 200 m from streams and changes over time were compared in the context of differing regulatory strategies. Our data sources included (a) the Metro RLIS database for stream locations and city boundaries (Metro 2002), (b) 1997 color orthorectified aerial photographs at 1.22 m resolution from Metro, and (c) 1990 gray scale photographs at 0.30 m resolution. The 1990 aerial photographs were purchased as raw digital scans and orthorectified to 1997 photos (x and y coordinates) and USGS digital elevation maps (z coordinates) using ERDAS Imagine 8.3 software. For each photo, at least 12 ground control points were used and the total root mean square error was maintained below 1.0. We digitized vegetation using ArcGIS 8.x software, from 0 m to 200 m from permanent streams and wetland features, into four classifications:

- Adjacent woody (= trees and shrubs, within 5 m distance of a stream and/or other adjacent woody cover)
- Adjacent unmanaged (= adjacent woody, plus unmanaged grasses within 5 m distance of a stream and/or other unmanaged adjacent vegetation cover)
- All woody (= adjacent woody plus non-adjacent trees and shrubs)

- All unmanaged (=adjacent unmanaged, plus non-adjacent unmanaged vegetation cover)

We maintained a consistent viewing scale of 1:1500 while digitizing. Our patch delineations followed Schuft and others (1999), and used a minimum inter-patch distance of 5 m for the adjacent classes, and a minimum patch area of 20 m<sup>2</sup> (based on a circular crown diameter = 5 m). We implemented the “adjacent” versus “all” vegetation distinction to track potential changes to riparian corridor habitat quality to account for connectivity (Naiman and DeCamps 1997). We included unmanaged vegetation in the analysis to account for all vegetation changes within our specified buffer widths. We conducted a banding analysis of the digitized vegetation classes (Schuft and others 1999) for the following distances (followed by the corresponding regulatory significance where applicable): 7.5 m (25 ft – Washington County buffer regulation); 15 m (50 ft – proposed Metro Title 3 minimum); 22.5 m; 30 m (100 ft – corresponds to 50x100 ft lot dimension max); 45 m; 61 m (200 ft – proposed Metro Title 3 maximum); 100 m; and 200 m (total). Our quality assurance steps included: (a) alignment of streamline locations provided by Metro were cross-corrected with USGS quadrangles and Metro contour maps; (b) if a stream formed a city boundary, streamline was snapped to the boundary; (c) shadows truncated from photos where determination was possible; (d) field checks were conducted for several dozen ambiguous features; and (e) digitizing interpretations cross-checked between two observers with error < 3 percent. Also, we interpreted 1997 changes while referring directly to 1990 digitized vegetation polygons to minimize interpretation error between years. The analysis was conducted exhaustively for all streams in the three study municipalities (rather than based on a sample or fraction of the streams) to account for all landscape changes in riparian buffers in these cities from 1990 to 1997.

## **Results**

At the beginning of the study period, in 1990, significant portions of adjacent riparian vegetation remained on the landscapes of these three cities (fig. 3). Unmanaged riparian vegetation ranged from approximately 40 percent cover in Oregon City and Portland at 100 m buffer width to nearly 80 percent cover within 7.5 m in Hillsboro. Adjacent riparian tree vegetation resources also remained, ranging from above 30 percent cover at 100 m to 60 percent cover at 7.5 m. It should be noted that these figures do not include historical streams that have been entirely removed and replaced by culverts, as has happened to much of the streams that once existed on the east side of Portland.

For all unmanaged vegetation (trees, shrubs, grasses), losses tracked in this study from 1990 to 1997 ranged from just over 1 percent total in Hillsboro at 7.5 m to over 11 percent riparian cover lost in Hillsboro at 100 m (fig. 4). Losses were slightly higher in adjacent vegetation (fig. 5) compared to all vegetation within the buffer (fig. 4) for most buffer widths examined. For example, in Portland for all buffer widths for both tree and unmanaged vegetation, adjacent losses (fig. 5) were approximately a percentage point higher than for losses of all vegetation in the riparian buffer (fig. 4). Adjacent unmanaged vegetation losses topped 12 percent in Hillsboro at 100 m. Adjacent and all vegetation losses were, however, roughly equivalent in Oregon City for most buffer widths (figs. 4 and 5). On a percentage basis, losses in both adjacent riparian tree and unmanaged vegetation cover within 61 m were highest in Oregon City (figs. 4 and 5). Portland and Hillsboro were roughly comparable closer in, but Hillsboro had the highest losses of all three cities at the largest buffer width (100 m).

At 100 m from stream, larger losses were observed for unmanaged adjacent vegetation for Hillsboro and Oregon City ( $\geq 1.5$  percent/year) than for Portland ( $< 1$  percent/year). For

adjacent tree vegetation within a 100 m buffer width, again Hillsboro and Oregon City had higher rates of loss (>1 percent/year), while Portland lost trees in the 100 m buffer at a lower rate (<1 percent/year).

### **Discussion**

Generally, the two cities with lower regulatory stringency experienced larger losses of riparian vegetation at all buffer widths. Oregon City experienced the greatest losses, signaling that their approach of suggestive overlay districts to protect land-based natural resources was not as effective as the more prescriptive approaches of Portland or Hillsboro. Hillsboro was a tale of two types of vegetation loss during the study period. At short distances from streams, Hillsboro experienced the lowest loss of all three cities – in part likely due to a county level ordinance implemented midway through the 1990s that prohibited most development within 7.5 m. At the largest distance from stream, however, Hillsboro experienced the greatest loss, possibly due to its higher construction rates (number of permits relative to total land area) during the 1990s. Portland generally experienced the lowest percentage of riparian loss. There are two potential explanations for Portland's relative success. The more hopeful explanation is that the environmental zoning implemented in 1989 (Ozawa and Yeakley, 2004) was actually effective at lowering riparian losses. A secondary possibility is that Portland's streams were protected due to having a large number of streams located on public park land (for example, the ca. 2000 ha Forest Park, located in the northwest part of the city, see fig. 2). Further analysis is necessary to determine which factor was more important to Portland's success, but we suggest that both factors (environmental zoning, streams located in public parks) were in play. It should be noted



that our analysis does not include streams that have been permanently removed, and here Portland has suffered the most historical loss of streams among the three cities.

While our comparison of the three cities shows differential amounts of loss, an overriding result is that riparian buffer loss occurred regardless of either state or local regulatory efforts. Riparian vegetation loss appears to be an unfortunate consequence of population growth and development activities, and municipalities have yet to factor in the ecological or economic costs of such losses in terms of ecosystem services (Daily and others 1997). We are well underway with an effort to further document losses for these cities from 1997 to 2002, and our preliminary findings indicate that these loss trends have continued. Thus, while Portland shows hopeful signs of stemming the loss of riparian vegetation resources, our results show that the regulatory tools employed to date will likely be only partially successful at best.

Future research that controls for topographic, economic, land use and ownership factors may clarify the relative effectiveness of different regulatory approaches. Additionally, refining our understanding of the types, distribution and patterns of riparian vegetation that satisfy ecological functions, such as habitat connectivity, may enable us to develop more targeted management tools, focus implementation investments, and thereby increase overall effectiveness. Also promising and not to be overlooked are the pro-active efforts of both citizens groups and municipalities to restore riparian vegetation areas. Each of these approaches suggest compelling avenues for research to inform management strategies for preventing riparian resource losses during development.

### Acknowledgements

Funding for this research was provided by a grant from Portland State University. Research assistants on the project have included Shannon Axtell, Richard Friday, Jennifer (Shively) Hughes, Melanie Sharp, and Jessica Sladek.

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### **Figure Captions**

Figure 1. Research Context. Linkages among boxes represent relationships under investigation in this research overall.

Figure 2. Locations and Stream Networks of the Three Study Cities. Shown is the greater metropolitan area of Portland, Oregon, including the urban growth boundary (UGB). Permanent streams and city boundaries are shown for Hillsboro, Oregon City and Portland.

Figure 3. Adjacent Riparian Vegetation Cover in 1990. Shown in the upper graph is percent cover for adjacent unmanaged riparian vegetation cover at 3 buffer widths (or band widths) in 1990. Shown in the lower graph is percent cover for adjacent riparian tree cover at 3 buffer widths in 1990.

Figure 4. Percent All Riparian Vegetation Lost from 1990 to 1997. Shown in each graph are percent riparian area lost for both all tree and all unmanaged vegetation from 1990 to 1997 for the cities of Oregon City, Hillsboro, and Portland.

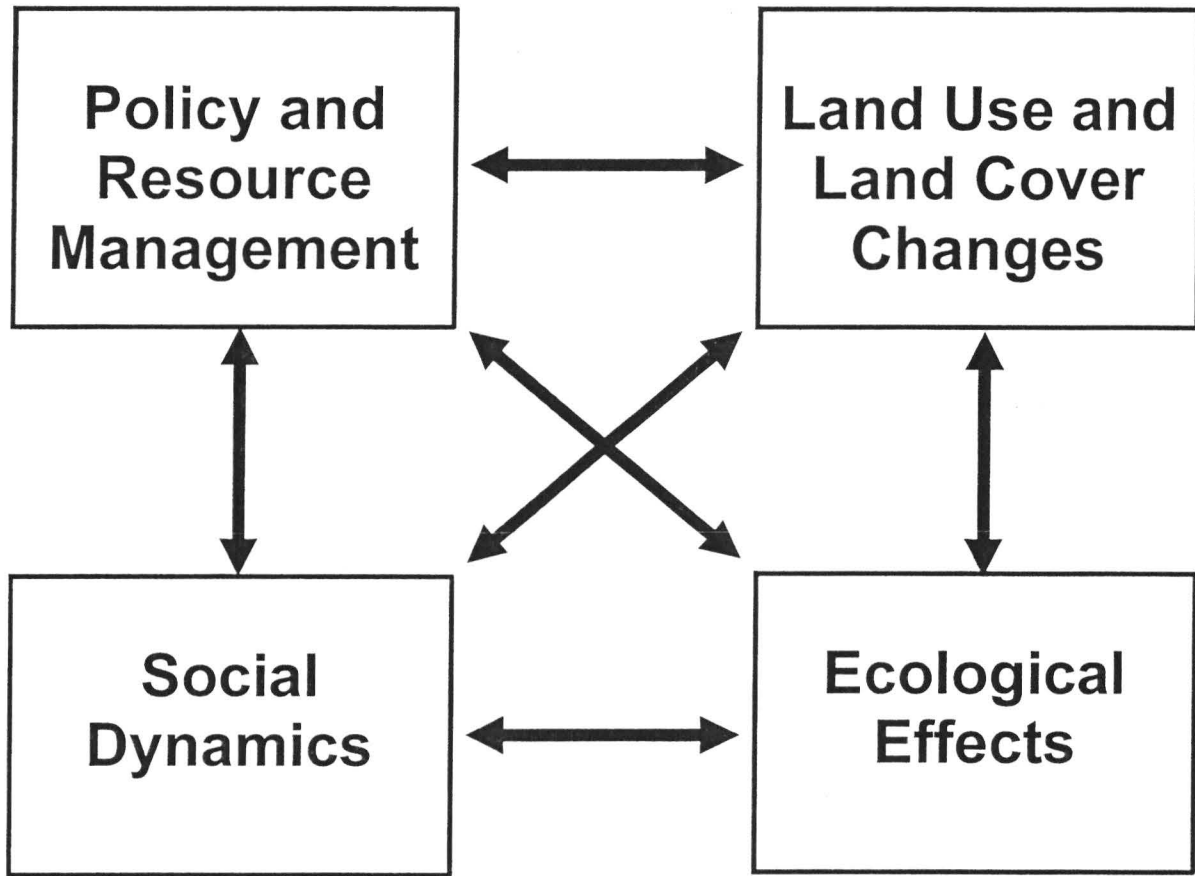
Figure 5. Percent Adjacent Riparian Vegetation Lost from 1990 to 1997. Shown in each graph are percent riparian area lost for both adjacent tree and adjacent unmanaged vegetation from 1990 to 1997 for the cities of Oregon City, Hillsboro, and Portland.

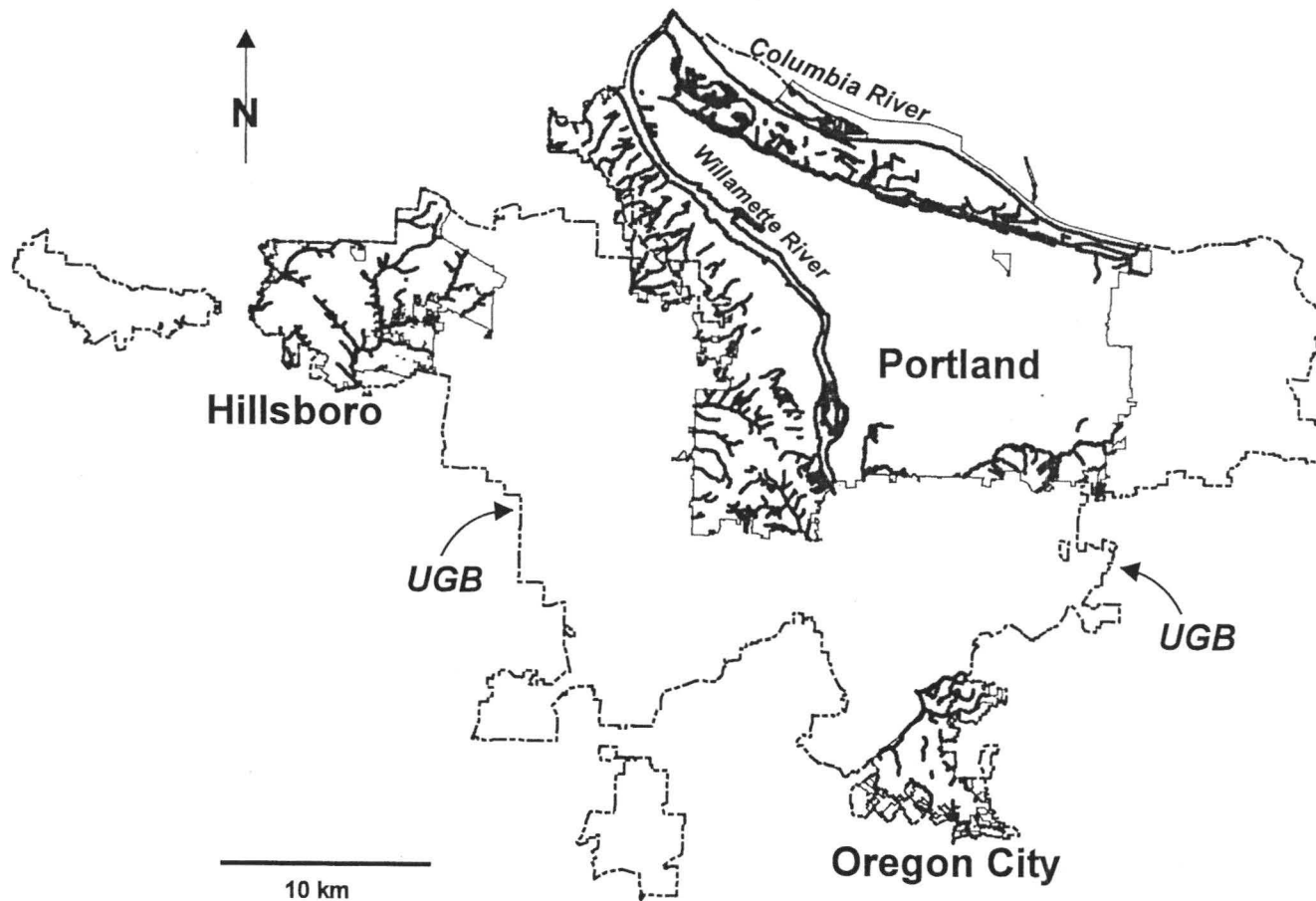


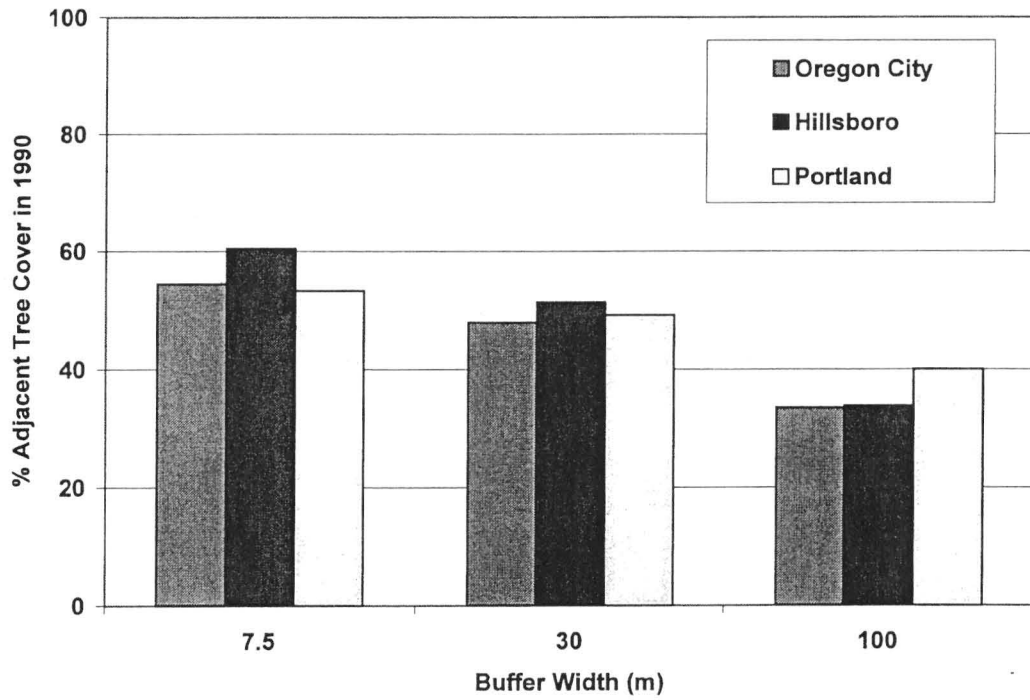
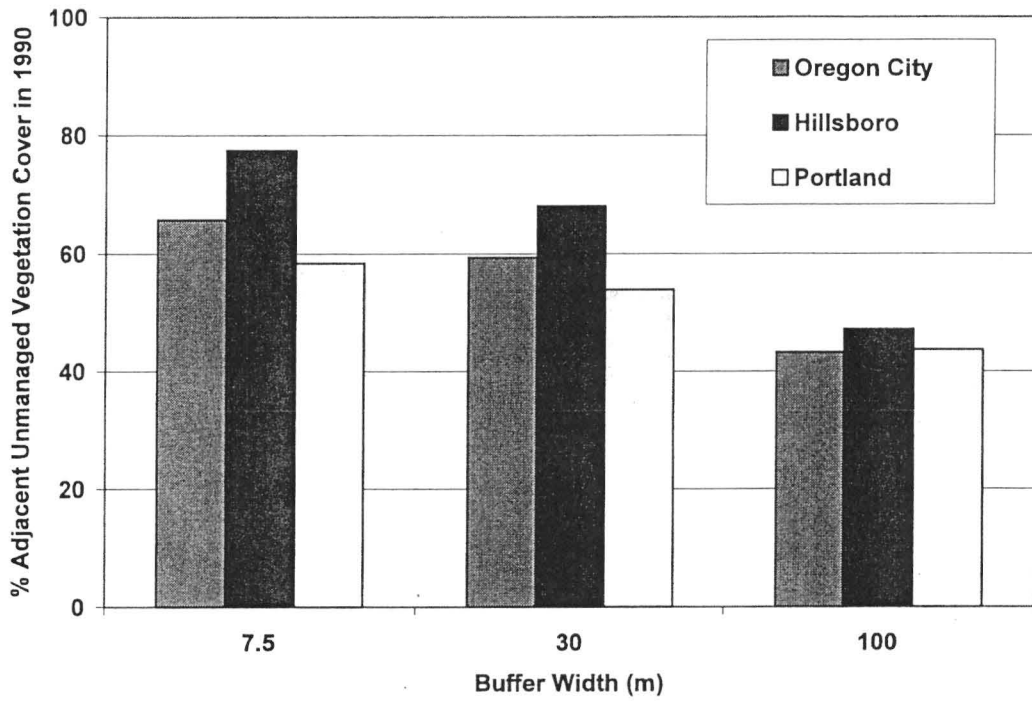
## Tables

Table 1. Comparative Data for the Three Study Cities.

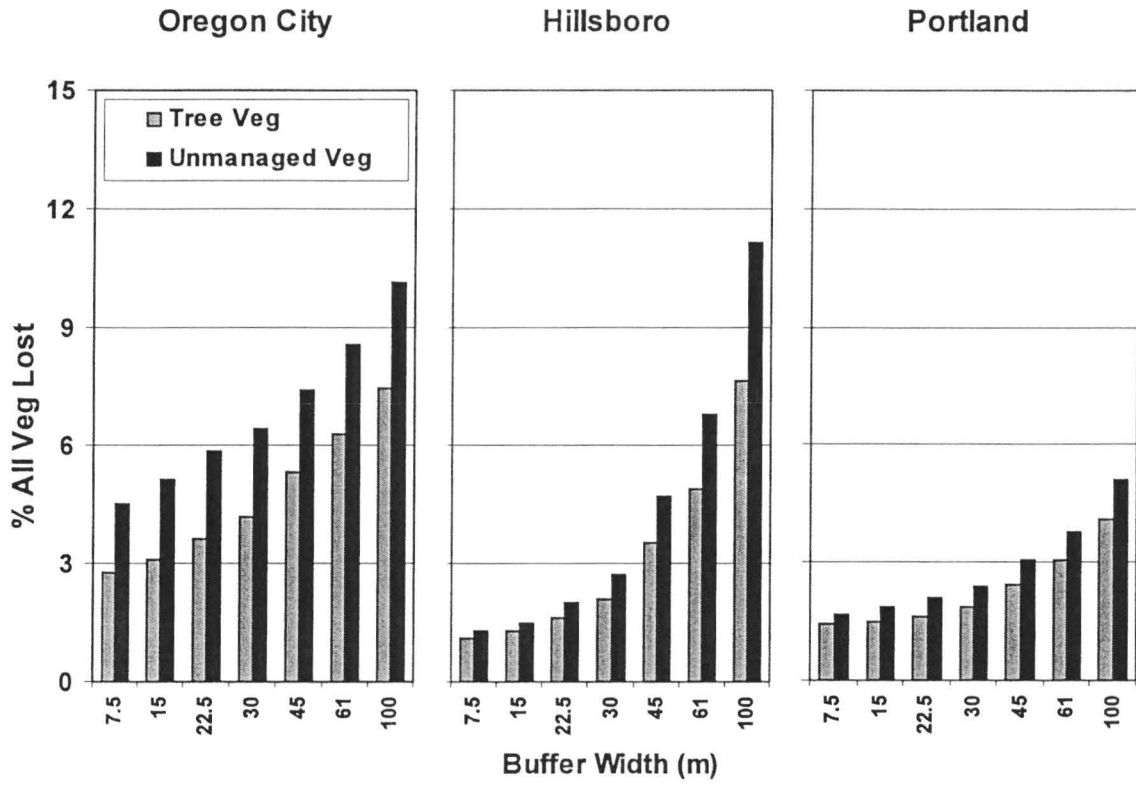
	<b>Oregon City</b>	<b>Hillsboro</b>	<b>Portland</b>
<b>1990 Population</b>	14,698	37,520	438,802
<b>2000 Population</b>	25,533	69,883	529,121
<b>Population Increase Rate</b>	74%	86%	21%
<b>Municipal Area</b>	22.1 km <sup>2</sup>	56.5 km <sup>2</sup>	375.6 km <sup>2</sup>
<b>Stream Length</b>	34.0 km	63.5 km	475.8 km

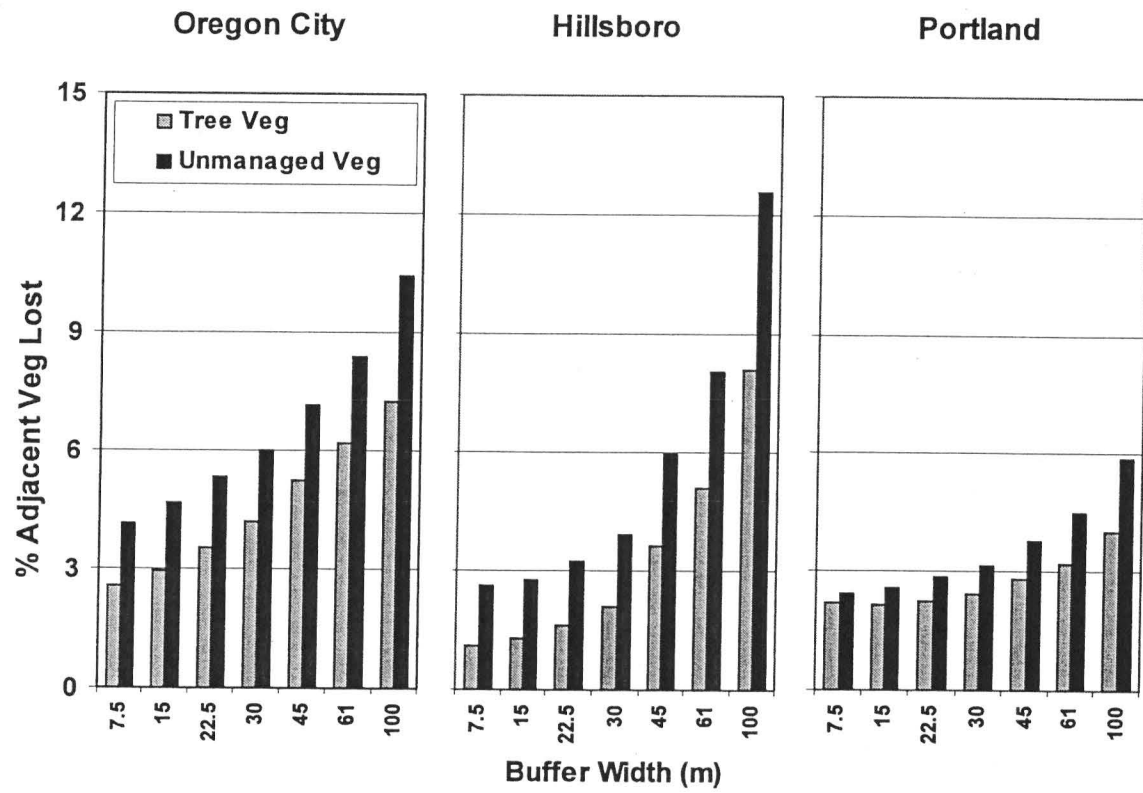












# COALITION FOR A LIVABLE FUTURE

310 SW FOURTH AVENUE, SUITE 612 • PORTLAND, OR 97204  
PHONE: 503.294.2889 • FAX: 503.225.0333 • WWW.CLFUTURE.ORG

October 21, 2004

To: Metro Council  
From: Jill Fuglister, Coalition for a Livable Future  
Comments Regarding Resolution 04-3506

Dear Metro Council President Bragdon and Metro Councilors:

As you know, the Coalition for a Livable Future has supported Metro's efforts to develop an effective regional program for ensuring a clean water and access to nature for all residents of the region.

~~In short~~, the Coalition strongly ~~urges you to reject~~ resolution 04-3506, and to delay a vote on it until citizens have had adequate time to digest it and understand its implications.

I wanted to focus my comments on the process by which this idea was launched, which I think is at the heart of why citizens who have been involved in this for the past 8 years are using words like "betrayed" and "deceived" to describe how they feel.

This morning, I heard Council President Bragdon present this resolution to the Westside Economic Alliance. He shared that it marks a new direction for Metro in defining its role in the region that would bring about new levels of cooperation among the different interests and individuals who live and work here. I couldn't agree more that we need to figure out how to cooperate and work together more. These are challenging times and they will only become more challenging as growth continues to change our communities. However, I find it ironic that this new cooperative approach is launched with a proposal that was developed behind closed doors; that completely redirects a program that had been heading down a particular path for 8 years; and that is being fast-tracked in way that prevents meaningful public discourse. This does not seem to be a very cooperative approach and it does not seem to be keeping with Metro's adopted principles of citizen involvement.

CLF is not dogmatic in any one single approach to protecting nature in our communities. We love innovative, cutting-edge ideas. We think education, incentives, regulations and voluntary efforts all have a role in ensuring that our region continues to be a great place to live long into the future. But we need to understand whether or not we can truly achieve the outcome we've been working for over the past 8 years through what has been proposed.

I believe that it will be counterproductive to force a vote on this next week. By slowing things down, there will be time to get answers to the many questions people have about the implications of this proposal, and there will be time for meaningful discussion. We are in the process of developing our list of questions, but it takes time. I believe that the citizens who have been working as partners with Metro on this for the past 8 years deserve this time.

Thank you for your consideration of my comments.

C O A L I T I O N M E M B E R S

- AMERICAN INSTITUTE OF ARCHITECTS, PORTLAND CHAPTER • AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS • ASSOCIATION OF OREGON RAIL AND TRANSIT ADVOCATES • AUDUBON SOCIETY OF PORTLAND • BETTER PEOPLE • BICYCLE TRANSPORTATION ALLIANCE • CASCADIA BEHAVIORAL HEALTH CARE • CITE, CREATIVE INFORMATION • CITIZENS FOR SENSIBLE TRANSPORTATION • CLACKAMAS COMMUNITY LAND TRUST • COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION • COMMUNITY ACTION ORGANIZATION • COMMUNITY ALLIANCE OF TENANTS • COMMUNITY DEVELOPMENT NETWORK • ECUMENICAL MINISTRIES OF OREGON • ELDERS IN ACTION • ENTERPRISE FOUNDATION • ENVIRONMENTAL COMMISSION OF THE EPISCOPAL DIOCESE OF OREGON • FAIR HOUSING COUNCIL OF OREGON • FANS OF FANNING CREEK • FRIENDS OF ARNOLD CREEK • FRIENDS OF CLARK COUNTY • FRIENDS OF FOREST PARK • FRIENDS OF GOAL FIVE • FRIENDS OF ROCK, BRONSON AND WILLOW CREEKS • FRIENDS OF SMITH AND BYBEE LAKES • FRIENDS OF TRYON CREEK STATE PARK • GROWING GARDENS • HILLSDALE NEIGHBORHOOD ASSOCIATION • JOBS WITH JUSTICE • JOHNSON CREEK WATERSHED COUNCIL • JUSTICE & PEACE COMMISSION OF ST. IGNATIUS CATHOLIC CHURCH • LEAGUE OF WOMEN VOTERS OF THE COLUMBIA RIVER REGION • MERCY ENTERPRISE • NORTHWEST HOUSING ALTERNATIVES • 1000 FRIENDS OF OREGON • OREGON COUNCIL OF TROUT UNLIMITED • OREGON ENVIRONMENTAL COUNCIL • OREGON FOOD BANK • OREGON SUSTAINABLE AGRICULTURE LAND TRUST • PEOPLE'S FOOD CO-OP • PORTLAND CITIZENS FOR OREGON SCHOOLS • PORTLAND COMMUNITY LAND TRUST • PORTLAND COMMUNITY REINVESTMENT INITIATIVES • PORTLAND HOUSING CENTER • PORTLAND IMPACT • REACH COMMUNITY DEVELOPMENT INC. • ROSE COMMUNITY DEVELOPMENT CORP. • SISTERS OF THE ROAD CAFE • SOUTHEAST UPLIFT NEIGHBORHOOD PROGRAM • SUNNYSIDE UNITED METHODIST CHURCH • TUALATIN RIVERKEEPERS • TUALATIN VALLEY HOUSING PARTNERS • URBAN LEAGUE OF PORTLAND • URBAN WATER WORKS • WETLANDS CONSERVANCY • WILLAMETTE PEDESTRIAN COALITION • WILLAMETTE RIVERKEEPER • WOODLAWN NEIGHBORHOOD ASSOCIATION



*work together to ensure that reg. dev. is good for people & go for the end.*

*a partnership of 60 diverse county orgs + over 25 k citizens*

*opposes*

*as written urge you to*  
*This does not necessarily mean you*

*Very pleased that you are delaying this. Not only were our members concerned @ the substance of this, please*

*I wanted going to be commit*

*Make Effort to clarify that no restrictions have been proposed yet.*

*on process, were in process of developing substance. get short you are*

*I urge you to revisit involvement principles adopted in 97.*

*quick vote - a week before the election.*



Very pleased

Suggest 3 things:

- ① ~~Assess~~ In spirit of cooperation, avoid fast-tracking ~~Don't~~ on 28th, revisit whether or not to make a decision on Nov. 4th. Assess whether or not enough time has been spent ~~answering~~ <sup>time deliberating</sup> ?  
We are developing a list of ?s about this resolution, +
- ② ~~Investment~~ in mapping <sup>has been</sup> but we need time to develop them.  
~~significant~~
- ③ ~~In future, when launching a new cooperative approach for Metro~~ <sup>to understand whether it will</sup>  
~~achieve the goals of the GB prog.~~
- ④ ~~Puts at risk vision intent to manage growth in a new + diff way.~~

Revisit the principles of citizens involvement adopted by the Council in 1997.

~~Several of you were not here when these were adopted +~~

~~This way this resolution was launched <sup>is</sup> inconsistent with these principles.~~



For the record my name is Julie DiLeone and my address is 5401 SE Mitchell St. in Portland. I would like to thank the Council for the opportunity to comment on this resolution. My comments today are my own and do not represent the views of my employer.

I moved to Oregon in 1990 and to Portland in 2001. I was drawn here by the livability of this region. That livability is due to the efforts of Metro to take a regional approach to issues including transportation and land use. In my opinion, resolution 04-3506 would change the regional approach of the fish and wildlife habitat program to a piece meal approach. It will not lead to a program that is clear and consistent.

We are all frustrated with the amount of time that has gone into the development of the fish and wildlife habitat program. Unfortunately, creating policy that is based on science and public input takes time. Compromise takes time. Please keep the public and local jurisdictions involved in this process. In section 2 of the resolution, performance standards will be developed. I do not see how this resolution will lead to more certainty for the public. There will be just as much uncertainty surrounding these performance standards and how they will be implemented by local jurisdictions. It is unclear how Metro will determine compliance either with individual jurisdictions or regionally.

I am a strong supporter of non-regulatory programs and have professional experience with these programs. They are only reliably successful when there is a regulatory back stop. I have seen what happens to local economies and livability when development is not planned regionally. Metro should continue to be a national example of taking on the tough issues in land use and making it work for the environment, the economy, and the people of this region.

I believe the timeline for evaluating progress toward meeting the regional outcome measures will lead to the loss of significant habitat. This habitat provides ecological functions that make it possible for Metro and local jurisdictions to be in compliance with the Clean Water Act, Clean Air Act, and the T&E species Act. In the long run loss of habitat will increase the cost of complying with these laws. It will also significantly reduce the livability of the region which will make us less attractive to new industry and businesses.

## Linnea Nelson - Today's agenda item regarding enforcement for Inventoried F&W Habit

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**From:** <Lightcap8@aol.com>  
**To:** <nelsonl@metro.dst.or.us>, <mclains@metro.dst.or.us>  
**Date:** 10/21/2004 11:28 AM  
**Subject:** Today's agenda item regarding enforcement for Inventoried F&W Habit

---

Dear Metro Councilors: October 21, 2004

The following is what I said to the Tryon Creek Watershed Council (TCWC) in reponse to a suggestion that the TCWC write a letter to METRO that request s that the amendment "to defer enforcement" be deferred.

"Susan McLain came to our farm last week and explained some of this to me. I like the idea of the voluntary, education incentives, but I don't know that they are spelled out well enough. I don't know what the enforcement rules are and hesitate to support them blindly without knowing what they are. Also note I am outside the UGB and cannot vote for councilors. I believe respectful face to face discussion at the TCWC board meeting is the best thing to do in this situation. I don't want to see four years of inventorying come to no use, either. This whole subject will come to a head with the passage of measure 37, which polsters see will happen by a comfortable margin. We will be left with a very polarized camp. In this situation, I am uncomfortable with a quick email vote. If anything I would write in a letter that METRO defer that amendment until more information is distributed about the enforcement provisions and the incentive program. I'd like to see the SWCD involved in this with the staff assistance of METRO. In fact, that's what I said to Susan."

Therefore, I as a director on the WMSWCD and serving as the Chair will urge my board to discuss this. Currently, I have nothing to present to them, and hope I will have materials for our November meeting. The WMSWCD has been running a voluntary conservation incentives program for decades and I would like to work with Metro to strengthen its voluntary incentives and education. Since the our board works with landowners it would be premature for me to say the enforcement component of the METRO program ought to preceed the voluntary component. Support of the Metro enforcement program from me or the board would place all our voluntary conservation compliance landowners in an unfortunate relation with our board and its many incentive programs.

I reoomend that you defer the enforcement, proceed to better define the voluntary program, and propose a strategy to partnere with the 4 conservation districts serving this immediate region.

Sincerely,

Brian Lightcap, Director West Multnomah SWCD

102104C-20



*Mayor*  
David M. Fuller

*Council President*  
Peggy Jo Minter

*Councilors*  
Beverly A. Stone

Kenneth B. Fletcher

Clay Moorhead

October 21, 2004

Council President David Bragdon  
Metro Regional Center  
600 NE Grand Ave  
Portland OR 97232-2736

Dear President Bragdon:

This letter is to express support of Resolution Initiative 04-3506 which reverses the direction of Metro and allows local jurisdictions to implement Goal 5. We firmly believe that local governments should have the latitude to determine what is most appropriate for their community in efforts to protect fish and wildlife habitat.

We applaud you and Rod Park in taking this bold step and your willingness to establish a partnership with local governments in encouraging voluntary actions to effect environmental protections rather than mandated regulations.

Sincerely,

David M. Fuller  
Mayor

c: Rod Park

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 14, 2004  
Metro Council Chamber

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

Councilors Absent:

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

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. MANAGEMENT OF RELATIONSHIP WITH OREGON ZOO FOUNDATION NEEDS IMPROVEMENT

Alexis Dow, Metro Auditor, introduced Debbie DeShais, her new Senior Auditor. She then provided a power point presentation on the Oregon Zoo and its relationship with the Oregon Zoo Foundation (a copy of the power point presentation is included in the meeting record). She said in November 2003 the Metro Council suggested that the Metro Auditor's Office examine the relationship between the Oregon Zoo and the Foundation. She spoke to the contractual agreement with the Foundation. She noted risks with this contractual agreement. She then detailed some of the problems they found including visibility and collection of revenue, contracting practices and information flow. She spoke to the impact and effects on Metro including loss of revenue to the Oregon Zoo and loss of excise tax to Metro. She then talked about the Zoo Director's conduct and Metro's Ethic's Code. She felt that the Metro Council and the Chief Operating Officer should hold the Zoo Director accountable. She summarized her findings on why there was a need to address a change in the current agreement. She talked about the need for public accountability provisions in the agreement. She also suggested that independent monitoring was needed. They believed that due to the findings found in this report, there was a need for the Council accepted the recommendations.

Council President Bragdon called for comments from the two Councilor liaisons, Councilors McLain and Monroe.

Councilor Monroe said volunteers were absolutely critical to operate our Zoo. The Foundation was at the zenith of that volunteer list. They were professionals who volunteered hundreds of hours to support the Zoo. Every single penny that the Foundation managed, handled and raised went to make the Oregon Zoo the best it could be. He noted Tony Vecchio, Oregon Zoo Director, qualifications and noted his one purpose, which was to make the Oregon Zoo the best it could be. He noted the improvements and changes that had taken place since Mr. Vecchio had become Director. He talked about the excise tax issue. This Council and the Chief Operating Officer (COO) had complete faith in the integrity of the Foundation and the Zoo Director.



Council President Bragdon thanked the Auditor, the Chief Operating Officer (COO) and the Zoo Director for their efforts in implementing reforms at the Zoo. He had never heard any questions from Council about any unethical intent. He had complete confidence in Mr. Vecchio. He also thanked the Oregon Zoo Foundation for their work.

Councilor McLain thanked the Auditor for her presentation today. She felt the Oregon Zoo was an example of a good Zoo and one that they could all be proud of. She talked about the Friends of the Zoo, who had been the backbone of the Zoo. She talked about the Zoo Foundation's work. She said the accounting changes had been implemented. She said she couldn't agree with the comments about the ethical issue of the Zoo Director. As a representative of the public, she felt comfortable that the Council and the Director would do everything to make things right.

Councilor Park said one of his least concerns was the staff being ethical. The Metro staff cared too much. He didn't buy into the issues of ethics presented by the Auditor.

Councilor Newman said he had strong confidence in the Zoo Director. He appreciated the audit. He felt the agency and the Zoo was better for the audit. None-the-less the changes that had already been implemented would go along way in correcting some of the errors.

Jim Mark, Oregon Zoo Foundation Board of Directors, 4001 SW Canyon Road, Portland Oregon 97221 said he was here as Vice Chair of the Oregon Zoo Foundation. He presented the Foundation's response to the audit. He talked about the mission of the Foundation. Every dollar that they raised was devoted to the Zoo. He spoke to fulfilling the Conservation and Education programs of the Oregon Zoo. He was proud of their new exhibits and their work on the condor project. They were lucky to have tremendous Zoo staff led by the Zoo Director. He spoke to the Foundation's governance. The Foundation Board cooperated thoroughly with the Metro Auditor. The audit uncovered some practices that needed to be updated. They were shocked and disappointed at the press release about the audit because they had worked so closely with the Metro Auditor. He spoke to the contract currently in place and the annual financial audit. They were careful stewards. He gave accolades to the Oregon Zoo Director.

Paul Schlesinger, 610 SW Alder #1221, Portland OR 97205 said he was a past treasurer of the Oregon Zoo Foundation. He talked about the outside audit, which was done annually. They had a partnership that was public and private in nature. There were times when things go outside the box. This was done solely on the point of making the Oregon Zoo what it was today. He noted time and cost constraints. He talked about the condor program and its success. He was honored to have worked with Tony Vecchio. They picked the right person for the job. He felt that Mr. Vecchio was the utmost ethical person. Audits were always welcome. There was always need for change and improvement. He hoped the public looked at this audit in a positive light.

Councilor Hosticka suggested Ms. Dow address comments.

Ms. Dow said this had been the presentation of the report. She talked about a letter that had been sent to the Oregon Zoo employees. She summarized the first part of that letter recognizing the Zoo and the Foundation importance. However, she felt that their comments undermined the integrity of the Metro Auditor. She talked about management's responsibilities. She urged Metro Council to fulfill its responsibilities.

Michael Jordan, COO, said he had the opportunity to work with the Auditor many times in this report. The latest half of this presentation was indicative of dealing with the Metro Auditor. He

felt the report was a good report. He spoke to her recommendations and which ones he agreed with. He felt the latest presentation impugned the COO and the agency.

Councilor McLain appreciated the COO's comments. They knew their contract management could always improve.

#### **4. GREEN TRAILS: GUIDELINES FOR ENVIRONMENTALLY FRIENDLY TRAILS**

Jim Desmond, Regional Parks and Greenspaces Director, introduced the topic. Local parks providers had taken a look at building trails near places in nature without harming nature. This was a classic case of where Metro had an opportunity to support this concept. He thanked Heather Nelson Kent's for her leadership and Jennifer Budhabhatti's for her efforts in creating this book.

Jennifer Budhabhatti, Regional Parks and Greenspaces Department, provided a power point presentation on Green Trails. She talked about the history of developing this book. They had worked with the partners to come up with guidelines. She then spoke to how the book was organized, introduction, planning and implementation.

Councilor Newman thanked Ms. Budhabhatti. This was a great resource. The more we can do to help partners, the better. He spoke to a Goal 5 proposal and that this was a good example of an incentive based program. It was this kind of information that helped Metro's implementation of such a program.

Councilor McLain noted the partners who had been involved in creating this book. She talked about the Green Streets book, which was companion to this book. She felt this was an exciting program. She noted Mel Huie's work on trails.

Councilor Hosticka thought this was an important subject. He spoke to our task to preserve our ecological function. He talked about a project in his district.

Council President Bragdon thanked Ms. Budhabhatti for her work. He felt this was tremendous help to the public.

#### **5. COMPLETION OF RESTORATION PROJECT ON THE CLACKAMAS**

Jim Desmond, Regional Parks and Greenspaces Director, talked about the project and also what the Park's department was trying to do concerning restoration. He noted that Metro had put no dollars into this. They had only provided the land.

Jim Morgan, Regional Parks and Greenspaces Department, thanked the Metro Council for authorizing this project. The Clackamas River was one of our target areas for acquiring public land and improving habitat. He said there was a need for improvement of habitat along the channel. He noted where the Parson's property was located. He spoke to the partnership between Oregon Wildlife, a non-profit foundation, Metro, PGE, Oregon Fish and Wildlife and Inter-fluve. He talked about the project goals and then gave an overview of the project (a copy of the power point presentation is included in the meeting record). They were careful not to disturb the natural vegetation. He acknowledged the benefits to the fish. He said this was probably the best example in the State of channel improvement and restoration of habitat. This was great project for the

Park's Department. It provided easy access and educational opportunities. He thanked the partners for their contributions.

Councilor Hosticka said he was glad that Mr. Morgan mentioned cost. It showed how costly these types of project were.

## 6. CONSENT AGENDA

### 6.1 Consideration of minutes of the October 7, 2004 Regular Council Meetings.

Motion: 

Councilor Newman moved to adopt the meeting minutes of the October 7, 2004 Regular Metro Council.
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Vote: 

Councilors Burkholder, McLain, Monroe, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilors Monroe and Park absent from the vote.
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## 7. CHIEF OPERATING OFFICER COMMUNICATION

Mr. Jordan introduced Mary Weber who would summarize the Division of Land Conservation and Development's staff report.

Mary Weber, Planning Department, briefed the Council on the Division of Land Conservation and Development staff report concerning the Urban Growth Boundary Industrial Lands decision (a copy of her talking points is included in the meeting record).

Councilor Burkholder wondered if there were different ways of calculating roads. Ms. Weber said they did do it differently. That was why they were thinking that a range was appropriate. She continued summarizing the decision, which failed to bring all of the needed land in. She noted that Dick Benner, Senior Attorney would present more detail and options this coming Tuesday at Work Session. Councilor Newman asked about Goal 9 issues. Ms. Weber responded to his question.

Councilor Hosticka asked for clarification on the Port of Portland serviceability issue. Ms. Weber suggested that this was a good question for their attorney and the Commission. She noted the recommendations by the staff to the Commission concerning amendments and reconsiderations.

She then spoke to process. The Metro Council had 10 days to respond to the report. Metro did not have to respond. There was also the Commission's hearing November 3<sup>rd</sup> where Metro could argue its position. The Commission may or may not make a decision that day. The next step was for the Commission to issue a remand order. She spoke to the history of the 2002 Urban Growth Boundary (UGB) decision. The Metro Council could appeal the Commission's decision.

Councilor Hosticka asked when the ten-day clock started. Ms. Weber said by October 22<sup>nd</sup>. Councilor Hosticka asked if there could be an extension. Ms. Weber said they had an opportunity at the Commission's hearing. Councilor Hosticka explained his reason for the question on timing. If they could have another week to work through the issues he felt it was desirable. Ms. Weber said they could address this to Mr. Benner next Tuesday. Mr. Jordan explained what they could do and that the Council could make a formal statement next Tuesday. Council President Bragdon agreed with that suggestion. Councilor McLain agreed and said this was Council work. She spoke

to opportunities at the Commission. She wanted the very best defense at the Commission. She suggested listening to Mr. Benner. She spoke to technical issues that they would want to weigh in on. She felt they would have an opportunity to respond both through a letter and orally at the Commission on November 3<sup>rd</sup>.

Councilor Park talked about Goal 9. He wanted to know what “some” responsibility was in reference to Goal 9. They needed to understand what that meant for Metro as a regional body.

## **8. COUNCILOR COMMUNICATION**

Councilor McLain pointed out a new person on staff, Eileen Moss, Environmental Education and Grant Coordinator. They noted a brochure on the grant program and the number of entities that had received grants for restoration.

## **9. BUDGET WORK SESSION**

Councilor Burkholder began presiding over the work session. Councilor Park said they would need to leave soon. Councilor Burkholder suggested taking a few minutes to set the context, because he knew there had been some confusion last week when they reviewed the Zoo’s budget work. He met with Michael Jordan, Bill Stringer and Mike Wetter earlier today to talk about how to make sure they laid this out appropriately. The Council was providing feedback for the management in order to take the strategic planning work that the Council did (establishing goals and objectives) and try to translate this into what it meant in terms of management and budget. He asked Mr. Jordan to explain what he was trying to get out of the feedback session with the Council. He suggested that they might be able to reschedule the planning and parks strategic budget session for next Tuesday, Oct. 19 as part of the Work Session and possibly another time.

Michael Jordan responded and said that they really did need to get through these sessions in October. He said they would make every effort to hold them. He said he should have made more introductory remarks last week when they heard the zoo budget. He explained about why they were doing these sessions. He noted that they have been doing this for six months. They’ve done goals and objectives, and even a grading system that gave them some broad prioritization of what the Council was interested in. This will be the first time to hear the departments actually link those discussions to what they were doing today and talk to the Council about what the management saw from their perspective as issues and opportunities that were on the horizon for them, that influenced what they did. The management needed the Council to give feedback oriented in a certain way. The one thing staff could not do was overlay the community’s values. He would like the Council to listen with that filter, and think of the community’s values. He used an example of the Zoo educational programs, showing the type of value judgments management and staff would like to hear from the Council. It is informative to staff to hear the Council’s values come through in discussions, even if the Council does not come to a conclusion.

Michael Jordan continued and said that after the Council was finished this month, the senior management planned to take a retreat and—in addition to assigning money and people—they would look at the values articulated and see if Metro was organized in the most effective and efficient way to meet the objectives the Council had set and the values articulated. They would then come back in November or December to the whole Council to share what they think could be some changes to make, some proposals, regarding meeting the Council’s objectives. They would probably have a few more iterations during the winter. He was looking for the input from Council that only Council could give.



Council President Bragdon said he needed that feedback too, since he eventually wanted to be able to bless a proposed budget. He said the involvement verbally would be very important. He wanted to make sure these discussions were on the calendar and that as many councilors as possible could be present for the discussions.

Councilor McLain said the Council was hoping for some expert advice back also, not just on reorganizing or meeting the Council's goals, but on responsibilities that Metro had under present law and was legally required to do, that Metro had enough budget to get these done well. Those things Metro did not have a choice about doing or not doing were known to fit into the overall goals, and the Council has to figure out how to do them well. They needed the back and forth with staff. The Council wanted their expert advice on how they achieved responsibilities that were at least at the present time, Metro's. She would like to see options for how to carry out the goals, for requirements and choices that were not required.

Councilor Park said the feedback back and forth would be very important. Councilors will need to know from staff the implications of their requests, and what the "bill" will cost. Mr. Jordan agreed that this was almost exactly what was planned. In the first iteration, they will probably have estimates at this point. He cited an example in the Planning department and affordable housing full-time equivalents (FTEs). He said they would at least be able to articulate the scale of changes being proposed. Councilor Park agreed.

Councilor Burkholder said he saw the spirit of this discussion as setting the general shape. Details such as FTEs would be worked out later in the spring. Another important thing coming out of the departments' work was identifying issues and opportunities. He felt they should have spent more time on that at last week's meeting. He indicated that he and Councilor Park needed to leave for a commitment in Eugene. He hoped the Parks and Planning discussions will be rescheduled for next week.

Councilor Hosticka suggested starting the Work Session on Tuesday, October 19, 2004, earlier than usual, to accommodate the full schedule. Mr. Jordan said they would arrange the schedule with the Council staff.

## **11. ADJOURN**

There being no further business to come before the Metro Council, Councilor Burkholder adjourned the meeting at 4:06 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 14,  
2004**

Item	Topic	Doc Date	Document Description	Doc. Number
6.1	Minutes	10/7/04	Minutes of the Metro Council Meeting of October 7, 2004	101404c-01
3	Power Point Presentation	September 2004	To: Metro Council From: Alexis Dow, Metro Auditor Re: Management of Relationship with Oregon Zoo Foundation Needs Improvement Power Point Presentation	101404c-02
4	Power Point Presentation	September 2004	To: Metro Council From: Jennifer Budhabhatti, Regional Parks and Greenspaces Department Re: Green Trails Power Point Presentation	101404c-03
5	Power Point Presentation	September 2004	To: Metro Council From: Jim Morgan, Regional Parks and Greenspaces Department Re: Clackamas River Parson's Site Off-Channel Fish Rearing Habitat Project Power Point Presentation	101404c-04
7	Talking Points	10/14/04	To: Metro Council From: Mary Weber, Planning Department Re: DLCDD's staff report summary	101404c-05

102104C-22  
Budget 1

**Solid Waste & Recycling Department**  

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**Strategic Planning and Budgeting**

**Matching Department Programs with Agency Objectives**

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**Identification of Issues and Opportunities.**

**Discussion Draft**  

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**October 21, 2004**

**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

**Overview of Program Structure**  
**September 24, 2004**

<b>Mission</b>	<b>Programs</b>	<b>Activities</b>
<b>Waste Reduction</b>	Solid Waste Reduction	Program Maintenance ( <i>Annual Partnership Plan</i> ) New Initiatives (organics, construction, businesses) Measurement, Monitoring, Technical Assistance
	Hazardous Waste Reduction	Permanent Facilities Community Collection (Round-Ups) Latex Paint
	Education & Outreach	School Education Adult & Hazardous Waste Education Information & Outreach (RIC, etc.)
<b>Disposal</b>	Disposal Services	Scalehouse Contractor Management Community Enhancement
	Private Facility Regulation	Licensing and Franchising Inspections and Audits Enforcement
	Illegal Disposal	Monitoring Investigations and Enforcement Cleanup/Mitigation
	Landfill Stewardship	Closure and Maintenance Environmental Monitoring Landfill Gas
	Property & Asset Management	Existing Facilities Improvements and New Facilities

**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

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**Waste Reduction**

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*Reduce the amount and toxicity of solid waste generated and disposed.*

The primary mission of the Solid Waste & Recycling Department is to promote resource conservation by preventing, to the extent feasible, the generation of toxics and solid waste; and to divert reusable and recyclable materials from the waste stream back into productive use.

**1. To reduce solid waste**, the Department is working to provide an *opportunity to recycle* for all persons, businesses and events within the region. An *opportunity to recycle* means that waste generators have access to a convenient and cost-effective alternative to disposal, including approaches to preventing the generation of waste in the first place.

These activities are implemented through the *Solid Waste Reduction Program*.

**2. To reduce hazardous waste**, the Department provides collection opportunities at two permanent facilities and conducts collection events (“Round Ups”) in local communities. The Department is committed to recycling as many materials as feasible—in particular, latex paint—and providing for safe and environmentally sound disposal of the remainder. Important elements of this program include the educating citizens on potential effects of hazardous materials on human safety and the environment; and providing information on alternatives.

These activities are implemented through the Hazardous Waste Reduction Program.

**3. Promoting the opportunity to recycle** is an important (and state-mandated) element of delivering the opportunity-to-recycle. The Department works to *motivate* citizens to use their opportunity to recycle through environmental education; *inform* citizens of the opportunity to recycle through various media; and *instruct* citizens on the best and appropriate use of their opportunity through information centers such as the RIC and web-based tools.

These activities are implemented through the Education & Outreach Program.



**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

**Waste Reduction Programs - Solid Waste Reduction**

**This program:**

- Supports Metro strategic objectives:

Weight	Objective
1	2.4 Create and preserve viable neighborhoods.
3	3.2 Reduce the amount and toxicity of solid waste generated and disposed.
3	3.3 Increase green business practices in Metro operations as a model for the region....
1	3.6 Decrease the region's dependency on and consumption of fossil fuels.
3	4.2 Provide services that reduce costs and/or increase service levels....
3	4.6 Prevent duplication of public services.
2	6.2 Reduce pollution of air, water, and soil.
3	6.6 Minimize the impact of the region's waste stream on the environment.
3	8.1 Adopt/implement a SW plan that establishes direction & objectives for the regional SW system.
3	8.2 Coordinate with local governments & private service providers [on] programs & services.
3	8.3 Raise awareness of waste prevention and recycling opportunities in the region.

- Satisfies state law requirements to:
  - Adopt and implement a waste reduction program for the region;
  - Monitor and report to EQC (Environmental Quality Commission) and DEQ;
  - Implement, or ensure implementation of, recycling programs required by the Opportunity to Recycle Act (as amended); including the 62% regional recovery goal.
- Implements Metro's waste reduction responsibilities set forth in the Regional SW Management Plan.

**Focus.** Within the Waste Reduction Program, existing opportunities-to-recycle are maintained and monitored; new opportunities are identified, developed and implemented; and the level-of-effort and performance of all players, public and private, are monitored, evaluated and reported. To accomplish these objectives, staff plans and cooperates with local governments and private service providers in the delivery and funding of programs and services.

**Activities.** Three basic activities comprise this program:

- Program Maintenance**  
*Ensure coordination among service providers in the delivery of the opportunity to recycle. Coordination is accomplished through work planning leading to an annual Regional Partnership Plan. Supplemental funding is provided through per-capita and competitive grants. Technical assistance is available to local governments; and, on a cost-of-service basis, to private service providers.*
- New Initiatives**  
*One of Metro's roles as identified in the RSWMP is to develop new programs for generators and waste streams. All new initiatives include waste prevention and recycling elements. Current new initiatives address commercial food waste, construction and demolition materials, and business waste.*
- Measurement and Monitoring**  
*This activity monitors program performance to provide management information, fulfill state reporting requirements, and to establish technical foundations for New Initiatives..*

**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

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**Waste Reduction Programs - Hazardous Waste Reduction**

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**This program:**

- Supports Metro strategic objectives:

Weight	Objective	
1	1.4	Provide efficient access to jobs, services, centers, and industrial areas.
3	3.2	Reduce the amount and toxicity of solid waste generated and disposed.
3	4.2	Provide services that reduce costs and/or increase service levels....
3	4.6	Prevent duplication of public services.
2	4.7	Encourage equitable public services, especially housing and education.
3	5.1	Portfolio: ...solid & hazardous waste disposal...waste prevention & recycling education....
3	6.2	Reduce pollution of air, water, and soil.
3	6.6	Minimize the impact of the region's waste stream on the environment.
2	8.1	Adopt/implement a SW plan that establishes direction & objectives for the regional SW system.
2	8.2	Coordinate with local governments & private service providers [on] programs & services.
3	8.3	Raise awareness of waste prevention and recycling opportunities in the region.
3	8.4	Ensure efficient, safe & environmentally sound operation of public and private disposal facilities.
3	10.2	Maintain customer satisfaction levels.

- Satisfies the state law requirement to adopt and implement a waste reduction program for the region.
- Implements Metro's waste reduction responsibilities set forth in the Regional SW Management Plan.

**Focus.** The Department provides collection opportunities at two permanent facilities located at Metro's transfer stations, and conducts approximately 60 days of collection events ("Round Ups") in local communities. In addition to providing an opportunity to dispose of hazardous waste, the Round Ups are designed to (a) draw-down stockpiles of hazardous wastes that citizens may have accumulated in their residences; and (b) educate citizens on the dangers of hazardous wastes in the household and supply options for alternatives to hazardous materials.

In the interest of waste reduction, the Department strives to redistribute any useful products—the "Pass it On" program— (e.g., solvents and cleaners); and to recover other materials (e.g., empty recyclable containers and alternative fuels). The program recovers over 75% of the material it receives. The largest category is latex paint, for which the Department has established a nationally-recognized, award-winning program.

Any hazardous wastes that cannot be redistributed or recovered are processed and disposed in an environmentally sound manner.

**Activities.** Three basic activities comprise this program:

- Permanent facilities.  
*Collection, analysis, processing and related activities are performed at the Metro facilities.*
- Collection Events ("Round Ups")
- Latex Paint Program

**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

**Waste Reduction Programs - Education and Outreach**

**This program:**

- Supports Metro strategic objectives:

Weight	Objective
1	3.1 Protect and restore open space and habitat areas.
3	3.2 Reduce the amount and toxicity of solid waste generated and disposed.
2	3.3 Increase green business practices in Metro operations as a model for the region....
1	3.6 Decrease the region's dependency on and consumption of fossil fuels.
3	4.2 Provide services that reduce costs and/or increase service levels....
3	4.6 Prevent duplication of public services.
2	4.7 Encourage equitable public services, especially housing and education.
2	6.2 Reduce pollution of air, water, and soil.
2	6.4 Increase the greenscape of the urban areas....
3	6.6 Minimize the impact of the region's waste stream on the environment.
1	7.2 Increase community support of and participation in environmental stewardship activities.
3	8.2 Coordinate with local governments & private service providers [on] programs & services.
3	8.3 Raise awareness of waste prevention and recycling opportunities in the region.
3	10.2 Maintain customer satisfaction levels.

- Satisfies state law requirements to:
  - Promote the region's waste reduction program;*
  - Implement school curriculum & teacher's guide components of the Opportunity to Recycle Act.*
- Implements Metro's outreach responsibilities set forth in the Regional SW Management Plan.

**Focus:** promoting the opportunity to recycle through environmental education and information. To accomplish this objective, the Department employees a variety of outreach techniques to make generators aware of their opportunities-to-recycle, promote best practices and proper use of recycling opportunities, and maintain various resource conservation messages through a variety of media. Education is focused on the role of solid waste in the environment and resource use; and is aimed at instituting behavior changes through school education programs and demonstration projects for adults.

**Activities.** Three basic activities comprise this program:

- School Education
- Adult & Hazardous Waste Education
- Information & Outreach, *including the RIC, website, and other media approaches.*

**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

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**Waste Reduction Programs – Issues & Opportunities**

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Issues and Opportunities are simply listed in this section. Please see the table, “Solid Waste & Recycling Department Program Organization, Issues and Opportunities” for more information.

- Solid waste management approaches beyond the “3-Rs”—reduce, reuse, recycle. Immediate applications to electronic waste, tires, paint; and more generally, meeting regional recovery goals.
- Expanded education to businesses
- Funding businesses and recycling opportunities.
- Regional System Fee credits

**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

**Solid Waste Disposal**

*Ensure environmentally sound disposal for waste that cannot be prevented or recovered.*

The second mission of the Solid Waste & Recycling Department is to ensure safe, efficient, and environmentally sound disposal of any waste that cannot be reduced, reused or recovered. To this end, the Department manages a comprehensive public-private disposal system that includes direct provision of disposal services; regulation of private disposal; monitoring, mitigation and enforcement against illegal disposal; and stewardship of closed disposal sites.

***Disposal Programs – Disposal Services (Metro Transfer Stations)***

**This program:**

- Supports Metro strategic objectives:

Weight	Objective
1	1.4 Provide efficient access to jobs, services, centers, and industrial areas.
2	3.2 Reduce the amount and toxicity of solid waste generated and disposed.
2	3.3 Increase green business practices in Metro operations as a model for the region....
1	4.2 Provide services that reduce costs and/or increase service levels....
2	4.7 Encourage equitable public services, especially housing and education.
3	5.1 Portfolio: ...solid & hazardous waste disposal...waste prevention & recycling education....
1	6.6 Minimize the impact of the region's waste stream on the environment.
2	8.1 Adopt/implement a SW plan that establishes direction & objectives for the regional SW system.
2	8.2 Coordinate with local governments & private service providers [on] programs & services.
3	8.4 Ensure efficient, safe & environmentally sound operation of public and private disposal facilities.
3	10.2 Maintain customer satisfaction levels.

- Implements Metro's authority to own & operate solid waste facilities as granted by state law
- Implements direct service elements of the Solid Waste & Recycling Department's Strategic Plan.

**Focus.** The primary purpose of the Disposal Services Program is to manage the two publicly-owned regional transfer stations—Metro Central Station and Metro South Station—and the private contracts for services.

**Activities.** Three basic activities comprise this program:

- ❑ Oversight and Contract Management  
*Overall administration of the stations, and management of the service contracts for operation, transport and disposal.*
- ❑ Scalehouse Operations  
*Metro staff operate the scales, control site access, and manage transactions and revenues.*
- ❑ Community Enhancement  
*Metro collects a 50-cent fee on each ton of waste delivered to the transfer stations, which is redistributed for rehabilitation, enhancement and mitigation of impacts to the host community.*



**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

**Disposal Programs – Private Facility Regulation**

**This program:**

- Supports Metro strategic objectives:

Weight	Objective	
1	2.3	Increase the distinctiveness, attractiveness, and efficiency of centers and corridors.
2	3.2	Reduce the amount and toxicity of solid waste generated and disposed.
2	4.6	Prevent duplication of public services.
2	4.7	Encourage equitable public services, especially housing and education.
3	6.2	Reduce pollution of air, water, and soil.
2	6.6	Minimize the impact of the region's waste stream on the environment.
1	8.1	Adopt/implement a SW plan that establishes direction & objectives for the regional SW system.
3	8.2	Coordinate with local governments & private service providers [on] programs & services.
1	8.3	Raise awareness of waste prevention and recycling opportunities in the region.
3	8.4	Ensure efficient, safe & environmentally sound operation of public and private disposal facilities.

- Implements flow control and solid waste regulatory authority granted by state law
- Implements the regulatory elements of the Solid Waste & Recycling Department's Strategic Plan.

**Focus.** The primary purpose of the Private Facility Regulation Program is to ensure that the operation of privately-owned solid waste facilities meet environmental and regulatory standards. The program enforces compliance with Metro Code, administrative procedures, performance standards and Metro-granted authorizations.

**Activities.** The program is comprised of three basic activities:

- Licensing and franchising
- Inspections and audits
- Enforcement (including investigation and prosecution)

**Disposal Programs – Illegal Disposal**

**This program:**

- Supports Metro strategic objectives:

Weight	Objective	
1	1.7	Promote policy that positively influences the rural economy.
1	1.8	Provide an acknowledged venue for regional economic leadership.
1	3.1	Protect and restore open space and habitat areas.
3	4.2	Provide services that reduce costs and/or increase service levels....
3	4.6	Prevent duplication of public services.
3	6.2	Reduce pollution of air, water, and soil.
3	6.6	Minimize the impact of the region's waste stream on the environment.
2	8.1	Adopt/implement a SW plan that establishes direction & objectives for the regional SW system.
3	8.2	Coordinate with local governments & private service providers [on] programs & services.

- Implements Metro's responsibilities set forth in the Regional SW Management Plan.

**Strategic Planning Discussion**  
**Description of Programs & Issues/Opportunities**  
**Solid Waste & Recycling Department**  
**October 21, 2004**

**Focus.** The primary purpose of the Illegal Disposal Program is to eliminate the illegal dumping of solid waste.

**Activities.** The program is comprised of three basic activities:

- Monitoring—of sites that are known to attract illegal disposal.
- Investigation and Enforcement.  
*Gathering evidence and prosecution of persons who illegally dispose of solid waste.*
- Cleanup/Mitigation—of illegal dumpsites.

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**Disposal Programs – Landfill Stewardship**

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**This program:**

- Satisfies state law requirements on landfill closure.
- Supports Metro strategic objectives:

Weight	Objective	
1	1.5	Develop an ... environment that attracts, incubates, and retains entrepreneurial activity.
1	2.1	Create a regional system of parks, trails, greenspaces, and public spaces.
1	3.1	Protect and restore open space and habitat areas.
1	3.2	Reduce the amount and toxicity of solid waste generated and disposed.
2	3.6	Decrease the region's dependency on and consumption of fossil fuels.
3	6.2	Reduce pollution of air, water, and soil.
1	6.4	Increase the greenscape of the urban areas....
3	6.6	Minimize the impact of the region's waste stream on the environment.
1	9.1	Increase the proximity and availability of parkland, trails & outdoor recreation [to the] public....

**Focus.** The primary purpose of this program is to fulfill state provisions that owners of municipal landfills, including the St. Johns Landfill, must monitor environmental impact, and operate and maintain environmental protection facilities for 30 years after these landfills are considered closed. The rules further provide that acceptable financial assurance for these tasks must be maintained.

**Activities.** The program is comprised of three basic activities:

- Closure and maintenance  
*Constructs, operates and maintains environmental improvements at the St. Johns and KFD landfills.*
- Environmental monitoring  
*Monitors environmental improvements and water quality at the landfills, Smith & Bybee Lakes, and other Metro facilities; ensures Metro's compliance with the requirements of permits. Because the St. Johns Landfill is on the Oregon list of confirmed releases of hazardous substances, Metro must carry out a remedial investigation leading to an assessment of risk to human health and to the ecology of the area. The results of this risk assessment will influence future management decisions and associated costs related to leachate migration and mitigation of off-site contamination from the Landfill.*
- Landfill Gas Project

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**Disposal Programs – Facility Asset Management**

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**This program:**

- Supports Metro strategic objectives:

Weight	Objective
1	3.2 Reduce the amount and toxicity of solid waste generated and disposed.
2	3.3 Increase green business practices in Metro operations as a model for the region....
3	8.4 Ensure efficient, safe & environmentally sound operation of public and private disposal facilities.
3	10.1 Maintain asset value of facilities....

- Satisfies the requirements of the Bond Ordinance to maintain asset value.
- Implements Metro's Capital Improvement Plan requirements for the Department.

**Focus.** Designs, plans, and manages capital improvement and replacement projects, and conducts operational studies for Metro transfer stations, hazardous waste facilities, latex facility, and the St. Johns and KFD Landfills. Provides technical support to the Department and external stakeholders, including spatial, statistical, financial, engineering, and capital improvement planning assistance.

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**Disposal Programs – Issues & Opportunities**

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- Rehabilitation & Enhancement. Question: extend to additional disposal sites and facilities.
- Coordinated management of the major service contracts—transfer, transport and disposal. Are 3 separate contracts most efficient? Do they provide the lowest prices and hedges against risk in the long run?
- Disposal subsidies. Neighborhood cleanup grants and disposal vouchers were originally implemented to address hardship issues. They have grown in size beyond the need. Because they tend to subsidize disposal, they work against the main mission of the Department. Advocacy for these programs in the past has been on public relations grounds. The Department is ready to engage in discussions on objectives and options for the efficient expansion of public relations projects that may not require disposal subsidies.
- Much of the regulatory enforcement and illegal dumpsite cleanup is provided by an IGA with the Multnomah County Sheriff. With shifting priorities for both parties to the IGA, is this arrangement still effective?
- Metro's role in the disposal system. Is the current public-private mix of disposal facilities the best way to ensure an efficient, environmentally sound disposal system? Because all but Metro's disposal contract expire in the year 2009, there is an upcoming opportunity to make major decisions about the disposal system.

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**Appendix**

**Metro's Solid Waste Obligations, Authorizations and Constraints under State Law**

Obligations/Mandates

<u>Oregon Statute</u>	<u>Summary</u>
ORS 459.055 .....	Prepare and adopt "a program for recycling..."*
ORS 459.250 .....	Provide recycling collection at transfer stations
ORS 459.268 .....	Landfill closure requirements
ORS 459.340 .....	Implement the "program for recycling" required by ORS 459.055
ORS 459.345 .....	EQC monitoring & reporting requirements
ORS 459.413(1) .....	Establish permanent HHW depots
ORS 459.413(2) .....	Encourage use of HHW collection
ORS 459A.010 .....	Required waste reduction program elements; 62% recovery goal
ORS 459A.050 .....	DEQ monitoring & reporting requirements
ORS 459A.750 .....	School curriculum & teacher's guide components

Authorizations

<u>Oregon Statute</u>	<u>Summary</u>
ORS 268.317(1)-(2)&(8) .....	Authority to own & operate solid waste facilities
ORS 268.317(3)-(4) .....	Flow control authority
ORS 268.317(5)-(7) & 268.318 .....	Solid waste regulatory authority
ORS 268.390 .....	Functional planning authority**
ORS 459.095 .....	Local governments must comply with RSWMP
ORS 459.290 .....	Rehabilitation & Enhancement committees & programs

Constraints

<u>Oregon Statute</u>	<u>Summary</u>
ORS 459.236(3) & 459A.110 .....	State fees are levied on Metro in lieu of landfill
ORS 459.284 .....	Restrictions on use of Rehabilitation & Enhancement fees
ORS 459.335 .....	Restrictions on use of solid waste fees

\* "...that achieves the [62%] recovery rate in ORS 459A.010..."

\*\* Not specific to solid waste, but relevant, as the RSWMP is adopted as a functional plan.



# Solid Waste and Recycling Department

## Program Organization Issues and Opportunities FY 2005-06 Budget

Mission	Waste Reduction			Disposal				
Program	Solid Waste Reduction	Hazardous Waste Reduction	Education and Outreach	Disposal Services (Transfer Stations)	Private Facility Regulation	Illegal Disposal Sites	Property & Asset Management	Landfill Stewardship
A c t i v i t i e s & P r o j e c t s	<b>Program Maintenance</b> <ul style="list-style-type: none"> <li>Annual Partnership Plan</li> <li>Technical Assistance</li> <li>RSF Credits</li> <li>ENACT</li> </ul>	<b>Facilities</b> <ul style="list-style-type: none"> <li>Collection</li> <li>Reuse &amp; Recovery</li> <li>Analysis &amp; Processing</li> <li>Emergency Response</li> </ul>	<b>School Education</b> <ul style="list-style-type: none"> <li>K-12 Instruction</li> <li>Curriculum Design</li> <li>Teacher Training</li> </ul>	<b>Management</b> <ul style="list-style-type: none"> <li>Oversight</li> <li>Coordinated Contract Management                             <ul style="list-style-type: none"> <li>Transfer</li> <li>Transport</li> <li>Disposal</li> </ul> </li> </ul>	Licensing & Franchising	Monitoring	<b>Existing Physical Plants</b> <ul style="list-style-type: none"> <li>Monitoring</li> <li>Renewal &amp; Repl.</li> <li>Bond Compliance</li> <li>Special Projects</li> </ul>	Closure & Maintenance
	<b>New Initiatives</b> <ul style="list-style-type: none"> <li>Food waste</li> <li>Construction &amp; Demo</li> <li>Business Recycling</li> <li>Expanded Bus. Ed.</li> <li>Business Opp. Funding</li> </ul>	<b>Latex Paint</b> <ul style="list-style-type: none"> <li>Processing</li> <li>Sales</li> <li>Business Plan</li> </ul>	<b>Adult Education</b> <ul style="list-style-type: none"> <li>Prevention/Alternatives</li> <li>Hazardous Waste Ed.</li> <li>Demonstration Projects</li> </ul>	<b>Scalehouse Operations</b>	<b>Inspections &amp; Audits</b> <ul style="list-style-type: none"> <li>Water Quality</li> <li>Sheriff's contract</li> </ul>	Investigation/Enforcement	<b>New Capital Improvement</b> <ul style="list-style-type: none"> <li>CIP</li> <li>Engineering</li> <li>Contract Management</li> </ul>	Environmental Monitoring
	<b>Extended Producer/Product Responsibility</b> <ul style="list-style-type: none"> <li>National Partnerships</li> <li>E-Waste</li> <li>Tires</li> <li>Paint Stewardship</li> </ul>							
	<b>Measurement, Monitoring</b> <ul style="list-style-type: none"> <li>Program Performance</li> <li>Compliance Reporting</li> <li>Special Studies</li> </ul>	<b>Community Events</b> <ul style="list-style-type: none"> <li>Collection (RoundUps)</li> <li>Education</li> </ul>	<b>Information &amp; Outreach</b> <ul style="list-style-type: none"> <li>Recycling Info Center</li> <li>Media Development</li> <li>Outreach &amp; Ad Projects</li> </ul>	<b>Community Enhancement</b> <ul style="list-style-type: none"> <li>Rehab/Enh. Cmtes.</li> <li>Disposal Vouchers</li> <li>Neighborhood Cleanups</li> </ul>	<b>Enforcement</b> <ul style="list-style-type: none"> <li>Clean-up crews</li> </ul>	Cleanup/Mitigation		Landfill Gas

Planning
<b>RSWMP</b> <ul style="list-style-type: none"> <li>62% Recovery Goal</li> <li>Transfer Station Ownership</li> <li>Other</li> </ul> <b>SWAC</b> <b>Legislative coordination</b> <b>Policy Analysis</b>

Operational Objectives			
Entrepreneurial	<b>Efficiencies</b> <ul style="list-style-type: none"> <li>Hazardous Waste</li> <li>HVAC</li> </ul>	Council/Staff Collaboration/Relationship	<b>Agency Coordination/Expertise (Productive Workforce)</b> <ul style="list-style-type: none"> <li>Engineering</li> <li>Finance/Accounting</li> <li>Contracts/Contracts</li> <li>Policy Analysis and Process</li> <li>Innovative Finance</li> </ul>



### Matching Department Programs with Council Objectives

Council Objective	Waste Reduction	Education & Outreach	Hazardous Waste Reduction	Private Facility Regulation	Illegal Disposal Sites	Disposal Services	Property & Asset Mgmt.	Landfill Stewardship
1.1								
1.2								
1.3								
1.4			Consistent with			Consistent with		
1.5								Consistent with
1.6								
1.7					Consistent with			
1.8					Consistent with			
2.1								Consistent with
2.2								
2.3				Consistent with				
2.4	Consistent with							
2.5								
3.1		Consistent with			Consistent with			Consistent with
3.2	Directly responds	Directly responds	Directly responds	Supports objective		Supports objective	Consistent with	Consistent with
3.3	Supports objective	Supports objective				Supports objective	Supports objective	
3.4								
3.5								
3.6	Consistent with	Consistent with						Supports objective
3.7								
4.1								
4.2	Directly responds	Directly responds	Directly responds		Directly responds	Consistent with		
4.3								
4.4								
4.5								
4.6	Directly responds	Directly responds	Directly responds	Supports objective	Directly responds			
4.7		Supports objective	Supports objective	Supports objective		Supports objective		
5.1			Directly responds			Directly responds		
5.2								
5.3								
6.1								
6.2	Supports objective	Supports objective	Directly responds	Directly responds	Directly responds			Directly responds
6.3								
6.4		Consistent with						Consistent with
6.5								
6.6	Directly responds	Directly responds	Directly responds	Supports objective	Directly responds	Consistent with		Directly responds
7.1								
7.2		Consistent with						
8.1	Directly responds	Directly responds	Supports objective	Consistent with	Supports objective	Supports objective		
8.2	Directly responds	Directly responds	Supports objective	Directly responds	Directly responds	Supports objective		
8.3	Directly responds	Directly responds	Directly responds	Consistent with				
8.4			Directly responds	Directly responds		Directly responds	Directly responds	
8.5								
9.1								Consistent with
9.2								
9.3								
9.4								
10.1		Directly responds	Directly responds			Directly responds	Directly responds	
10.2		Directly responds	Directly responds			Directly responds		
10.3								

KEY  Directly responds  Supports objective  Consistent with  No link

Budget 3  
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**Primary Program (Regional Public Assembly Facility Management)**

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MERC's mission is to enhance the livability and economic vitality of the metropolitan region through sound stewardship, expert management and creative development of the region's public assembly facilities. The Commission is charged with managing these trade, convention and entertainment assets in a cost-effective, independent, entrepreneurial and accountable manner. These award-winning, landmark facilities are vital components of the region's cultural and economic infrastructure. The Commission's portfolio includes the Oregon Convention Center, Portland Expo Center, and Portland Center for the Performing Arts.

**Vision**

- Be the acknowledged leader in public facility management in the region.

**MERC Goals**

- Maximize the economic impact of its facilities for the metropolitan region and the state of Oregon.
- Develop and manage facilities to foster a diverse range of performing arts, convention, and trade and exhibition events
- Achieve long term financial stability through responsible policies and prudent business practices.
- Advocate for enhancing public support of regional trade facilities, the arts and tourism.
- Effectively operate and maintain facilities in premiere condition.
- Recruit and retain a quality-motivated workforce that provides superior facilities management and customer service and reflects the diversity of the metropolitan region.

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**Related Secondary Programs**

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- **Program: Facility Management; Conventions and Meetings; Tradeshows and Exhibitions.**

This program encompasses the professional expertise required to provide stewardship, management and development of these regional assets. It includes sound policy and decision making, capital development and maintenance, and financial expertise and accountability to ensure that the public investment is protected and that the facilities' provide the highest level of services to the citizens and visitors of the region.

Manage and operation these public assembly facilities to provide cultural, recreational, trade, and convention services important to the livability and economic health of the region. Primary emphasis of these facilities includes maximizing economic benefits for the region and state; provide high quality public services, enhancing cultural enrichment, sustaining arts, etc. MERC facilities provide a wide range of food and beverage, concession, catering services to enhance the customer experience and support the full-service needs of its event and meeting clients. Food service and menu choices range from simple, convenient foods to full service banquets, from weddings to graduations.

- **Program: Performance Arts**

Portland Center for the Performing Arts is symbolic cultural center for world class performance arts in the region and is located in Portland's Broadway cultural district. Its mission is to provide superior and responsible managed performance spaces that foster an environment in which diverse performing arts, events and audiences may flourish. The Center consists of three primary venues--the Arlene Schnitzer Concert Hall, Keller Auditorium and the New Theatre Building which houses the Newmark and Winningstad theaters and Brunish Hall. PCPA is comprised of xx sq. ft. of performance facilities and hosts one million visitors each year.

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**Issues & Opportunities**

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Briefly discuss major issues or opportunities that present policy decisions for the Council. For each major issue/opportunity, give a one-paragraph summary of the issue, identify applicable Council goals/objectives, and provide alternatives for Council.

- **Issue/Opportunity #1 – Operations**

- ✓ Operating goal is break even or better –we're working with break even economy or worse, our intention hunt for revenues, continue to focus on expenditure control and preserve fund balance.
- ✓ Last year we added approx. \$600K to fund balance, ending with a \$10,5M fund balance MERC wide, including approx \$500k in PERS reserve
- ✓ EXPO – steady decline in attendance for repeat events, OCC declining convention schedule last year - predicted to continue in 05/06.
- ✓ We are assuming a conservative 2.5% increase in lodging taxes, 05/06 will be the final year for VDI funding for OCC - \$300k (down from \$750k in 05) and PCPA expects no VDI money – especially in light of difficulty in getting the City to backstop 04.
- ✓ No replacement to the VDI funding has yet been secured.
- ✓ PERS continues to increase – now budgeting at a combined rate of over 29%, including the 6% employee pickup, 7.14% employer rate, 4.7% rate increase for “investment losses” and 6.65% in reserve in anticipation of pending litigation. That, coupled with other benefits, has us budgeting a roughly 50% fringe rate, which simply cannot continue.
- ✓ The POVA contract expires in June 2005. We've begun work on that process already.
- ✓ We continue to pay approximately \$1.5 million in excise taxes each year to METRO, and appreciate the newly enacted MTOCA which will bring back approx \$504k this year and \$600 future years back to the convention center for capital projects. The first of which will be coming to you in a budget amendment – projects to secure LEED certification.

- **Issue/Opportunity #2 – Facilities**

- ✓ EXPO continues to be able to fund its operations and pay its debt service, but the plan for funding Phase III of the expansion still looms before us. It's aging original buildings not desirable for modern major shows.
- ✓ Cost to maintain OCC may eventually provoke a drawdown on the hard fought minimum \$4M fund balance we've worked so hard to achieve. Deferred maintenance, even with the new expansion and the retrofits in the older section will continue to grow.
- ✓ PCPA has been able to attract some donations in the last few years and The Keller in particular is looking spiffier, complete with additional women's restrooms. We've won some battles, but the war lingers on in maintaining old buildings with minimum resources.

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- **Issue/Opportunity #3 –Convention Center Headquarter Hotel Development**

Development of a headquarters hotel adjacent to the Oregon Convention Center (OCC) is necessary for Portland to compete with other major west coast cities in attracting profitable convention business and to enable the expanded convention center to fully return the economic benefits it is capable of delivering to the region.

Since 1990, the OCC has generated \$5.1 billion in economic benefits for the region. In 2003, the convention center generated \$481 million in economic activity in the region, an increase of \$100 million from the year before. Most of this increase can be attributed to new business generated by the expansion of the facility, completed in April 2003.

The expansion of the OCC allowed Portland to stay on par with its mid-sized competitor cities in terms of facility size and capacity. Even so, Portland remains at a disadvantage because its competitors can offer meeting planners and association executives the convenience of housing their delegates in a single convenient hotel location. In fact, the inaccessibility of convention rooms is now the biggest barrier to booking future convention business faced by the Portland Oregon Visitor Association (POVA), the marketing and booking agent for the OCC.

POVA, the Portland Development Commission (PDC), MERC and other industry partners hired the Strategic Advisory Group (SAG) to study the feasibility of developing a convention center headquarters (HQ) hotel. The report, completed in Feb. 2003, analyzed the need, demand, benefits and sizing of a HQ hotel. The market study recommended the optimum target for Portland is 800 convention-quality hotel rooms in close proximity to the OCC. The study determined that if a 600-800 room convention hotel were built, Portland would be well positioned to compete for another 45-60 percent of the target (mid-tier) convention and meeting market, a considerable amount of business and economic impetus for the region.

The report concluded that an 800-room HQ hotel could bring the following economic and livability benefits to the state and metropolitan region over the next 30 years:

- Provide 7 million additional room nights (based on an 80% occupancy rate).
- Generate total economic impact of \$6.3 billion in additional new convention spending.
- Support 2,400 jobs each year.
- Generate \$251 million in new tax revenues—through transient lodging, motor vehicle and state income taxes—in the following amounts: state taxes, \$95.8 million; county taxes, \$155.5 million.

The HQ hotel is a significant objective of the City of Portland, and is expected to enhance Portland's reputation as desirable destination for tourism and convention visitors. PDC, in conjunction with its government and industry partners, is leading development of an 800-room HQ hotel. The largest barrier is garnering sufficient financing to develop the project.

In October 2004, PDC issued a request for proposals to qualified developers for the construction of a full-service HQ hotel near the OCC. Responses are due in December 2004.

The combination of an expanded OCC, control of a prime development site by PDC and strong support among political and industry leaders indicates that the next few years present a unique opportunity to achieve the longstanding desire of a HQ hotel.

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**Performance Measures**

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- **Quantitative**
  - ✓ Number of Visitors
  - ✓ Number of Events
  - ✓ Number of Conventions
  - ✓ Number of Meals
  
- **Financial**
  - ✓ Gross Margin Food & Beverage
  - ✓ Operating Results
  - ✓ Public subsidy as % of resources
  - ✓ Strategic Fund Balance Goal to actual
  
- **Forecast**
  - ✓ Booked Future Events/Conventions
  - ✓ Developing Future Business
  - ✓ Forecasted Fund Balance