

A G E N D A

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METRO

TEL 503-797-1540 FAX 503-797-1793

MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: October 27, 2004

DAY: Wednesday, 5:00-7:00 p.m.

PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Becker		
1	INTRODUCTIONS	All		5 min.
2	ANNOUNCEMENTS	Becker		3 min.
3	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			3 min.
4	CONSENT AGENDA • Meeting Summary for October 13, 2004	Becker	Decision	5 min.
5	COUNCIL UPDATE	Bragdon		5 min.
6	GOVERNOR'S TASK FORCE ON GLOBAL WARMING REPORT	Angus Duncan	Introduction/ Discussion	30 min.
7	LCDC HEARING AND DLCD STAFF REPORT ON METRO'S UGB INDUSTRIAL LANDS DECISION	Benner	Introduction	30 min.
8	COMMENTS TO METRO COUNCIL ON RESOLUTION NO. 04-3506 ON FISH AND WILDLIFE HABITAT	Cotugno/Bragdon	Comments/ Decision	30 min.

UPCOMING MEETINGS:

November 10 & 17, 2004

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us

MPAC normally meets the second and fourth Wednesday of the month.

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METRO POLICY ADVISORY COMMITTEE MEETING RECORD

October 13 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Rob Drake, Andy Duyck, Dave Fuller, Gene Grant, Judie Hammerstad, John Hartsock, Tom Hughes, Richard Kidd, Deanna Mueller-Crispin, Lisa Naito, Doug Neeley, Ted Wheeler

Alternates Present: Laura Hudson, Mary Olson

Also Present: Preston Beck, Group MacKenzie; Hal Bergsma, City of Beaverton; Craig Brown, Matrix Development Corporation; Ron Bunch, City of Gresham; Al Burns, The City of Portland; Michelle Bussard, Johnson Creek Watershed Council; Cindy Catto, AGC; Sarah Cleek, THPRD; Gary Clifford, Multnomah County; Debbie Collard, Ball Janik LLP; Danielle Cowan, City of Wilsonville; Bob Durgan, Andersen Construction; Kay Durtchi, MTAC; Craig Dye, Clean Water Services; Stacy Hopkins, City of Tualatin; Kelly Hossain, Miller Nash LLP; Gil Kelley, City of Portland; Jim Labbe, Audubon Society of Portland; Susie Lahsene, Port of Portland; Stephan Lashbrook, City of Lake Oswego; Charlotte Lehan, City of Wilsonville; Greg Manning, NAIOP; Sue Marshall, Tualatin Riverkeepers; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Alice Norris, Mayor of Oregon City; Laura Oppenheimer, Oregonian; John Rakowitz, Portland Business Alliance; Ted Reid, Portland Citizen; Pat Ribellia, City of Hillsboro; Bob Sallinger, Portland Audubon; Amy Scheckla-Cox, City of Cornelius; Jonathan Schlueter, Westside Economic Alliance; Dresden Skees-Gregory, Washington County Citizen; Laine Smith, ODOT; Andrea Vannelli, Washington County Planning; Jonathan William, Intel; David Zagel, TriMet;

Metro Elected Officials Present: David Bragdon, Council President; Rod Park, District 1; Carl Hosticka, District 3; Susan McLain, District 4

Metro Staff Present: Kim Bardes, Dick Benner, Dan Cooper, Andy Cotugno, Chris Deffebach, Paul Garrahan, Randy Tucker, Michael Wetter

INTRODUCTIONS

Mayor Charles Becker, MPAC Chair, called the meeting to order 5:03 p.m. Those present introduced themselves.

3. CITIZEN COMMUNICATIONS

Jim Labbe, Audubon Society of Portland, asked the members to reject the resolution for Goal 5. He referred to his written testimony, which is attached and forms part of the record.

Sue Marshall, Tualatin Riverkeepers, said that the Tualatin Riverkeepers would also like the MPAC members to reject the resolution. She said she saw the resolution as a back step in the process and that they were actually at the eve of developing a program. She had concern about what this would indicate to the jurisdictions in the initiative that they had already undertaken. She said that the process should be allowed to continue and a model ordinance should be developed with reasonable timelines for the jurisdictions to adopt or demonstrate substantial compliance.

Doug Neeley asked if the exceptions process was current.

Andy Cotugno said that the members would receive an overview of how the process works after it had been discussed at MTAC.

Doug Neeley asked why it was being deferred to MTAC before MPAC had received the briefing.

Andy Cotugno said that MPAC would be reviewing exactly the same thing that MTAC would see but that due to a full agenda he did not think they would have time for the introduction material to be presented at this meeting.

Rob Drake suggested that the exemptions agenda item be moved to the end of the meeting or to another meeting date.

1. ANNOUNCEMENTS

Chair Becker discussed future meeting dates and suggested some alternatives to the conflict with the upcoming holidays. He said that Metro was planning a seminar on the Healthy Centers issues and that they would be setting a date for that pretty soon. He reviewed other possible agenda items for review between November and December.

Judie Hammerstad suggested that Chair Becker ask for a show of hands for those that could attend the MPAC meeting on November 17th rather than November 24th.

It was agreed to hold the second November meeting on November 17, 2004 instead of November 24, 2004.

Doug Neeley asked to have decision items be put on the agenda for early in the evening.

Chair Becker asked for a show of hands for changing the second meeting in December. It was decided that they would cancel the December 22nd meeting and reschedule for December 15th unless there were not enough agenda items to justify holding a meeting.

4. CONSENT AGENDA

Meeting Summary for September 9, 2004.

Motion:	Gene Grant, Mayor of Happy Valley, with a second from Ted Wheeler, Citizen for Multnomah County, moved to adopt the consent agenda without revision.
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Vote:	The motion passed unanimously.
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Motion:	Rob Drake, Mayor of Beaverton, with a second from Richard Kidd, Mayor of Forest Grove, moved to defer agenda items 7 & 8 directly to MTAC for review and referral back to MPAC.
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Amendment to the Motion:	Doug Neeley, City of Oregon City, with a second from Dave Fuller, Mayor of Wood Village, moved to remove agenda item 7, Exceptions Process, from the referral to MTAC and instead have it put onto an upcoming MPAC agenda, and to refer agenda item 8, Annexation Process, to MTAC at this time.
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Vote:	The amended motion passed unanimously.
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5. COUNCIL UPDATE

Council President Bragdon said that Metro Council was waiting to hear from LCDC shortly regarding their review of Metro's decision from last June. Council had recently been focusing on internal issues and solid waste.

6. GOAL 5

Council President Bragdon reviewed the Goal 5 draft resolution, which was part of the materials packet and therefore forms part of the record. He said that the resolution was not a final decision but a direction to Metro staff. He asked for discussion, comments, and suggestions from the MPAC members on the draft resolution after Rod Park had spoken on the issue.

Rod Park said that people were very concerned about the direction that the program was going, the uncertainty of where it was at, and the realization that regulating the few for the benefit of the many was not getting them where they seemingly needed to go. He described how the nursery industry in the Portland Metro region was the first in the nation to institute a voluntary program with a regulatory backstop for the clean water act. Other states had since instituted that program and it was very successful. That program morphed into Senate Bill 1010 in 1993. He said that due to the storm water system the region was connected by its rivers. He said that the jurisdictions needed to be able to use their own innovation to get the desired results. He said that the resolution would not suggest abandoning the regulatory program; there were technical/legal reasons why they would need such a program. People would do good things for Fish and Wildlife protection if they just had some standards to follow. Metro and partners would need to help with setting goals and getting jurisdictions going on regional protection. He said that a voluntary program has the possibility and probability of getting started right away, whereas the Goal 5 process without this resolution would take some time to finish and then require two years before implementation was possible.

Gil Kelley, City of Portland, said that there had not been enough time to deliberate on the resolution and that what he contributed to the discussion was taken from many individuals at the city and did not represent an official position. He said that he endorsed Councilor Park's philosophy and that the resolution represented a positive direction in many ways. He said that it was important to not dance around the issue of regulation. He said that there were several things that needed to occur to make the approach outlined in the resolution workable. The focus needed to be on arriving at performance standards that were clear and science based. He said that he thought the time frame was too long and that 2012 seemed like forever to some people. He suggested that 2008 was a better time frame for local jurisdictions to come forward with a program and then another year for Metro to measure, evaluate, and put in place a regulatory backstop. He emphasized that the science was telling them that the near stream habitat was crucial to habitat protection.

Lisa Naito asked about the process and timeline for the proposed resolution.

Chair Becker said that they would be taking initial thoughts on this issue and then it would be referred to MTAC so the members would have time to review the material and take it back to their jurisdictions for discussion.

Doug Neeley expressed concern that there were not objective standards that applied to a whole watershed system. He also expressed concern that local programs would not meet a regional standard.

David Bragdon said Metro staff would work with jurisdictional staff to develop those standards/measures. He said that it was also a recognition that different jurisdictions were at different places with their programs. He said that there was nothing that would imply that there would be a rollback at the local level.

Rod Park said that the model program ordinance that the local jurisdictions could adopt would be looked at by LCDC and put directly into their programs. He said that the resolution was just a different way to get to the same outcome.

Doug Neeley said he was concerned about those jurisdictions that did not have a good program, and the effects that would have on the regional watershed. He suggested that that issue needed to be explicit in the document.

Rob Drake said that he did not yet understand the program enough to give it a blessing or criticism. He commended Metro and David Bragdon for innovative thinking. He said that he thought the resolution warranted being looked at MTAC. He expressed concern that waiting until 2010 or 2012 was too long.

Gene Grant said that what was being proposed demonstrated a higher level of trust for the local leaders. He suggested that if the jurisdictions abused that trust by not making adequate progress then there would be regulation in place a few years down the line to back that up. He suggested that the resolution presented a more positive approach to habitat protection. He had been concerned that the regulatory part of the Fish and Wildlife Protection Program would be taking away development rights for property owners. He said the resolution looked to be a better solution to creating a balance of power between Metro and the local governments than putting forward a bond measure or instituting regulations that would not be fair to property owners.

Tom Hughes said that a few positive things had occurred due to the shift in focus by Metro. He said that the original GAP analysis that got Metro started on Fish and Wildlife Habitat Protection indicated that there was no progress being made at the local level to protect and preserve habitat. He said that the resolution would recognize that there had been a lot of progress made with the habitat protection since that original analysis was done. He said that some had expressed concern that if the resolution were to be adopted and nothing was done between now and 2012, then we would lose some habitat. Many jurisdictions already had Goal 5 in place and would protect that habitat from further degradation. The discussion now had to be about performance standards.

Judie Hammerstad said that the jurisdictions were, in this case, being offered what they had asked for. The environmental community was alarmed and did not trust that the local jurisdictions could accomplish habitat protection without regulation. She said that the performance standards would have to be set high and stipulate that the outcomes would have to be that there was no degradation and/or improved stream quality. She said that with the environmental community taking part in setting those standards and local government accepting the voluntary program, they would have that regulatory backup. She said that they needed input from all the stakeholders before a decision was made.

Dave Fuller said he thought the resolution was a user-friendly movement by Metro. He said that his city could do a good job in regulating this issue rather than having a one-size-fits-all solution.

John Hartsock also expressed his confidence that his jurisdiction could regulate this issue appropriately. He agreed that there would be a few cowboys out there, but for the most part the jurisdictions would step up to their responsibilities.

Doug Neeley said that they needed to discuss minimal standards. He was concerned that success for the whole region's habit and watershed, which hinged around local performance standards, could be ruined by one jurisdiction not stepping up to their responsibilities.

Susan McLain said that she was curious about what effect this resolution would have on the UGB decision. There was nothing in the resolution that Metro/MPAC had not looked at over the years. She said that they should discuss if the resolution completely removed the opportunity to develop standards if there were no regulatory backdrop. The Metro staff would be required to produce performance measures as part of the work plan and they were working on that right now.

Ted Wheeler said that just the innovation of the resolution was a benefit in and of itself. As the jurisdictions attempted to meet the Goal 5 standards they would get new ideas and innovative approaches. He also thought it was a good idea to send this to MTAC as he did not have staff to help him work through it. He wondered what would trigger an extension of the deadline.

Deanna Mueller-Crispin said that she had thought they were getting close to the finish line on the Goal 5 program and expressed concern about changes to the program ground rules as a result of the resolution. She also expressed concern that the resolution would extend the whole process and implementation timeline.

Rod Park said that the resolution should not take away from anyone's program. If a local jurisdiction wanted to adopt the model program once it was completed it should be up to them. The regional goals had not really changed and the question became how to measure the performance. No local jurisdictions would be able to slip because they would be held to the regional performance standard.

David Bragdon reiterated that the resolution was just a proposal at this point. He said that he felt it was getting good discussion and support for various aspects of it. He said it was also helping to point out what they really needed to work on regarding Goal 5, which was key to success. He said that the question was what would their relationship be like moving forward, regionally and locally, and wouldn't it be more productive to be working on what those performance measures would be. The Tualatin Basin was a model, which was very compatible to other basins around the region. Anyone construing this as a "get out of jail free card" would be very mistaken. He said that the resolution was an attempt to achieve the most effective outcome. Regulations prevented bad things from happening but did not ensure that good things would happen. He said that he appreciated MPAC's comments.

Chair Becker asked if the members wanted to forward any comments to MTAC.

Rob Drake said he would suggest that people take the resolution back to their jurisdictions and talk to other elected officials and citizens. He also suggested that MPAC send the resolution to MTAC for consideration. He said that he was not confident that they could have an answer or decision by the next meeting.

Doug Neeley suggested that a copy of the minutes get sent to MTAC before their next meeting, if possible.

7. EXCEPTIONS PROCESS

This topic was deferred to a future MPAC meeting agenda.

8. ANNEXATION PROCESS

This topic was deferred to MTAC for consideration.

9. HEALTHY CENTERS FORUM

Andy Cotugno informed the members of an upcoming Healthy Centers seminar. He wanted feedback from the members on whether or not they were interested in following through with the forum and with re-establishing the subcommittee. He said that they would be using the seminar to springboard the broader agenda regarding this issue.

Kelly Webb reviewed her two handouts, which are attached and form part of the record.

Chair Becker said that to strengthen the region they needed to strengthen the centers. He suggested that January might be a good time to hold the forum.

Susan McLain said that the most important thing for them to do now was to set the date for the forum and to get the word out.

Doug Neeley said that one benefit of waiting until January for the forum was that MPAC membership might change between now and then.

Andy Cotugno said that they also needed to recognize the target audience for the seminar. He said it was about broadening the education and advocacy for Healthy Centers. He said that the seminar should include broader membership of jurisdictional councils, planning commissions, local developers, bankers, advocacy groups, etc. He said the goal was to have a broad impact in the community. He said that they were looking for MPAC participation as the champion for a much broader audience.

Doug Neeley said that Metro should include a topic on the relationship between primary corridors and town centers.

David Bragdon said that the Portland region was getting a lot of notice from around the world and they needed to get the tools out there for global use.

Gene Grant said that Metro/Gresham should start advertising now for a January date.

Andy Cotugno wanted to have the help of the Healthy Centers subcommittee in forming the overall plan and also in planning the forum. He invited the MPAC members to be on the subcommittee. He assured the members that the subcommittee would be very nuts and bolts oriented.

There being no further business, Chair Becker adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR OCTOBER 13, 2004

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#6 Goal 5	10/11/04	Letter to David Bragdon from Ethan Seltzer regarding the Goal 5 draft resolution	101304-MPAC-01
#6 Goal 5	10/13/04	Email from Jim Labbe and others to Metro Council and MPAC regarding draft Resolution 04-3506	101304-MPAC-02
#6 Goal 5	10/13/04	Email from Greg Schifsky to Metro Council regarding MPAC and draft resolution 04-3506	101304-MPAC-03
#6 Goal 5	10/13/04	Letter to MPAC and Metro Council from Mike Houck regarding Bragdon-Park Memo to MPAC and draft Resolution 04-3506	101304-MPAC-04
#6 Goal 5	10/13/04	Email to Chair Becker and MPAC members from Nathalie Darcy regarding Response to Proposed Resolution 04-3506	101304-MPAC-05
#6 Goal 5	10/13/04	Email to MPAC members from Cindy Catto regarding Comments on Proposed Resolution 04-3506	101304-MPAC-06
#9 Healthy Centers	October 2004	Draft Lively Centers Forum Agenda	101304-MPAC-07
#9 Healthy Centers	October 2004	Draft Lively Centers Campaign – Catalyzing economic activity in centers with good development projects November 2004 – 2005/07	101304-MPAC-08

AGENDA ITEM #6 GOVERNOR'S TASK FORCE ON GLOBAL WARMING REPORT:

Since this report is so lengthy (over 150 pages) I have attached the link. Written comments about the report are due **to the state Department of Energy** by November 15.

Here's more information from ODOE:

Governor Kulongoski has committed to carry out the West Coast Governors' Global Warming Initiative. As part of that commitment, the Governor's Advisory Group on Global Warming was formed earlier this year.

The Advisory Group has just completed a draft Oregon Strategy for Greenhouse Gas Reductions, which is available for public review and comment. The draft report outlines actions Oregon can take to reduce greenhouse gas emissions. Recommended actions cover energy efficiency, transportation, renewable energy, electric generation and other areas.

Link to the Governor's Task Force on Global Warming Report:

This draft report is available from the Oregon Department of Energy (ODOE) from its Web site at:

http://www.energy.state.or.us/climate/warming/Draft_Intro.htm

Reports are also available by calling ODOE at (800) 221-8035 or by e-mail at energyweb.incoming@state.or.us

If you would like to submit comments about the draft report, please send those to Kathy King, Office of the Director, Oregon Department of Energy, 625 Marion St. NE, Salem, OR, 97301-3737 or by e-mail to a.kathy.king@state.or.us. Written comments should be received by November 15, 2004. A final version of the report will be issued following the comment period.

For more information, contact Kathy King at (503) 378-5584.

DLCD Agrees with Metro

- Metro's methodology for integrating its application of the priorities, locational factors of Goal 14 and the exceptions criteria is legal and appropriate under all those laws.
- Metro's definition of its need for industrial land and its reliance upon that definition to exclude many thousands of acres of exception land is legal and appropriate.
- Metro's calculation of need for industrial land, with one exception, is legal and appropriate (reliance upon surplus of commercial land; reliance upon actual commercial refill rate; accounting for previously uncounted industrial land in Wilsonville and Oregon City).
- Metro's analysis and assumptions regarding the need for and effectiveness of efficiency measures (Title 4) are legal and appropriate.
- Metro has satisfied the identified need for large parcels of industrial land.
- Metro's exclusion of isolated small areas of exception land is legal and appropriate.
- Metro did not violate Goals 2 or 14 by including 90 acres south of Gresham and designating it for industrial use.

DLCD Disagrees with Metro

1. Amount of Land

- Metro failed to meet its calculated need for industrial land by 133 acres.
- Metro failed to deduct from gross industrial land the land that will be used for streets, roads and other infrastructure.
- Metro failed to show it had included a short-term supply.
- Metro failed to include enough land for the W & D industry.

2. Choice of Land

- Metro failed to show that inclusion of farmland in the Cornelius area complied with RFP Policy 1.12
- Metro failed to explain why it chose Helvetia over the portion of the Evergreen areas proposed by the city of Hillsboro.
- Metro failed to consider and compare the reduced Langdon Farms site with other similar sites.

Per Meg Fernekees, DLCD Portland Regional Rep, the staff report on Metro Task #2 (and its attachment with analysis of the objections) decision for industrial land needs will be posted on DLCD's website next Monday, October 18th.

www.lcd.state.or.us



METRO

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COUNCIL PRESIDENT DAVID BRAGDON

M E M O R A N D U M

DATE: October 8, 2004
TO: Metro Policy Advisory Committee
FROM: David Bragdon, Metro Council President
SUBJECT: Proposed Resolution 04-3506 on Fish and Wildlife Habitat

I am attaching Resolution 04-3506, which Councilor Rod Park and I are introducing before the Metro Council. This proposal is submitted on behalf of only Councilor Park and myself at this time. We would welcome your comments at your October 13 meeting.

For over eight years, the Council has engaged MPAC and the public in an exhaustive discussion of fish and wildlife habitat protection. Certainly, no other issue before our Council has undergone this extent of public involvement. Yet despite this expenditure of time and resources, we never seem to reach effective programmatic outcomes at the regional level. We believe this lack of certainty has become both a problem unto itself, and a symptom that we have been emphasizing the wrong tools to get the job done.

Councilor Park and I believe the time is now overdue to direct this regional effort to a workable and effective conclusion that will have the highest prospects for achieving environmental protection and the other objectives that the residents of the region want to achieve. We also believe it is appropriate to consciously reposition our agency in its proper relationship to local governments, all of whom have Goal 5 obligations which have been addressed only to varying extents. Given the existence of this statewide goal, we believe the best relationship between a regional body and local bodies is a relationship of partners rather than purely a relationship of regulator and regulated.

Therefore, we have drafted Resolution 04-3506, which redirects Metro's fish and wildlife protection effort to identify regional outcomes in terms of clean water, wooded areas, healthy ecosystems, and fish and wildlife protection and to set performance standards with latitude for local implementation. Under this proposal, Metro would work with local governments, environmental groups, developers, homeowners and others to achieve the outcomes through regional programs that engage voluntary action, such as encouraging implementation of environmentally friendly site design and development, habitat rehabilitation, transfer of development rights programs and tax incentives. We would also express our intent to sponsor a ballot measure that would enable some acquisition of valuable habitat areas from willing sellers. As with other aspects of our proposal, a strengthened working relationship with our local government partners would be a new cornerstone.

This resolution would delay any additional region-wide regulation, in favor of these broader performance standards (and an array of best management practices) that local governments would have latitude in meeting – in part, of course, by their own existing and/or enhanced local regulations. We believe regulation has an important place as one tool of environmental protection, and we recognize the strides that have been made in some localities during the many years that this matter has been pending before the Metro Council. We do not believe, however, that additional regional land use regulation, as the centerpiece of a program, will solve the on-going degradation of fish and wildlife habitat.

To reserve that option should local regulations and enhanced non-regulatory measures fail to meet performance standards, this resolution provides that Metro would assess progress in the year 2010, and impose regional regulatory measures by 2012. This “regulatory backstop” would provide added impetus for governments and the development industry to make voluntary approaches and locally-adopted regulatory programs a success.

Under this proposal, Metro will continue to provide support to local governments as they comply with the state’s planning Goal 5. Metro would also develop program performance standards to certify local Goal 5 programs and would develop a model ordinance that can be adopted by localities that do not have the resources to develop a program on their own. We believe these types of services put the Metro Council in the proper position of adding value to real local efforts on the ground, rather than simply policing their codes or duplicating work that has already been done.

We recognize that this redirection will be controversial. Councilor Park and I reiterate that we write today on behalf of ourselves rather than on behalf of the Council. But we also recognize that the approach we seem to have been on has its limitations in terms of effectiveness and clarity. When a particular path continually leads to inconclusiveness, it is the role of leadership to seek a new path that will reach the desired destination expressed in the vision statements of the past. We believe the approach we are suggesting has the best prospects for engaging the citizenry in a most positive way and yielding the best overall results. We would welcome your comments.

Thank you.

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