

A G E N D A

600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736



METRO

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

MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: March 9, 2005

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

PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Hoffman		
1	SELF INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS	All		15 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			3 min.
3	CONSENT AGENDA <ul style="list-style-type: none">February 23, 2005	Hoffman	Decision	5 min.
4	COUNCIL UPDATE	Hosticka		5 min.
5	NATURE IN THE NEIGHBORHOODS <ul style="list-style-type: none">Process/TimelineProposed Functional Plan UpdateTualatin Basin	Hosticka Hosticka/Deffebach Curtis		10 min. 35 min. 15 min.
6	AFFORDABLE HOUSING STATUS	Liberty		10 min.
7	UPDATES <ul style="list-style-type: none">Annexation Symposium Follow-upMeasure 37Legislative	Hoffman Liberty Hosticka		5 min. 5 min. 5 min.

UPCOMING MEETINGS:

March 23, 2005 & April 13, 2005

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

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METRO POLICY ADVISORY COMMITTEE MEETING RECORD

February 23, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Nathalie Darcy, Rob Drake, Andy Duyck, Dave Fuller, John Hartsock, Jack Hoffman, Laura Hudson, Lisa Naito, Wilda Parks, Tom Potter, Martha Schrader, Ted Wheeler

Alternates Present: Norm King, John Leeper, Nick Wilson

Also Present: Catherine Arnold, City of Beaverton; John Atkins, City of West Linn; Hal Bergsma, City of Beaverton; Bev Bookin, CREEC; Philip Bransford, Washington County; Bryan Brown, City of West Linn; Ron Bunch, City of Gresham; Wade Byers, City of Gladstone; Bob Clay, City of Portland; Debbie Collard, Ball Janik LLP; Carlotta Collette, City of Milwaukie; Valerie Counts, City of Hillsboro; Brent Curtis, Washington County; Dan Drentlaw, City of Oregon City; Kay Durtschi, MTAC; Natasha Ernst, LH-Rep. Brad Avakian; John Gessner, City of Wilwaukie; Jon Gish, PSU student; Gay Graham, City of Lake Oswego; Lisa Hamilton-Treick, Friends of Bull Mountain; Jim Hendryx, City of Tigard; Ken Henschel, CPO-4B; David Hepp, Washington County; Ronald Hudson, City of West Linn; Jon Holan, City of Forest Grove; Roger Hulbert, Clackamas River Water; Dick Jones, Oaklodge Community Council; Gil Kelley, City of Portland; Barbara Kempe, Clackamas County; Judy Koliias, Citizen; Hannah Kuhn, Office of Mayor Potter; Barb Ledbury, Damascus Councilor; Roy Ledbury, Citizen; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Mark Neslen, Clackamas River Water; Nancy Newton, Clackamas County; Laura Oppenheimer, The Oregonian; Charles Ormsby, Birdshill CPO; Ron Partch, City of Gladstone; Ernie Platt, HBAMP; Pat Ribellia, City of Hillsboro; Chuck Riley, State Representative; Michael Robinson, Perkins Coie; Kelly Ross, Home Builders Association; Barbara Sach, City of Portland; Dick Schouten, Washington County; BJ Smith, Clackamas County; Marty Stiven, Citizen; Michael Sykes, City of Forest Grove; Paul Thalhofer, City of Troutdale; Josh Thomas, Lake Oswego Public Affairs; Andrea Vannelli, Washington County; Martha Waldemar, Sunnyside United Neighbors CPO; Leonard Waldemar, Oaklodge Community Council; Isador Wimorgavi, Citizen; Daryl Winand, Portland Metropolitan Association of Realtors; Anna Zirker, Tualatin Hills Park & Recreation District

Metro Elected Officials Present: Liaisons – Carl Hosticka, Council District 3; Robert Liberty, Council District 6 others: David Bragdon, Council President, Rod Park, District 1

Metro Staff Present: Kim Bardes, Dan Cooper, Andy Cotugno, Paul Couey, Mary Weber

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Councilor Jack Hoffman, MPAC Chair, called the meeting to order 5:05 p.m.

Chair Hoffman asked those present to introduce themselves. He requested that those present skip the one-minute local update and announcements in order to save time for the mini-symposium.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

Meeting Summary February 9, 2005.

Motion:	Wilda Parks, Clackamas County Citizen Representative; with a second from Rob Drake, Mayor of Beaverton, moved to adopt the consent agenda without revision.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Chair Hoffman asked to pass over this item in order to start the symposium.

5. ANNEXATION SYMPOSIUM

Chair Hoffman gave an overview of the presentations for the symposium. He introduced the three presenters for the symposium: Charlie Cameron, Washington County Administrator; John Mantay, Clackamas County Administrator; and Doug Schmitz, Lake Oswego City Manager.

Charlie Cameron, Washington County Administrator, gave a PowerPoint presentation. Copies of those slides are attached and form part of the record.

John Mantay, Clackamas County Administrator, gave a PowerPoint presentation, a copy of those slides are attached for the record.

Doug Schmitz, Lake Oswego City Administrator, gave a PowerPoint presentation, which is attached and forms part of the record.

Martha Schrader, Clackamas County, said that Clackamas County was starting a North Clackamas County task force. Ethan Seltzer was spearheading that undertaking. She reviewed how the task force would be set up and the time frame that they would undertake. She said that they hoped to have a report ready for the commission's review by November 2005. She said that she hoped for some sort of agreement regarding the North Clackamas Annexation task force.

Nick Wilson, City of Tigard, said there was contention about annexing Bull Mountain, and that without the support of the citizens it would not happen. The situation had reached a stalemate.

Chair Hoffman asked what tools were important for the annexation process.

John Mantay said he thought the best tool was talking to citizens, but the bottom line was that citizens did not want to pay out more money.

John Hartsock, Boring Fire District #59, said that because Damascus was a new city they were able to get a sixty five percent approval rate and that was due to the issue of local control for planning and growth, which hadn't yet happened. Damascus and Boring were the only two cities to take advantage of the legislation that allowed a rural community to form a city, which did away with the three-mile veto. Anywhere else in the region that would present a problem, whereas for them annexation was the only choice. In forming a new city they had to undergo an extensive natural feasibility study to prove that they

could afford to do so. The big issue was how to provide the services to that area, and who would do it best versus just taking it for the tax basis.

Chair Hoffman asked if the counties saw a difference between the fringe areas and the islands.

Doug Schmitz said that to go anywhere in Lake Oswego you would pass through an island, whereas you may not do so on the fringe.

Charlie Cameron said that what they both had in common, in Washington County particularly, was the density level for development was virtually built out to the existing UGB. He spoke about successes and failures over the years with annexation in Washington County.

John Mantay said that in Clackamas County, east of the river, there were huge spots of land. He said that in today's economy people felt strongly about jobs and economic viability in the communities. He said talking to the people about the equity and taxation issue was a good exercise because it would determine what revenue would be coming out of the cities and the services that could be provided.

Chair Hoffman asked Mr. Cameron if they would be looking at the numbers too, when deciding about annexation.

Charlie Cameron said that they would look at numbers, but that he had a real concern about pitting the urban unincorporated areas against the incorporated areas. He said it was unfortunate, but that in many cases they had demonized the cities. In Washington County's case it was not politic to demonize 276,000 people when they were only 180,000 people. Washington County had been very successful in county wide funding efforts in the last 20-years. They had, however, lost two of their most popular renewals in terms of the library system funding and public safety system money. If they did not get that public safety system money re-funded in 2006 it would be a 20 percent reduction across the board in the justice system. There was some hard work ahead before they could convince folks to vote yes on the ballot, especially with so much competition for the tax dollar.

Councilor Hosticka said that he thought it was wise of them to say that the issue was not annexation, but rather to provide urban services to unincorporated areas. It seemed like annexation was a solution that had become a problem, and that the problem was with disparities in service and tax levels. He wondered if they could find other ways to address the problem.

Charlie Cameron said that in Washington County those 180,000 people would need something over time. He said that the County was looking at providing some options where those folks could be taxed for services provided. The problem was that all the industrial areas were now gone and they would then be left taxing primarily residential areas, which would result in high taxes. Given a specific set of circumstances and that could lead to a higher cost of living for those in urban unincorporated areas over those living in the city.

Councilor Hosticka said that he had once suggested that Metro look at ways of sharing the tax burden between high and low tax areas. He suggested that they could include that idea as part of the discussion.

Martha Schrader said that the idea had come up for discussion during the Damascus Firehouse meeting but that they had not done any substantive work on revenue sharing ideas.

Chair Hoffman said that legislators were taking a look at statutory tools, in terms of islands and urban service provider agreements. He wondered if those were still valuable tools to keep or if there was perhaps another way to tackle the problem.

John Mantay said that they were all good tools to have, and it was beneficial to be able to pick and choose according to what would work in each area in order to get citizen buy-in. He said they should explore all available opportunities.

Councilor Hosticka said that the fringe for Clackamas County was someone else's neighborhood, which was why he was suggesting they should talk more broadly across jurisdictions about these types of issues.

Isador Morgavi, citizen, said that the information that drove cities and counties was not provided for the citizens, and therefore they often did not fully understand the issues. He said he was willing to pay his share and wanted to have a fair say in making the decisions that affected him and his community. He said that if he had a better understanding of what was involved with the urban services and related costs, then he might be more inclined to support annexation. He wanted to see how the services he received were being paid for laid out in a very clear format. He said that people were willing to pay their fair share as long as they could clearly see how the money was fairly taken and distributed.

Nick Wilson said that most people did not object to paying for services that they were using that were measurable, such as water. It was paying for things that were harder to measure on an individual basis such as police response for accidents or crimes. All those indirect benefits to each individual in a community were hard to measure. He thought that this issue was what led to the tension over annexation and paying more for services.

John Atkins, City of West Linn, said that he was a resident of unincorporated Cedar Hills. He said that he had not yet heard a good reason why he should annex into the City of Beaverton. He said that he got his sewer and water from Clean Water Services, he got his park and recreation through Tualatin Hills, he got terrific services through Tualatin Valley Fire and Rescue, he had a good sheriff's patrol, and he had a good home owners association. Therefore, he wanted to know why, if all his services were well provided, he should pay \$2 per thousand more for services he was already receiving. He said that the city needed to provide a compelling reason for them to annex in. He suggested that it might be good for them to launch a study on areas urbanized, and not urbanized, but slated to be developed in the future. He said that the reason people in unincorporated areas did not want to annex was that the cost of providing services was beyond their capacity.

Chair Hoffman asked if he saw this as a local or regional issue?

Mr. Atkins said it was both a regional and local issue.

Chair Hoffman asked if that, regionally, there should be a task force on this issue?

Mr. Atkins said he thought that was a one of the reasons that Metro was created. He said it would be a good opportunity to explore specific issues that commonly affected annexation efforts across the region.

Carlotta Collette, City of Milwaukie, said that in some of the areas that they were looking at in Milwaukie for annexation, the tax discrepancy was so huge, and the economic disparity was so large, that it would be

huge burden to those people to annex those areas. She asked if they had looked at those big discrepancies for poor communities.

Martha Schrader said that there was the 2002 study which had pieces of information that Ethan Seltzer would be looking at as they continued to have the conversation with Milwaukie, Happy Valley, and Damascus. The Overland Park issue really was a concern because it was one of those urbanized areas that still had septic tanks and no sewer.

John Mantay agreed that some urbanized areas still did not have sewers, and because of things like that they really needed to talk about basic infrastructure needs.

Charlie Cameron said that they had also started a study that would be used to help determine if and to what extent a subsidy existed by city residents in the unincorporated areas. He said that some of the less affluent areas were being subsidized by the cities. He said that just to address maintaining the current level of services could become very significant. He said that the easy part was developing the numbers, the difficult part was what to do about fairly collecting funds and providing services. He said that they needed to look at the tools in the tool kit and discard those that would not help and find new ones to solve the issues around providing services for citizens.

John Leeper, Washington County Commissioner, thanked Chair Hoffman for organizing the mini-symposium. He said that while Metro could encourage the study effort, the county and city should be responsible for local changes because of the different tax structures. Once the studies were complete then they could try to figure out how to equalize the cost of services and how to restructure the tax basis to accommodate those changes.

Mayor Rob Drake, City of Beaverton, said that annexation was not a new issue in Washington County, especially in eastern Washington County. He said that there had been good references during the discussion to site-specific annexation issues, however, the discussion had been in progress since roughly 1986. The issue of annexation had taken a great deal of time to evolve. He said that there had been a huge change in the state passed the time that many of the annexation tools were adopted by the legislature. He said that the issue of annexation was being discussed all around the state. He suggested that they needed to get to the legislature to call together an interim work group that could come up with a solution, hopefully by the next session. He said that they needed to pool together to find a smart solution and not the wrong solution

Skip Ormsby, Birdshill CPO, said that they needed to quit instilling fear into the unincorporated areas. He said that the cities and counties needed to do a better job of disseminating information to citizens. He said that his area was being scrutinized for annexation and that the citizens were concerned about the options that would be presented to them.

Bob Bailey, Oregon City, said that he would support a regional look at the distribution of services and the tax base. He said that they needed a longer-term strategy for establishing the kind of services citizens would be buying with their tax dollars. He said that the overarching theme for his city was that they wanted to provide value for the dollar to their citizens.

Martha Waldemar, Chair of Sunnyside United Neighbors CPO, said her neighborhood was located in the southern boundary of Happy Valley. She said that Happy Valley had a protected area called the "bowl," that was not the same as it had once been. She said that Happy Valley either wanted to "cherry pick" the commercial land only, or they wanted to "cherry stem" and pick up only the industrial area. She said that

Happy Valley refused to annex residents because they were afraid that if they added residents to the city that those residents might out-number the core population. She said that Happy Valley wanted to control the process by just taking the high-income areas. She said that she thought that was a bad thing to do. She said that that would not be fair to the county. She said that they needed to take everybody or not. She said that they kept pushing ahead and didn't want to consider the moratoriums. She said that they would be taking another vote. She said that Happy Valley was telling people all the horrible things that would happen if they didn't annex. She said that they had indicated that they were not going to be nice to the citizens or sell them on why they should be part of the city. She said they should approach the annexation process by stepping back and considering why they wanted to annex her neighborhood and what to do to make people feel wanted. She said that most of the CPO involved felt that Happy Valley considered them worthless, and had suggested that the communities in question would become felony flats unless they became part of the city. She said that she felt that the cities were getting carried away with annexation. She suggested that Clackamas County should have a tree ordinance. She said that there needed to be reasoning on both sides.

Chair Hoffman asked Mayor Drake and Bob Bailey how they could proceed. He said that one of the things that Mayor Drake had suggested was to have a talk with legislators in Salem. He asked if there was any other action that the MPAC members wanted to take regarding this issue.

Wilda Parks, North Clackamas Chamber of Commerce, said that two or three ideas brought forward during the discussion were possibilities. She said that she supported a convening of legislators with cities and counties. She said that perhaps more mini-symposiums in each county to inform population would be beneficial. She said that several things could take place at once: 1) lobby legislators, 2) create a task force; 3) keep the issue on the MPAC agenda to keep it in front of them, and 4) determine how to keep communication lines open.

Chair Hoffman said that he would put it on the agenda again to see if some of the members not currently present would like to weigh in on the issue.

There being no further business, Chair Hoffman adjourned the meeting at 7: 01 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR FEBRUARY 23, 2005

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#5 Annexation Symposium	2/24/05	Memorandum from Rex Burkholder to Jack Hoffman and MPAC members re: Issues for a JPACT-MPAC meeting	022305-MPAC-01
#5 Annexation Symposium	2/23/05	Email from Bruce Bartlett to MPAC members re: comments on Annexation	022305-MPAC-02

#5 Annexation Symposium	2/23/05	Letter from Ball Janik, Christen C. White to MPAC re: Annexation Symposium	022305-MPAC-03
#5 Annexation Symposium	2/23/05	Copies of slides for the Washington County Urban Services Strategy PowerPoint presentation	022305-MPAC-04
#5 Annexation Symposium	2/23/05	Copies of slides for the Unincorporated areas within the Urban Growth Boundary; Clackamas County PowerPoint presentation	022305-MPAC-05
#5 Annexation Symposium	2/23/05	Copies of slides for the Douglas Schmitz PowerPoint presentation	022305-MPAC-06

M E M O R A N D U M

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To : MPAC

From: Chris Deffebach, Long Range Planning Manager

RE: Nature in the Neighborhoods

Date: March 2, 2005

Attached is a 3/1/05 version of the preliminary draft fish and wildlife habitat functional plan language. This is the version that was provided to MTAC and discussed at their 3/2/05 meeting. The proposed language responds to the December Council Resolution, supported by MPAC, which directed staff to develop a Fish and Wildlife Habitat Program to reflect the following basic principles:

- Focus the regulatory element of the program on Class I and II Riparian Habitat;¹
- Develop a strong voluntary, incentive based approach to protect and restore Class III Riparian, and Class A, B and C upland habitat;
- Apply a regulatory element that limits development on Class I, II III Riparian and Class A and B Upland Habitat in future additions to the Urban Growth Boundary;

The Council directed staff to develop a program that relies on the use of voluntary actions to protect and restore habitat areas and specifically stated the Council's intention to seek voter approval of a bond measure to support fish and wildlife habitat acquisition and restoration. Other key elements of the program include expanding education and awareness of the value of habitat areas and increasing the capacity for restoration projects in the region.

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- ¹ Class I and II is 41,240 acres or 50% of the total habitat inventory
 - 40% of this is covered by Title 3 Water Quality Resource Area standards, and another 22% is covered by Flood Management Area cut and fill requirements
 - 38% is in parks
 - 4,615 vacant buildable acres within the urban growth boundary

In response to Council's direction from this and other resolutions, staff has developed a proposal for a Nature in the Neighborhoods Program that describes the implementation actions that Metro and others can take to support habitat conservation and restoration. Part of this proposal includes an amendment to the Urban Growth Management Functional Plan that would require cities and counties to ensure that their comprehensive plans substantially comply with the functional plan, which is based on Metro's habitat area maps and includes new development standards for Class I and II riparian habitat areas.

The proposed language for the Functional Plan calls for:

- Requiring cities and counties to allow the use of habitat friendly development practices in Class I and II Riparian areas, and
- Requiring cities and counties to Avoid, minimize and mitigate for development in the Class I and II riparian habitat, based on the priorities established by Council for habitat areas.

The discussion at MTAC raised several key policy issues, including:

1. Appropriate level of regional requirement
2. Appropriate direction in Habitat-friendly development practices as "require or "allow"
3. New UGB expansion areas
4. Relaxation of residential densities in Title 1 for natural area protection
5. Measure 37 related references
6. Map and Urban Development Value verification process
7. Water quality and Statewide Goal 6 relationship

Discussion with other committees and individuals have raised additional issues:

1. Role of performance objectives and targets
2. Tree protection standards
3. Compliance alternatives
4. Opportunities to encourage stewardship
5. Compliance timeline
6. Similarly situated sites to International Terminals

Nature in the Neighborhoods

Regional Fish and Wildlife Habitat Program

Proposed Work Plan

February – May 2005

Objective: To secure broad public support for a fish and wildlife habitat program that includes a mix of development standards and voluntary stewardship and incentive activities and satisfies State land use requirements for Goal 5.

Products:

1. Program description for the Nature in the Neighborhoods. Description offers Metro commitment and encourages other individual, non-profit, agency, city and county commitment to a program that supports nature in the neighborhoods using a mix of voluntary incentive based and development standard approaches, including the Bond Measure for Fish and Wildlife Habitat protection and restoration. To be adopted by Resolution with short staff report.
2. Functional Plan language (UGMFP Title 13) that defines city and county responsibilities for compliance to development standards for Class I and II Riparian areas. Approval includes final adoption of the exhibits (previously approved by draft in resolutions): Science Report, Inventory Report and ESEE Report, including the regionally significant habitat map and the Allow, Limit, Prohibit map, as revised with the revised inventory and modified as directed by Metro Council on the draft approval of these documents by Resolution. To be adopted by Ordinance. Staff report attached, highlighting implications of key policy choices.
3. A model ordinance that cities and counties can adopt and be in compliance with functional plan requirements To be adopted by Ordinance as an additional but new exhibit to the functional plan language. .

Relation to other Metro Program areas:

Under the Nature in the Neighborhoods theme, other related Metro program areas will be included or referenced to show cohesiveness in supporting the habitat protection.

Schedule:

Key dates are proposed as follows:

March 1	Council review of proposals/policy issues at Work Session
March 10	Mail BM 56 notice received by all habitat property owners and interested parties with 45 days prior notice to first public hearing, announcing program proposal and Open House/Hearing dates
March 15	Review documents/comments with Council at work session
March 23	MPAC comments on staff proposal received and final edits made to documents prior to release for broad public comment

March 28	Tualatin Basin Natural Resources Coordinating Committee adopts Basin Approach and forwards to Metro Council for consideration
April 1	All documents submitted to Council Clerk, including Tualatin Basin Approach
April 13	MPAC review of Chief Operating Officer's (COO) recommendations
April 14	First reading of ordinance (COO's recommendations)
April 25	Open House with workshop, listening post, LID, natural garden tips, etc.
April 27	MPAC final action on Staff (COO) proposals
April 28	First Hearing
May 3	Review comments/issues at Work Session
May 10	Review comments/issues and possible amendments at Work Session
May 12	Second reading and hearing on proposed amendments
May 13	Close of 45 day comment period
May 19	Council consideration

Major Tasks:

- Draft functional plan language and prepare ordinance.
- Draft Nature in the Neighborhoods program proposal, develop resolution and link to ongoing and new Metro efforts
- Update Science Report, Inventory Report, and ESEE Reports, adopted in draft by resolution, for final consideration by ordinance. Include revisions to ESEE report to incorporate major public facility proposals, other directions from Council, and new inventory data.
- Prepare Model Ordinance
- Illustrate application of proposal on how development would be done differently and illustrate development tools section for NN proposal.
- Review proposals (Functional Plan and overall program) with Metro Committees and with interested parties and identify issues for further refinement/consideration
- Complete staff reports for Nature in the Neighborhoods program and Functional Plan proposal.
- Prepare communications materials and events, including the BM 56 notice, handouts and other materials for the open house and a summary of public comments.

Budget/Staffing:

- Spending materials and services in FY05 budget for graphics and communications support
- Spending materials and services in FY05 budget for assistance in preparing/reviewing model ordinance and in illustrating development approaches
- Planning and Public Affairs department staffing as budgeted (FY05)
- Staff participation in other departments for coordination on Nature in the Neighborhoods

**Nature in the Neighborhoods
Fish and Wildlife Habitat Program
Schedule of Key Dates for MPAC
March 4, 2005**

Jan 12	Review of conceptual proposal for Nature in the Neighborhoods
Jan 26	Nature in the Neighborhoods Update
Feb 9	Review of preliminary draft amendments to the Urban Growth Management Functional Plan
March 9	Update on schedule and key issues for consideration in draft amendment to the UGMFP; Update on Tualatin Basin Approach
March 23	Final MPAC comments on draft staff proposal prior to release for broad public comment as Chief Operating Officer Jordan's recommendation
March 28	Tualatin Basin Natural Resources Coordinating Committee scheduled to consider Basin Approach (back up date April 4) and forward to Metro Council for consideration no later than April 7*
March 28 – 30	Legal notification about the ordinance arrives to property owners in Class I and II Habitat (BM 56)
April 13	MPAC review of Chief Operating Officer's (COO) recommendations
April 14	First reading of ordinance (COO's recommendations)
April 25	Public Open House
April 27	MPAC final action on Jordan's recommendation to Council
April 28	Public Hearing
May 12	Second reading and public hearing on proposed amendments (Council can consider if no additional changes to amendments are introduced)
May 19	Council consideration

* This schedule is based on receiving the Tualatin Basin Approach by March 28 to be included in MPAC review.

**FISH AND WILDLIFE PROGRAM
FUNCTIONAL PLAN OUTLINE**

Section 1. Intent

The purposes of this program are to (1) 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 upland wildlife habitat and with the surrounding urban landscape; and (2) to maintain and improve water quality throughout the region. Under Oregon law, upon acknowledgment of this program by the Oregon Land Conservation and Development Commission (LCDC), cities and counties within the Metro region shall apply the requirements of this title, and shall not be required to comply with division 23 of chapter 660 of the Oregon Administrative Rules, promulgated by LCDC. This program:

- A. Will achieve its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational, and regulatory elements;
- B. Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable Region 2040 communities, supporting a strong economy, and complying with federal laws including the Clean Water Act and the Endangered Species Act;
- C. Includes provisions to monitor and evaluate program performance over time to determine whether the program is achieving the program's objectives and targets, to determine whether cities and counties are in substantial compliance with this title, and to provide sufficient information to determine whether to amend or adjust the program in the future;
- D. Is intended to maintain or increase the fair market value of each individual property that it affects, and, to achieve that goal, may require in some instances that property owners be allowed to use more flexible development patterns and practices than are currently allowed under applicable city and county comprehensive plans and implementing ordinances; and
- E. Establishes minimum requirements and is not intended to repeal or replace existing requirements of city and county comprehensive plans and implementing ordinances to the extent those requirements already meet the minimum requirements of this title, nor is it intended to prohibit cities and counties from adopting and enforcing fish and wildlife habitat protection and restoration programs that exceed the requirements of this title.

Section 2. Inventory and Habitat Conservation Areas

The purpose of this section is to describe the baseline maps that form the basis of Metro's fish and wildlife habitat protection and restoration program. These maps are referenced in various ways in this title, but may or may not be relevant within in a city or county depending upon which compliance alternative the city or county chooses pursuant to Section 4 of this title.

- A. The Regionally Significant Fish and Wildlife Habitat Inventory Map (hereinafter the "Inventory Map"), attached hereto¹, identifies the areas that have been determined to

¹ On file in the Metro Council office.

contain regionally significant fish and wildlife habitat. The Inventory Map divides habitat into two general categories, riparian and upland wildlife, and further differentiates each habitat category into low, medium, and high value habitats.

- B. The Habitat Conservation Areas Map, attached hereto², identifies the areas that are subject to the performance standards and best management practices described in Section 5 of this title, to the extent that a city or county chooses to comply with Section 4 of this title by using the Habitat Conservation Areas map, or map that substantially complies with the Habitat Conservation Areas map. For such cities and counties, the Habitat Conservation Areas Map further identifies, subject to the map verification process described in subsections 4(F) and 5(I) of this title, which areas will be subject to high, moderate, and low levels of habitat conservation based on Metro Council's decision to balance conflicting uses in habitat areas.
1. Performance standards and best management practices described in Section 5 apply to Class I and II riparian/wildlife areas located within Metro's urban growth boundary at the effective date of this title. Table YY1 designates high, moderate, and low Habitat Conservation Areas for areas located within Metro's urban growth boundary as of the effective date of this title, based on Metro Council consideration of the results of the Economic, Social, Environmental, and Energy (ESEE) analysis, public input, and technical review.
 2. Performance standards and best management practices described in Section 5 apply to Class I, II, and III riparian/wildlife areas, and Class A and B upland wildlife areas for properties brought within the urban growth boundary after the effective date of this title. Table YY2 designates high, moderate, and low Habitat Conservation Areas for properties brought within the urban growth boundary after the effective date of this title, based on Metro Council consideration of the results of the Economic, Social, Environmental, and Energy (ESEE) analysis, public input, and technical review. Section 7 describes the procedures for how Table YY2 and Section 5 shall be applied in such areas.

Section 3. Program Objectives and Targets

- A. Objectives and Targets
1. Preserve and improve streamside, wetland, and floodplain habitat and connectivity.
 2. Preserve large areas of contiguous habitat and avoid fragmentation.
 3. Preserve and improve connectivity for wildlife between riparian corridors and upland habitat.
 4. Preserve and improve special habitats of concern.
 5. Design development and public infrastructure to minimize impact on habitat and to encourage the use of habitat-friendly development practices.

² On file in the Metro Council office.

6. Restore and enhance habitat to compensate for adverse effects of existing development and public infrastructure on ecological function, and mitigate for adverse effects of new development and public infrastructure on ecological function.

Section 4. Implementation Alternatives for Cities and Counties

- A. Each city and county in the region shall comply with this title in one of the following ways:
 1. Amend its comprehensive plan and implementing ordinances to adopt the Title 13 Model Ordinance and the Metro Habitat Conservation Areas Map.
 2. Demonstrate that its existing or amended comprehensive plan and existing, amended, or new implementing ordinances substantially comply with the performance standards and best management practices described in Section 5, and that maps that it has adopted and uses substantially comply with the Metro Habitat Conservation Areas Map.
 3. Amend its comprehensive plan and implementing ordinances to comply with the maps and provisions of the Tualatin Basin Fish and Wildlife Habitat Protection Program, attached hereto³ and incorporated herein by reference, adopted by the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) on [insert date], subject to the intergovernmental agreement entered into between Metro and the TBNRCC.
 4. Demonstrate that it has implemented a program that will achieve the program objective and targets described in Section 3(A)(1) of this title. A city or county developing such a program:
 - a. Shall demonstrate that its program provides a certainty of habitat protection and enhancement to achieve the objective and targets described in Section 3(A)(1) of this title, such as by using proven programs and demonstrating stable and continuing funding sources for elements of the program that require funding;
 - b. Shall include program provisions to monitor and measure whether the program achieves the objective and targets described in Section 3(A)(1) of this title, and, if those objectives and targets are not being achieved in the future, a process to adapt the program to ensure that they are achieved;
 - c. Is encouraged to develop its program using the performance standards and best management practices described in Section 5 of this title; and
 - d. May assert substantial compliance with this provision by relying on either or both the city's or county's comprehensive plan and

³ On file in the Metro Council office.

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implementing ordinances and on the use of incentive based, voluntary, education, acquisition, and restoration programs, such as:

- i. Allowing Voluntary Use of Habitat Friendly Development Practices. To reduce the impacts of development on fish and wildlife habitat and water quality, cities and counties are encouraged to repeal rules that prevent the use of the habitat-friendly development practices described in Table XX throughout their jurisdictions, but especially in regionally significant fish and wildlife habitat;
- ii. Encouraging Property Owners to Care For Trees. Cities and counties are encouraged to develop programs to encourage property owners to protect and care for trees located in regionally significant habitat areas by adopting programs that:
 - (A) Prioritize tree canopy protection by protecting groups of trees and large trees that provide the greatest environmental benefits;
 - (B) Encourage reforestation when trees are removed;
 - (C) Encourage the retention of the largest possible patches of upland wildlife habitat;
 - (D) Encourage the maintenance and enhancement of forest canopy connectivity between upland wildlife habitat and riparian corridors; and
 - (E) Encourage the maintenance and enhancement of understory and herbaceous layers within forest canopy habitat, including the planting of native plants and removal of noxious plants;
- iii. Using Incentive Programs. Cities and counties are encouraged to utilize incentive programs to protect and restore regionally significant fish and wildlife habitat, such as by:
 - (A) Implementing the Wildlife Habitat Special Tax Assessment Program (ORS 308A.400 through 308A.430) and the Riparian Habitat Tax Exemption Program (ORS 308A.350 through 308A.383) within their jurisdictions; and
 - (B) Providing financial incentives such as fee reductions or streamlined review processes to promote use of habitat-friendly development practices;

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- iv. Restoring Habitat. Cities and counties are encouraged to participate in watershed-based restoration efforts, in cooperation with other governmental and non-governmental entities; and
 - v. Maintaining and Enhancing Publicly-Owned Habitat Areas. Cities and counties are encouraged to maintain and enhance publicly-owned fish and wildlife habitat and to support acquisition and restoration of riparian corridor and upland wildlife habitats by:
 - (A) Using habitat-friendly best management practices, such as integrated pest management programs, in all regionally significant habitat areas within publicly-owned parks and open spaces;
 - (B) Ensuring that publicly-owned parks and open spaces that have been designated as natural areas are managed to maintain and enhance the quality of fish and wildlife habitat that they provide;
 - (C) Pursue funding to support local park, open space, and habitat acquisition and restoration, such as with local bond measures, System Development Charge (SDC) programs, Federal Emergency Management Act (FEMA) grants, or other funding mechanisms.
5. Adopt a district plan that applies over a portion of the city or county, and demonstrate that, for the remainder of its jurisdiction, the city or county has a program that complies with one of subsections (1) through (3) of this section 4(A) of this title. If a city or county adopts a district plan pursuant to this paragraph, it shall demonstrate that, within the district plan area, the district plan complies with subsection 4(A)(4) of this title. District plans shall be permitted under this subsection only for areas within a common watershed, or which are within areas in adjoining watersheds that share an interrelated economic infrastructure and development pattern. Cities and counties that choose to develop district plans are encouraged to coordinate such district plans with other entities whose activities impact the same watershed to which the district plan applies, including other cities and counties, special districts, state and federal agencies, watershed councils, and other governmental and non-governmental agencies.
- B. A city or county that adopts or amends its comprehensive plan and implementing ordinances to comply with this title shall include provisions intended to maintain and increase the value of properties that include Habitat Conservation Areas and to avoid any reduction in the fair market value of such properties as a result of the city's or county's amendments to its comprehensive plan and implementing ordinances to comply with this title. Table XX of this title provides some examples of programs that could be implemented to comply with this section 4(B) of this title, such as clustering, on-site or off-site transfers of development rights, or other similar programs that allow for more intensive development in areas outside of Habitat Conservation Areas in return for protecting the Habitat Conservation Areas.

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- C. Provisions of the comprehensive plan and implementing ordinances relied upon by a city or county to comply with this title shall contain clear and objective standards. A standard shall be considered clear and objective if it meets any one of the following criteria:
1. It is a fixed numerical standard, such as fixed distance (e.g. “50 feet”) or land area (e.g. “1 acre”);
 2. It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or
 3. It is a performance standard that describes the outcome to be achieved, specifies the objective criteria to be used in evaluating outcome or performance, and provides a process for application of the performance standard, such as a conditional use or design review process.
- D. In addition to complying with subsection 4(C) of this section, the comprehensive plan and implementing ordinances that a city or county relies upon to satisfy the requirements of this title may include an alternative, discretionary approval process that is not clear and objective provided that the comprehensive plan and implementing ordinance provisions of such a process:
1. Specify that property owners have the choice of proceeding under either the clear and objective approval process, which each city or county must have pursuant to subsection 4(C) of this section, or under the alternative, discretionary approval process; and
 2. Require a level of protection for, or enhancement of, the fish and wildlife habitat that meets or exceeds the level of protection or enhancement that would be achieved by following the clear and objective standards described in section 4(C) of this title.
- E. Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, implementing ordinances, and maps implementing this title or demonstrating that existing city or county comprehensive plans, implementing ordinances, and maps substantially comply with this title. The proposed comprehensive plan amendments, implementing ordinances, and maps shall be available for public review at least 45 days prior to the public hearing. *[NOTE: This language is based on Title 3 language. It does require a public hearing even if a city or county intends to rely on its existing programs to demonstrate compliance.]*
- F. The comprehensive plan provisions and implementing ordinances that each city or county amends, adopts or relies on to comply with this title shall provide property owners with a reasonable, timely, and equitable process to verify the specific location of habitat areas subject to the provisions of the city’s or county’s comprehensive plan or implementing ordinances. It is the intent of this requirement that, in the majority of cases, the process be as simple and straightforward as possible and not result in a change that would require an amendment to the city’s or county’s comprehensive plan. Such process shall:

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1. Allow a property owner, or another person with the property owner's consent, to confirm the location of habitat on a lot or parcel at any time, whether or not the property owner has submitted a specific request for a development permit;
 2. As often as reasonably possible, provide a simple, default approach that allows a property owner to verify the location of habitat on a lot or parcel without having to hire an environmental consultant and without having to pay a significant processing or application fee;
 3. Allow a property owner to present detailed documentation to verify the location of habitat on a lot or parcel, such as information collected and analyzed by an environmental consultant;
 4. Be generally consistent with the approach described in Table ZZ to identify Class I and II riparian habitat areas, and, for areas brought within the UGB after *[insert appropriate date]*, be generally consistent with the approach described in Table ZZ2 to identify Class III riparian habitat areas and Class A and B upland wildlife habitat areas;
 5. Provide for confirmation that habitat that existed on the site as of *[insert date, sometime after Metro's adoption of program]* has not been altered in a way that changed its inventory habitat class characterization; and
 6. Ensure that the process provides adequate opportunities for appeals and a fair and equitable dispute resolution process.
- G. Relaxation of Regional Density and Capacity Requirements to Allow Habitat Protection.
1. Notwithstanding the provisions of Metro Code section 3.07.140(A)(2) [Section 4(A)(2) of Title 1 of the UGMFP], cities and counties may approve a subdivision or development application that will result in a density below the minimum density for the zoning district if:
 - a. An area of the property to be developed has been identified as significant habitat on the Metro Inventory Map or local Goal 5 fish and wildlife habitat inventory maps that had been acknowledged by the Oregon Land Conservation and Development Commission prior to *[insert appropriate date]*;
 - b. Such a decision is necessary to protect the significant habitat located on the property that will not be disturbed by development on the property;
 - c. Such a decision does not allow the removal of more of the regionally significant habitat located on the property than is necessary to reasonably accommodate the number and type of units that will be built on the property; and
 - d. Such a decision will directly result in the permanent protection of the remaining undeveloped regionally significant habitat located on the property.

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2. If a city or county approves a subdivision or development application that will result in a density below the minimum density for the zoning district pursuant to subsection 4(G)(1) of this title, then such city or county shall:
 - a. Be permitted an offset against the capacity specified in Table 3.07-1 of the Metro Code [Title 1, Table 1 of the UGMFP]. The amount of such offset shall be calculated by subtracting the difference between the number of dwelling units that the city or county approved pursuant to subsection 4(G)(1) of this title and the minimum number of dwelling units required by the minimum density for the zoning district; and
 - b. Report to Metro by April 15 of every year the number of approvals made pursuant to this subsection 4(G) of this title and the capacity offsets that the city or county shall be afforded as a result of such approvals.
- H. Transportation Improvements and Planning. Cities and counties are encouraged to adopt code provisions and update local transportation plans to:
 1. Avoid construction of transportation facilities in regionally significant habitat; and
 2. Where unavoidable, minimize the impacts of transportation facilities in regionally significant habitat by adopting and using the transportation facility best management practices identified in Table TT. *[To be attached.]*
- I. Compliance Timeline. *[Establish a reasonable, timely, and uniform compliance schedule—the following language is included as a starting point for this section.]*

As provided in Title 8 of this functional plan:

 1. Not later than one year after acknowledgment of this title by the Oregon Land Conservation and Development Commission, each city and county within the Metro region shall make land use decisions consistent with this title; and
 2. Not later than two years after acknowledgment of this title by the Oregon Land Conservation and Development Commission, each city and county within the Metro region shall amend their comprehensive plans and land use regulations to comply with this title.

Section 5. Performance Standards and Best Management Practices for Habitat Conservation Areas

The following performance standards and best management practices apply to all cities and counties that choose to comply with section 4 of this title by adopting or relying upon their comprehensive plans and implementing ordinances to comply, in whole or in part, with subsection 4(B)(2), 4(B)(3) or 4(B)(4):

- A. A city or county that adopts or amends its comprehensive plan and implementing ordinances to comply with these performance standards and best management practices shall include provisions intended to maintain and increase the value of properties that

include Habitat Conservation Areas and to avoid any reduction in the fair market value of such properties as a result of the city's or county's amendments to its comprehensive plan and implementing ordinances to comply with these performance standards and best management practices. Table XX of this title provides some examples of programs that could be implemented to comply with this section 5(A) of this title, such as clustering, on-site or off-site transfers of development rights, or other similar programs that allow for more intensive development in areas outside of Habitat Conservation Areas in return for protecting the Habitat Conservation Areas.

- B. Performance standards and best management practices applicable to all Habitat Conservation Areas. City and county comprehensive plans and implementing ordinances shall conform to the following performance standards and best management practices:
1. Subject to section 5(A) of this title, Habitat Conservation Areas shall be protected, maintained, enhanced or restored as specified in this Section 5 of this title.
 2. The requirements of Title 3 shall continue to apply to all development in Water Quality Resource Areas and Flood Management Areas located within Habitat Conservation Areas, in addition to requirements imposed by this title. [*Consider specifying the new requirements that may apply.*]
 3. Habitat-Friendly Development Practices. Subject to section 5(A) of this title and where practicable, city and county comprehensive plans and implementing ordinances shall require the use of the habitat-friendly development practices described in Table XX to reduce impacts of development on Habitat Conservation Areas and water quality.
 4. Cities and counties shall ensure that Habitat Conservation Areas within publicly-owned parks and open spaces that have been designated as natural areas are protected and managed to maintain and enhance the quality of fish and wildlife habitat that they provide, and that habitat-friendly best management practices, such as integrated pest management programs, are used in such areas.
 5. Subject to section 5(A) of this title, cities and counties shall protect trees in Habitat Conservation Areas, such as by:
 - a. Prioritizing tree canopy protection to protect natural stands or groups of trees over individual trees and tree canopy that provides connectivity between Habitat Conservation Areas and with other regionally significant habitat;
 - b. Retaining large individual trees that provide the greatest environmental benefits;
 - c. Establishing minimum standards of tree canopy retention and reforestation, such as specifying the desired number of trees over 6 inches DBH per acre of habitat, the desired percentage (such as 50%) of tree canopy retained in habitat areas, or a goal for replacement of removed trees based on the total DBH of the removed trees;

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- d. Maintaining and enhancing the understory and herbaceous layers within forest canopy habitat; and
 - e. Including local code provisions for enforcement of tree protection standards.
6. Invasive non-native vegetation shall not be planted in any Habitat Conservation Area. Invasive non-native vegetation may be removed from Habitat Conservation Areas. The planting of native vegetation shall be encouraged in Habitat Conservation Areas.
7. Subject to section 5(A) of this title, cities and counties may allow:
- a. Routine repair, maintenance, alteration, rehabilitation, or replacement of existing structures, roadways, driveways, utilities, accessory uses, or other development, provided that:
 - i. The project is consistent with all other applicable local, state, and federal regulations;
 - ii. The project does not encroach closer to the Water Feature (for riparian habitat), or to the interior of an upland habitat patch (for upland habitat in areas brought within the UGB after *[Insert date]*), than the existing development; and
 - iii. Vegetation native to the Metro Area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non- native vegetation is encouraged.
 - b. Within a Multnomah County Drainage District, routine operations, repair, maintenance, alteration, rehabilitation, or replacement of existing flood control and related facilities, including any structures, culverts, irrigation systems, roadways, utilities, accessory uses, erosion control projects, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, habitat restoration and enhancement projects, or other water quality and flood storage projects, provided that:
 - i. The project is consistent with all other applicable local, state, and federal regulations;
 - ii. Where practicable, the project does not encroach closer to the Water Feature than existing operations and development; and
 - iii. Where practicable, vegetation native to the Metro Area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non- native vegetation is encouraged.

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- C. High Habitat Conservation Areas. Subject to section 5(A) of this title, cities and counties:
1. Shall adopt clear and objective development approval standards consistent with subsection 4(C) of this title that allow a limited amount of development within the High Habitat Conservation Area, such as the standards described in Section ## of the Metro Model Ordinance; and
 2. May implement discretionary development approval standards consistent with subsection 4(D) of this title that comply with the following requirements:
 - a. Avoid. Demonstrate that no practicable alternatives to the requested development exist which will not disturb the High Habitat Conservation Area;

[specify examples of tools that should be used to show you tried to avoid—clustering, lot line adjustments, etc.]
 - b. Minimize. If there is no practicable alternative, limit the development to reduce the impact associated with the proposed use *[insert reference to table of examples, including items such as to minimize stream crossings to promote connectivity of riparian corridors and placing crossings perpendicular to stream channels; using bridge crossings rather than culverts whenever possible; etc]*; and

[specify examples of tools that should be used to show you minimized—clustering, lot line adjustments, etc.]
 - c. Mitigate. When development occurs, require mitigation to restore the habitat functions and values that were lost or damaged as a result of the development.

[specify mitigation examples?]
- D. Moderate Habitat Conservation Areas. Subject to section 5(A) of this title, cities and counties:
1. Shall adopt clear and objective development approval standards consistent with subsection 4(C) of this title that allow a limited amount of development within the Moderate Habitat Conservation Area, such as the standards described in Section ## of the Metro Model Ordinance; and
 2. May implement discretionary development approval standards consistent with subsection 4(D) of this title that comply with the following requirements:
 - a. Minimize. Limit the development to reduce the impact associated with the proposed use *[insert reference to table of examples, including items such as to minimize stream crossings to promote connectivity of riparian*

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corridors and placing crossings perpendicular to stream channels; using bridge crossings rather than culverts whenever possible; etc]; and

[specify examples of tools that should be used to show you minimized—clustering, lot line adjustments, etc.]

- b. Mitigate. When development occurs, require mitigation to restore the habitat functions and values that were lost or damaged as a result of the development.

[specify mitigation examples?]

E. Low Habitat Conservation Areas. Subject to section 5(A) of this title, cities and counties:

- 1. Shall adopt clear and objective development approval standards consistent with subsection 4(C) of this title that allow a limited amount of development within the Low Habitat Conservation Area, such as the standards described in Section ## of the Metro Model Ordinance; and
- 2. May implement discretionary development approval standards consistent with subsection 4(D) of this title that comply with the following requirements:
 - a. Mitigate. When development occurs, require mitigation to restore the habitat functions and values that were lost or damaged as a result of the development.

[specify mitigation examples?]

F. Full Exemptions. The performance standards and best management practices of this section 5 of this title do not apply to:

- 1. Areas within the Airport wildlife hazard Zone 1 management areas; and *[Need to determine appropriate terminology—the exemption should apply only to the highest-priority wildlife hazards areas, those closest to the runways.]*
- 2. Any use of residential properties if, prior to *[insert appropriate date]*,:
 - a. A residential occupancy permit had been issued or the residence had been occupied as a residence for the preceding ten years; and
 - b. Such uses would not have required the property owner to obtain a land use approval or a building, grading, or tree removal permit from their city or county.

G. Partial Exemption of Areas Exempt Under Title 3. Areas that were not designated as Protected Water Features, Water Quality Resource Areas, or Flood Management Areas pursuant to Section 3(D) of Title 3 of this functional plan, Metro Code Section 3.07.330(D), (“Metro Title 3 Exempt Areas”) are exempt from the requirements of this Title except for the requirements of Section 5(B)(3), Habitat Friendly Development

Practices. In addition, when cities and counties adopted their local programs to comply with Title 3, some cities and counties exempted additional areas that Metro had designated as Protected Water Features, Water Quality Resource Areas, or Flood Management Areas, and Metro deemed the cities' and counties' programs to be in substantial compliance with the requirements of Title 3 ("Local Title 3 Exempt Areas"). To the extent that Metro Title 3 Exempt Areas and Local Title 3 Exempt Areas have been identified as Habitat Conservation Areas, such areas are exempt from the performance standards and best management practices of this section 5 of this title except for the requirements of Section 5(B)(3), Habitat Friendly Development Practices. In addition, Habitat Conservation Areas that were identified as regionally significant habitat based, in relevant part, on their proximity to portions of Water Features that are within Metro Title 3 Exempt Areas or Local Title 3 Exempt Areas shall also be exempt from the performance standards and best management practices of this section 5 of this title except for the requirements of Section 5(B)(3), Habitat Friendly Development Practices.

H. Variances for Loss in Fair Market Value of Property

1. Cities and counties shall adopt a variance procedure consistent with this subsection 5(G) of this title to address property owners' claims that comprehensive plan amendments and implementing ordinances adopted or relied upon to comply with this title result in decreases in the fair market value of particular real property lots or parcels. Under such variance procedures, if a city or county concludes that a plan or ordinance requirement results in a decrease in the fair market value of a particular real property lot or parcel, then the city or county may grant a variance from such requirement, provided that such variance:
 - a. Is the minimum variance from the provisions and intent of this title necessary to avoid a loss in the fair market value of the property;
 - b. Complies with all other requirements imposed by city and county comprehensive plans and implementing ordinances;
 - c. Does not allow a use of the property that was commonly and historically recognized as a public nuisance under common law;
 - d. Does not impair public health or safety, such as by varying the requirements of fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, or pollution control regulations; and
 - e. Is consistent with requirements enacted to comply with federal law.
2. A variance granted pursuant to a city or county procedure adopted to comply with this subsection 5(G) of this title shall continue in effect regardless of changes in ownership of the property to which it applies, but subject to all terms and conditions of the grant thereof.
3. The variance procedure adopted by cities and counties pursuant to this subsection 5(G) of this title shall include a requirement that all current owners of the real property lot or parcel sign a statement providing that, if the variance is granted and the property owners accept the variance, the owners waive all current and

future claims for compensation under 2004 Statewide Ballot Measure 37 that are based on the effects of the requirements of this title or the effects of city and county comprehensive plan provisions and implementing ordinances adopted or relied upon to comply with this title.

- I. Administering the Habitat Conservation Areas Map and Site-Level Verification of Habitat Location
 1. Each city and county shall be responsible for administering the Habitat Conservation Areas Map, or the city's or county's map that has been deemed by Metro to be in substantial compliance with the Habitat Conservation Areas Map, within its jurisdiction, as provided in this subsection 5(I) of this title.
 2. The comprehensive plan and implementing ordinances amended, adopted or relied upon to comply with this subsection 5(I) of this title shall comply with subsection 4(F) of this title.
 3. Verification of the Location of Habitat Conservation Areas. Each city and county shall establish a verification process consistent with this subsection 5(I)(3) of this title. The site-level verification of Habitat Conservation Areas is a three-step process. The first step is determining the boundaries of the habitat areas on the property. The second step is determining the urban development value of the property. The third step is cross-referencing the habitat classes with the urban development value of the property to determine whether the property contains High, Moderate, or Low Habitat Conservation Areas, or none at all.
 - a. Habitat Boundaries.
 - i. Locating habitat and determining its riparian habitat class is a five-step process.
 - (A) Locate the Water Feature that is the basis of identifying riparian habitat (stream, wetland, other open water, or flood area; note that areas that were mapped as flood areas but were filled prior to *[insert appropriate date after adoption]* consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas);
 - (B) Identify the development and vegetated cover status of areas within up to 300 feet of the Water Feature (from top of bank or edge of wetland or flood area) at the time of the verification (developed with no vegetative cover, low structure vegetation or open soils, woody vegetation with shrubs and scattered forest canopy, or forest canopy);
 - (C) Determine whether the degree that the land slopes upward from the Water Feature is greater than or less than 25% (using the methodology as described in Title 3 of the UGMFP);

- (D) Identify the habitat class (Class I, Class II, or none) of the areas within up to 200 feet of the Water Feature, consistent with Table ZZ, and, for areas brought within the UGB after *[insert appropriate date]*, identify the Class III riparian habitat consistent with Table ZZ2; and
 - (E) Confirm that the development and vegetated cover status of areas within up to 200 feet of the Water Feature has not been altered without the required approval of the city or county since *[insert appropriate date]*, and, if it has, then verify the original habitat location using the best available evidence of its former location; or, for areas brought within the UGB after *[insert appropriate date]*, confirm that the development and vegetated cover status of the area within up to 200 feet of the Water Feature has not been altered without required approval of the city or county since the date the property was brought within the UGB.
- ii. For areas brought within the UGB after *[insert appropriate date]*, the location of upland wildlife habitat and its habitat class shall be as identified in Metro's habitat inventory of such areas performed pursuant to Section 7 of this title.
- b. Urban Development Value of the Property. The urban development value of property designated as regionally significant habitat is depicted on the Metro Habitat Urban Development Value Map, attached hereto⁴ and incorporated herein by reference. The Metro Habitat Urban Development Value Map is based on an assessment of three variables, the land value of property, the employment value of property, and the Metro 2040 Design Type designation of property. Cities and counties may make an upward adjustment of a property's urban development value designation (i.e. from low to medium or high, or from medium to high) if:
 - i. The Metro 2040 Design Type designation has changed from a category designated as a lower urban development value category to one designated as a higher urban development value category. Properties in areas designated as the Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, Other Industrial Areas, and Employment Centers are of medium urban development value; and properties in areas designated as Inner and Outer Neighborhoods and Corridors are of low urban development value; or

⁴ On file in the Metro Council office.

- ii. The property, or adjacent lots or parcels owned by the owner of the property, is being used as a major medical or educational facility and, for that reason, should be designated as of high urban development value because of the economic contributions the facility provides to the citizens of the region. To determine whether a property shall be considered a high urban development value property pursuant to this paragraph, cities and counties shall consider whether the use of the property:
 - (A) Supports the 2040 Growth Concept by providing a mixed-use environment that may include employment, housing, retail, cultural and recreational activities, and a mix of transportation options such as bus, bicycling, walking, and auto;
 - (B) Provides, as a primary objective, a service that satisfies a public need rather than just the consumer economy (i.e., producing, distributing, selling or servicing goods);
 - (C) Draws service recipients (e.g., students, patients) from all reaches of the region and beyond;
 - (D) Relies on capital infrastructure that is so large or specialized as to render its relocation infeasible; and
 - (E) Has a long-term campus master plan that has been approved by the city or county.
- c. Cross-Referencing Habitat Class With Urban Development Value. City and county verification of the locations of High, Moderate, and Low Habitat Conservation Areas shall be consistent with Tables YY1 and YY2.

Section 6. Program Monitoring and Reporting

- A. *[Responsibilities of cities and counties to provide updated map information to Metro to update the Metro Inventory Map, and for monitoring purposes. For example, cities and counties would provide Metro with updated data in a form compatible with its Geographic Information System program including:*
 - 1. *Adopted and revised Local Wetland Inventories approved by the Division of State Lands including approved mitigation sites;*
 - 2. *Additions or modification of wetland boundaries and mitigation sites for jurisdictions which have not carried out the Local Wetland Inventory delineation process;*
 - 3. *Revised or updated stream inventories; and*
 - 4. *Revised or updated 100-year FEMA flood maps or 1996 area of inundation maps to reflect map revisions or local permits for approved floodplain fills.]*

- B. *[City and county reports on voluntary and incentive habitat protection programs.]*
- C. *[Provisions regarding Metro annual reports?]*
- D. *[Etc.]*

Section 7. Future Urban Growth Boundary Expansion Areas

After inclusion of an area within the UGB, consistent with Title 11 of this functional plan, and in cooperation with any city or county with jurisdiction over an area brought into the UGB, Metro shall inventory and identify regionally significant fish and wildlife habitat in such an area using the same methodology used by Metro to establish the Metro Inventory Map adopted in subsection 2(A) of this title. After completing such inventory, Metro shall prepare a Habitat Conservation Areas Map for such a new area within the UGB, as described in subsection 2(B) of this title, using the 2040 Design Types that are assigned to such area to determine the area's urban development value. Metro recognizes that the assigned 2040 Design Types may change as planning for such new areas progresses, and that the relevant Habitat Conservation Area designations for such areas may likewise change during such planning.

Table xx. Habitat friendly development practices.

Reduce effective impervious surfaces	Storm water management
<ul style="list-style-type: none"> a. Relax residential lot sizes, setbacks and shape standard to minimize extent of impervious surfaces. b. Encourage smaller building footprint through building design. c. Encourage use of alternative foundations, such as pier, post or piling foundation. d. Use pervious paving materials in place of traditional impervious materials where appropriate. e. Reduce impervious impacts of residential driveways by narrowing widths, moving access to the rear of the site, using more pervious paving materials and promoting the use of shared driveways. f. Reduce width of residential streets, depending on traffic and parking needs. g. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs. h. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects. i. Reduce sidewalks width, place on one side of the street, and graded such that they drain to the front yard of a residential lot or retention area. j. Reduce impervious surfaces in parking lots by minimizing car spaces and stall dimensions, using shared parking facilities and structured parking, and using pervious paving materials where appropriate. k. Reduce parking ratios to limit excess parking space construction. l. Minimize grading and lot disturbance; minimize disturbance of native soils and reduce the removal of native soils. m. Use erosion and sediment control practices to protect soil surface and to retain sediment on site. n. Amend retained topsoil to original or higher level of porosity and water retention capacity. 	<ul style="list-style-type: none"> a. Amend retained topsoil to regain some of the absorption, infiltration, retention and pollutant removal capabilities of the soil. b. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge. c. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens. d. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering. e. Combine the rain gardens with grassed swales to replace a curb-and-gutter system. f. Use permeable pavers for walkways and parking areas. g. Design roads to incorporate storm water management in right-of-ways where appropriate. h. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems. i. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants. j. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics. k. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.

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Table YY1: Method for Identifying Habitat Conservation Areas (“HCA”)

<i>Fish & wildlife habitat classification</i>	<i>High Urban development value¹</i>	<i>Medium Urban development value²</i>	<i>Low Urban development value³</i>	<i>Other areas: Parks and Open Spaces, no design types outside UGB</i>
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+ ⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to Section 5(H)(3)(b).

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

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

³Tertiary 2040 components: Inner and outer neighborhoods, Corridors

⁴Cities and counties shall give parks designated as natural areas in Class I and II riparian habitat even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 5(B)(4).

Table YY2: Method for Identifying Habitat Conservation Areas (“HCA”) in Future Urban Growth Boundary Expansion Areas

<i>Fish & wildlife habitat classification</i>	<i>High Urban development value¹</i>	<i>Medium Urban development value²</i>	<i>Low Urban development value³</i>	<i>Other areas: Parks and Open Spaces, no design types outside UGB</i>
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+ ⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴
Class III Riparian	Low HCA	Low HCA	Low HCA	Moderate HCA / High HCA+ ⁴
Class A Upland Wildlife	Low HCA	Moderate HCA	Moderate HCA	High HCA / High HCA+ ⁴
Class B Upland Wildlife	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to Section 5(H)(3)(b).

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

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

³Tertiary 2040 components: Inner and outer neighborhoods, Corridors

⁴Cities and counties shall give parks designated as natural areas in Class I and II riparian habitat even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 5(B)(4).

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Table ZZ: Method for Locating Boundaries of Class I and II Riparian Areas

Distance in feet from Water Feature	Development/Vegetation Status			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II	Class I	Class I
100-150		Class II if slope>25%	Class II if slope>25%	Class II
150-200		Class II if slope>25%	Class II if slope>25%	Class II if slope>25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100		Class II	Class I	Class I
100-150				Class II
Flood Areas (Undeveloped portion of flood area is a Class I Riparian Area)				
0-100			Class II	Class II

[The following terms must be added to the definitions section of the UGMFP:

- *Water Feature*
- *Developed lands--those that lack sufficient vegetative cover to meet the one-acre minimum mapping units of vegetative cover.*
- *Forest canopy--a contiguous grove of trees one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant Water Feature.*
- *Shrub vegetation--a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.*
- *Low structure vegetation--a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).]*

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**FISH AND WILDLIFE PROGRAM
FUNCTIONAL PLAN OUTLINE**

Section 1. Intent

The purposes of this program are to (1) 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 upland wildlife habitat and with the surrounding urban landscape; and (2) to maintain and improve water quality throughout the region. Under Oregon law, upon acknowledgment of this program by the Oregon Land Conservation and Development Commission (LCDC), cities and counties within the Metro region shall apply the requirements of this title, and shall not be required to comply with division 23 of chapter 660 of the Oregon Administrative Rules, promulgated by LCDC. This program:

- A. Will achieve its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational, and regulatory elements;
- B. Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable Region 2040 communities, supporting a strong economy, and complying with federal laws including the Clean Water Act and the Endangered Species Act;
- C. Includes provisions to monitor and evaluate program performance over time to determine whether the program is achieving the program's objectives and targets, to determine whether cities and counties are in substantial compliance with this title, and to provide sufficient information to determine whether to amend or adjust the program in the future;
- D. Is intended to maintain or increase the fair market value of each individual property that it affects, and, to achieve that goal, may require in some instances that property owners be allowed to use more flexible development patterns and practices than are currently allowed under applicable city and county comprehensive plans and implementing ordinances; and
- E. Establishes minimum requirements and is not intended to repeal or replace existing requirements of city and county comprehensive plans and implementing ordinances to the extent those requirements already meet the minimum requirements of this title, nor is it intended to prohibit cities and counties from adopting and enforcing fish and wildlife habitat protection and restoration programs that exceed the requirements of this title.

Section 2. Inventory and Habitat Conservation Areas

The purpose of this section is to describe the baseline maps that form the basis of Metro's fish and wildlife habitat protection and restoration program. These maps are referenced in various ways in this title, but may or may not be relevant within in a city or county depending upon which compliance alternative the city or county chooses pursuant to Section 4 of this title.

- A. The Regionally Significant Fish and Wildlife Habitat Inventory Map (hereinafter the "Inventory Map"), attached hereto¹, identifies the areas that have been determined to

¹ On file in the Metro Council office.

contain regionally significant fish and wildlife habitat. The Inventory Map divides habitat into two general categories, riparian and upland wildlife, and further differentiates each habitat category into low, medium, and high value habitats.

- B. The Habitat Conservation Areas Map, attached hereto², identifies the areas that are subject to the performance standards and best management practices described in Section 5 of this title, to the extent that a city or county chooses to comply with Section 4 of this title by using the Habitat Conservation Areas map, or map that substantially complies with the Habitat Conservation Areas map. For such cities and counties, the Habitat Conservation Areas Map further identifies, subject to the map verification process described in subsections 4(F) and 5(I) of this title, which areas will be subject to high, moderate, and low levels of habitat conservation based on Metro Council's decision to balance conflicting uses in habitat areas.
1. Performance standards and best management practices described in Section 5 apply to Class I and II riparian/wildlife areas located within Metro's urban growth boundary at the effective date of this title. Table YY1 designates high, moderate, and low Habitat Conservation Areas for areas located within Metro's urban growth boundary as of the effective date of this title, based on Metro Council consideration of the results of the Economic, Social, Environmental, and Energy (ESEE) analysis, public input, and technical review.
 2. Performance standards and best management practices described in Section 5 apply to Class I, II, and III riparian/wildlife areas, and Class A and B upland wildlife areas for properties brought within the urban growth boundary after the effective date of this title. Table YY2 designates high, moderate, and low Habitat Conservation Areas for properties brought within the urban growth boundary after the effective date of this title, based on Metro Council consideration of the results of the Economic, Social, Environmental, and Energy (ESEE) analysis, public input, and technical review. Section 7 describes the procedures for how Table YY2 and Section 5 shall be applied in such areas.

Section 3. Program Objectives and Targets

- A. Objectives and Targets
1. Preserve and improve streamside, wetland, and floodplain habitat and connectivity.
 2. Preserve large areas of contiguous habitat and avoid fragmentation.
 3. Preserve and improve connectivity for wildlife between riparian corridors and upland habitat.
 4. Preserve and improve special habitats of concern.
 5. Design development and public infrastructure to minimize impact on habitat and to encourage the use of habitat-friendly development practices.

² On file in the Metro Council office.

6. Restore and enhance habitat to compensate for adverse effects of existing development and public infrastructure on ecological function, and mitigate for adverse effects of new development and public infrastructure on ecological function.

Section 4. Implementation Alternatives for Cities and Counties

- A. Each city and county in the region shall comply with this title in one of the following ways:
 1. Amend its comprehensive plan and implementing ordinances to adopt the Title 13 Model Ordinance and the Metro Habitat Conservation Areas Map.
 2. Demonstrate that its existing or amended comprehensive plan and existing, amended, or new implementing ordinances substantially comply with the performance standards and best management practices described in Section 5, and that maps that it has adopted and uses substantially comply with the Metro Habitat Conservation Areas Map.
 3. Amend its comprehensive plan and implementing ordinances to comply with the maps and provisions of the Tualatin Basin Fish and Wildlife Habitat Protection Program, attached hereto³ and incorporated herein by reference, adopted by the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) on [insert date], subject to the intergovernmental agreement entered into between Metro and the TBNRCC.
 4. Demonstrate that it has implemented a program that will achieve the program objective and targets described in Section 3(A)(1) of this title. A city or county developing such a program:
 - a. Shall demonstrate that its program provides a certainty of habitat protection and enhancement to achieve the objective and targets described in Section 3(A)(1) of this title, such as by using proven programs and demonstrating stable and continuing funding sources for elements of the program that require funding;
 - b. Shall include program provisions to monitor and measure whether the program achieves the objective and targets described in Section 3(A)(1) of this title, and, if those objectives and targets are not being achieved in the future, a process to adapt the program to ensure that they are achieved;
 - c. Is encouraged to develop its program using the performance standards and best management practices described in Section 5 of this title; and
 - d. May assert substantial compliance with this provision by relying on either or both the city's or county's comprehensive plan and

³ On file in the Metro Council office.

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implementing ordinances and on the use of incentive based, voluntary, education, acquisition, and restoration programs, such as:

- i. Allowing Voluntary Use of Habitat Friendly Development Practices. To reduce the impacts of development on fish and wildlife habitat and water quality, cities and counties are encouraged to repeal rules that prevent the use of the habitat-friendly development practices described in Table XX throughout their jurisdictions, but especially in regionally significant fish and wildlife habitat;
- ii. Encouraging Property Owners to Care For Trees. Cities and counties are encouraged to develop programs to encourage property owners to protect and care for trees located in regionally significant habitat areas by adopting programs that:
 - (A) Prioritize tree canopy protection by protecting groups of trees and large trees that provide the greatest environmental benefits;
 - (B) Encourage reforestation when trees are removed;
 - (C) Encourage the retention of the largest possible patches of upland wildlife habitat;
 - (D) Encourage the maintenance and enhancement of forest canopy connectivity between upland wildlife habitat and riparian corridors; and
 - (E) Encourage the maintenance and enhancement of understory and herbaceous layers within forest canopy habitat, including the planting of native plants and removal of noxious plants;
- iii. Using Incentive Programs. Cities and counties are encouraged to utilize incentive programs to protect and restore regionally significant fish and wildlife habitat, such as by:
 - (A) Implementing the Wildlife Habitat Special Tax Assessment Program (ORS 308A.400 through 308A.430) and the Riparian Habitat Tax Exemption Program (ORS 308A.350 through 308A.383) within their jurisdictions; and
 - (B) Providing financial incentives such as fee reductions or streamlined review processes to promote use of habitat-friendly development practices;

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- iv. Restoring Habitat. Cities and counties are encouraged to participate in watershed-based restoration efforts, in cooperation with other governmental and non-governmental entities; and
 - v. Maintaining and Enhancing Publicly-Owned Habitat Areas. Cities and counties are encouraged to maintain and enhance publicly-owned fish and wildlife habitat and to support acquisition and restoration of riparian corridor and upland wildlife habitats by:
 - (A) Using habitat-friendly best management practices, such as integrated pest management programs, in all regionally significant habitat areas within publicly-owned parks and open spaces;
 - (B) Ensuring that publicly-owned parks and open spaces that have been designated as natural areas are managed to maintain and enhance the quality of fish and wildlife habitat that they provide;
 - (C) Pursue funding to support local park, open space, and habitat acquisition and restoration, such as with local bond measures, System Development Charge (SDC) programs, Federal Emergency Management Act (FEMA) grants, or other funding mechanisms.
5. Adopt a district plan that applies over a portion of the city or county, and demonstrate that, for the remainder of its jurisdiction, the city or county has a program that complies with one of subsections (1) through (3) of this section 4(A) of this title. If a city or county adopts a district plan pursuant to this paragraph, it shall demonstrate that, within the district plan area, the district plan complies with subsection 4(A)(4) of this title. District plans shall be permitted under this subsection only for areas within a common watershed, or which are within areas in adjoining watersheds that share an interrelated economic infrastructure and development pattern. Cities and counties that choose to develop district plans are encouraged to coordinate such district plans with other entities whose activities impact the same watershed to which the district plan applies, including other cities and counties, special districts, state and federal agencies, watershed councils, and other governmental and non-governmental agencies.
- B. A city or county that adopts or amends its comprehensive plan and implementing ordinances to comply with this title shall include provisions intended to maintain and increase the value of properties that include Habitat Conservation Areas and to avoid any reduction in the fair market value of such properties as a result of the city's or county's amendments to its comprehensive plan and implementing ordinances to comply with this title. Table XX of this title provides some examples of programs that could be implemented to comply with this section 4(B) of this title, such as clustering, on-site or off-site transfers of development rights, or other similar programs that allow for more intensive development in areas outside of Habitat Conservation Areas in return for protecting the Habitat Conservation Areas.

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- C. Provisions of the comprehensive plan and implementing ordinances relied upon by a city or county to comply with this title shall contain clear and objective standards. A standard shall be considered clear and objective if it meets any one of the following criteria:
1. It is a fixed numerical standard, such as fixed distance (e.g. “50 feet”) or land area (e.g. “1 acre”);
 2. It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or
 3. It is a performance standard that describes the outcome to be achieved, specifies the objective criteria to be used in evaluating outcome or performance, and provides a process for application of the performance standard, such as a conditional use or design review process.
- D. In addition to complying with subsection 4(C) of this section, the comprehensive plan and implementing ordinances that a city or county relies upon to satisfy the requirements of this title may include an alternative, discretionary approval process that is not clear and objective provided that the comprehensive plan and implementing ordinance provisions of such a process:
1. Specify that property owners have the choice of proceeding under either the clear and objective approval process, which each city or county must have pursuant to subsection 4(C) of this section, or under the alternative, discretionary approval process; and
 2. Require a level of protection for, or enhancement of, the fish and wildlife habitat that meets or exceeds the level of protection or enhancement that would be achieved by following the clear and objective standards described in section 4(C) of this title.
- E. Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, implementing ordinances, and maps implementing this title or demonstrating that existing city or county comprehensive plans, implementing ordinances, and maps substantially comply with this title. The proposed comprehensive plan amendments, implementing ordinances, and maps shall be available for public review at least 45 days prior to the public hearing. *[NOTE: This language is based on Title 3 language. It does require a public hearing even if a city or county intends to rely on its existing programs to demonstrate compliance.]*
- F. The comprehensive plan provisions and implementing ordinances that each city or county amends, adopts or relies on to comply with this title shall provide property owners with a reasonable, timely, and equitable process to verify the specific location of habitat areas subject to the provisions of the city’s or county’s comprehensive plan or implementing ordinances. It is the intent of this requirement that, in the majority of cases, the process be as simple and straightforward as possible and not result in a change that would require an amendment to the city’s or county’s comprehensive plan. Such process shall:

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1. Allow a property owner, or another person with the property owner's consent, to confirm the location of habitat on a lot or parcel at any time, whether or not the property owner has submitted a specific request for a development permit;
 2. As often as reasonably possible, provide a simple, default approach that allows a property owner to verify the location of habitat on a lot or parcel without having to hire an environmental consultant and without having to pay a significant processing or application fee;
 3. Allow a property owner to present detailed documentation to verify the location of habitat on a lot or parcel, such as information collected and analyzed by an environmental consultant;
 4. Be generally consistent with the approach described in Table ZZ to identify Class I and II riparian habitat areas, and, for areas brought within the UGB after *[insert appropriate date]*, be generally consistent with the approach described in Table ZZ2 to identify Class III riparian habitat areas and Class A and B upland wildlife habitat areas;
 5. Provide for confirmation that habitat that existed on the site as of *[insert date, sometime after Metro's adoption of program]* has not been altered in a way that changed its inventory habitat class characterization; and
 6. Ensure that the process provides adequate opportunities for appeals and a fair and equitable dispute resolution process.
- G. Relaxation of Regional Density and Capacity Requirements to Allow Habitat Protection.
1. Notwithstanding the provisions of Metro Code section 3.07.140(A)(2) [Section 4(A)(2) of Title 1 of the UGMFP], cities and counties may approve a subdivision or development application that will result in a density below the minimum density for the zoning district if:
 - a. An area of the property to be developed has been identified as significant habitat on the Metro Inventory Map or local Goal 5 fish and wildlife habitat inventory maps that had been acknowledged by the Oregon Land Conservation and Development Commission prior to *[insert appropriate date]*;
 - b. Such a decision is necessary to protect the significant habitat located on the property that will not be disturbed by development on the property;
 - c. Such a decision does not allow the removal of more of the regionally significant habitat located on the property than is necessary to reasonably accommodate the number and type of units that will be built on the property; and
 - d. Such a decision will directly result in the permanent protection of the remaining undeveloped regionally significant habitat located on the property.

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2. If a city or county approves a subdivision or development application that will result in a density below the minimum density for the zoning district pursuant to subsection 4(G)(1) of this title, then such city or county shall:
 - a. Be permitted an offset against the capacity specified in Table 3.07-1 of the Metro Code [Title 1, Table 1 of the UGMFP]. The amount of such offset shall be calculated by subtracting the difference between the number of dwelling units that the city or county approved pursuant to subsection 4(G)(1) of this title and the minimum number of dwelling units required by the minimum density for the zoning district; and
 - b. Report to Metro by April 15 of every year the number of approvals made pursuant to this subsection 4(G) of this title and the capacity offsets that the city or county shall be afforded as a result of such approvals.
- H. Transportation Improvements and Planning. Cities and counties are encouraged to adopt code provisions and update local transportation plans to:
 1. Avoid construction of transportation facilities in regionally significant habitat; and
 2. Where unavoidable, minimize the impacts of transportation facilities in regionally significant habitat by adopting and using the transportation facility best management practices identified in Table TT. *[To be attached.]*
- I. Compliance Timeline. *[Establish a reasonable, timely, and uniform compliance schedule—the following language is included as a starting point for this section.]*

As provided in Title 8 of this functional plan:

 1. Not later than one year after acknowledgment of this title by the Oregon Land Conservation and Development Commission, each city and county within the Metro region shall make land use decisions consistent with this title; and
 2. Not later than two years after acknowledgment of this title by the Oregon Land Conservation and Development Commission, each city and county within the Metro region shall amend their comprehensive plans and land use regulations to comply with this title.

Section 5. Performance Standards and Best Management Practices for Habitat Conservation Areas

The following performance standards and best management practices apply to all cities and counties that choose to comply with section 4 of this title by adopting or relying upon their comprehensive plans and implementing ordinances to comply, in whole or in part, with subsection 4(B)(2), 4(B)(3) or 4(B)(4):

- A. A city or county that adopts or amends its comprehensive plan and implementing ordinances to comply with these performance standards and best management practices shall include provisions intended to maintain and increase the value of properties that

include Habitat Conservation Areas and to avoid any reduction in the fair market value of such properties as a result of the city's or county's amendments to its comprehensive plan and implementing ordinances to comply with these performance standards and best management practices. Table XX of this title provides some examples of programs that could be implemented to comply with this section 5(A) of this title, such as clustering, on-site or off-site transfers of development rights, or other similar programs that allow for more intensive development in areas outside of Habitat Conservation Areas in return for protecting the Habitat Conservation Areas.

- B. Performance standards and best management practices applicable to all Habitat Conservation Areas. City and county comprehensive plans and implementing ordinances shall conform to the following performance standards and best management practices:
1. Subject to section 5(A) of this title, Habitat Conservation Areas shall be protected, maintained, enhanced or restored as specified in this Section 5 of this title.
 2. The requirements of Title 3 shall continue to apply to all development in Water Quality Resource Areas and Flood Management Areas located within Habitat Conservation Areas, in addition to requirements imposed by this title. [*Consider specifying the new requirements that may apply.*]
 3. Habitat-Friendly Development Practices. Subject to section 5(A) of this title and where practicable, city and county comprehensive plans and implementing ordinances shall require the use of the habitat-friendly development practices described in Table XX to reduce impacts of development on Habitat Conservation Areas and water quality.
 4. Cities and counties shall ensure that Habitat Conservation Areas within publicly-owned parks and open spaces that have been designated as natural areas are protected and managed to maintain and enhance the quality of fish and wildlife habitat that they provide, and that habitat-friendly best management practices, such as integrated pest management programs, are used in such areas.
 5. Subject to section 5(A) of this title, cities and counties shall protect trees in Habitat Conservation Areas, such as by:
 - a. Prioritizing tree canopy protection to protect natural stands or groups of trees over individual trees and tree canopy that provides connectivity between Habitat Conservation Areas and with other regionally significant habitat;
 - b. Retaining large individual trees that provide the greatest environmental benefits;
 - c. Establishing minimum standards of tree canopy retention and reforestation, such as specifying the desired number of trees over 6 inches DBH per acre of habitat, the desired percentage (such as 50%) of tree canopy retained in habitat areas, or a goal for replacement of removed trees based on the total DBH of the removed trees;

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- d. Maintaining and enhancing the understory and herbaceous layers within forest canopy habitat; and
 - e. Including local code provisions for enforcement of tree protection standards.
6. Invasive non-native vegetation shall not be planted in any Habitat Conservation Area. Invasive non-native vegetation may be removed from Habitat Conservation Areas. The planting of native vegetation shall be encouraged in Habitat Conservation Areas.
7. Subject to section 5(A) of this title, cities and counties may allow:
- a. Routine repair, maintenance, alteration, rehabilitation, or replacement of existing structures, roadways, driveways, utilities, accessory uses, or other development, provided that:
 - i. The project is consistent with all other applicable local, state, and federal regulations;
 - ii. The project does not encroach closer to the Water Feature (for riparian habitat), or to the interior of an upland habitat patch (for upland habitat in areas brought within the UGB after *[Insert date]*), than the existing development; and
 - iii. Vegetation native to the Metro Area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non- native vegetation is encouraged.
 - b. Within a Multnomah County Drainage District, routine operations, repair, maintenance, alteration, rehabilitation, or replacement of existing flood control and related facilities, including any structures, culverts, irrigation systems, roadways, utilities, accessory uses, erosion control projects, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, habitat restoration and enhancement projects, or other water quality and flood storage projects, provided that:
 - i. The project is consistent with all other applicable local, state, and federal regulations;
 - ii. Where practicable, the project does not encroach closer to the Water Feature than existing operations and development; and
 - iii. Where practicable, vegetation native to the Metro Area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non- native vegetation is encouraged.

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- C. High Habitat Conservation Areas. Subject to section 5(A) of this title, cities and counties:
1. Shall adopt clear and objective development approval standards consistent with subsection 4(C) of this title that allow a limited amount of development within the High Habitat Conservation Area, such as the standards described in Section ## of the Metro Model Ordinance; and
 2. May implement discretionary development approval standards consistent with subsection 4(D) of this title that comply with the following requirements:
 - a. Avoid. Demonstrate that no practicable alternatives to the requested development exist which will not disturb the High Habitat Conservation Area;

[specify examples of tools that should be used to show you tried to avoid—clustering, lot line adjustments, etc.]
 - b. Minimize. If there is no practicable alternative, limit the development to reduce the impact associated with the proposed use *[insert reference to table of examples, including items such as to minimize stream crossings to promote connectivity of riparian corridors and placing crossings perpendicular to stream channels; using bridge crossings rather than culverts whenever possible; etc]*; and

[specify examples of tools that should be used to show you minimized—clustering, lot line adjustments, etc.]
 - c. Mitigate. When development occurs, require mitigation to restore the habitat functions and values that were lost or damaged as a result of the development.

[specify mitigation examples?]
- D. Moderate Habitat Conservation Areas. Subject to section 5(A) of this title, cities and counties:
1. Shall adopt clear and objective development approval standards consistent with subsection 4(C) of this title that allow a limited amount of development within the Moderate Habitat Conservation Area, such as the standards described in Section ## of the Metro Model Ordinance; and
 2. May implement discretionary development approval standards consistent with subsection 4(D) of this title that comply with the following requirements:
 - a. Minimize. Limit the development to reduce the impact associated with the proposed use *[insert reference to table of examples, including items such as to minimize stream crossings to promote connectivity of riparian*

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corridors and placing crossings perpendicular to stream channels; using bridge crossings rather than culverts whenever possible; etc]; and

[specify examples of tools that should be used to show you minimized—clustering, lot line adjustments, etc.]

- b. Mitigate. When development occurs, require mitigation to restore the habitat functions and values that were lost or damaged as a result of the development.

[specify mitigation examples?]

E. Low Habitat Conservation Areas. Subject to section 5(A) of this title, cities and counties:

- 1. Shall adopt clear and objective development approval standards consistent with subsection 4(C) of this title that allow a limited amount of development within the Low Habitat Conservation Area, such as the standards described in Section ## of the Metro Model Ordinance; and
- 2. May implement discretionary development approval standards consistent with subsection 4(D) of this title that comply with the following requirements:
 - a. Mitigate. When development occurs, require mitigation to restore the habitat functions and values that were lost or damaged as a result of the development.

[specify mitigation examples?]

F. Full Exemptions. The performance standards and best management practices of this section 5 of this title do not apply to:

- 1. Areas within the Airport wildlife hazard Zone 1 management areas; and *[Need to determine appropriate terminology—the exemption should apply only to the highest-priority wildlife hazards areas, those closest to the runways.]*
- 2. Any use of residential properties if, prior to *[insert appropriate date]*,:
 - a. A residential occupancy permit had been issued or the residence had been occupied as a residence for the preceding ten years; and
 - b. Such uses would not have required the property owner to obtain a land use approval or a building, grading, or tree removal permit from their city or county.

G. Partial Exemption of Areas Exempt Under Title 3. Areas that were not designated as Protected Water Features, Water Quality Resource Areas, or Flood Management Areas pursuant to Section 3(D) of Title 3 of this functional plan, Metro Code Section 3.07.330(D), (“Metro Title 3 Exempt Areas”) are exempt from the requirements of this Title except for the requirements of Section 5(B)(3), Habitat Friendly Development

Practices. In addition, when cities and counties adopted their local programs to comply with Title 3, some cities and counties exempted additional areas that Metro had designated as Protected Water Features, Water Quality Resource Areas, or Flood Management Areas, and Metro deemed the cities' and counties' programs to be in substantial compliance with the requirements of Title 3 ("Local Title 3 Exempt Areas"). To the extent that Metro Title 3 Exempt Areas and Local Title 3 Exempt Areas have been identified as Habitat Conservation Areas, such areas are exempt from the performance standards and best management practices of this section 5 of this title except for the requirements of Section 5(B)(3), Habitat Friendly Development Practices. In addition, Habitat Conservation Areas that were identified as regionally significant habitat based, in relevant part, on their proximity to portions of Water Features that are within Metro Title 3 Exempt Areas or Local Title 3 Exempt Areas shall also be exempt from the performance standards and best management practices of this section 5 of this title except for the requirements of Section 5(B)(3), Habitat Friendly Development Practices.

H. Variances for Loss in Fair Market Value of Property

1. Cities and counties shall adopt a variance procedure consistent with this subsection 5(G) of this title to address property owners' claims that comprehensive plan amendments and implementing ordinances adopted or relied upon to comply with this title result in decreases in the fair market value of particular real property lots or parcels. Under such variance procedures, if a city or county concludes that a plan or ordinance requirement results in a decrease in the fair market value of a particular real property lot or parcel, then the city or county may grant a variance from such requirement, provided that such variance:
 - a. Is the minimum variance from the provisions and intent of this title necessary to avoid a loss in the fair market value of the property;
 - b. Complies with all other requirements imposed by city and county comprehensive plans and implementing ordinances;
 - c. Does not allow a use of the property that was commonly and historically recognized as a public nuisance under common law;
 - d. Does not impair public health or safety, such as by varying the requirements of fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, or pollution control regulations; and
 - e. Is consistent with requirements enacted to comply with federal law.
2. A variance granted pursuant to a city or county procedure adopted to comply with this subsection 5(G) of this title shall continue in effect regardless of changes in ownership of the property to which it applies, but subject to all terms and conditions of the grant thereof.
3. The variance procedure adopted by cities and counties pursuant to this subsection 5(G) of this title shall include a requirement that all current owners of the real property lot or parcel sign a statement providing that, if the variance is granted and the property owners accept the variance, the owners waive all current and

future claims for compensation under 2004 Statewide Ballot Measure 37 that are based on the effects of the requirements of this title or the effects of city and county comprehensive plan provisions and implementing ordinances adopted or relied upon to comply with this title.

- I. Administering the Habitat Conservation Areas Map and Site-Level Verification of Habitat Location
 1. Each city and county shall be responsible for administering the Habitat Conservation Areas Map, or the city's or county's map that has been deemed by Metro to be in substantial compliance with the Habitat Conservation Areas Map, within its jurisdiction, as provided in this subsection 5(I) of this title.
 2. The comprehensive plan and implementing ordinances amended, adopted or relied upon to comply with this subsection 5(I) of this title shall comply with subsection 4(F) of this title.
 3. Verification of the Location of Habitat Conservation Areas. Each city and county shall establish a verification process consistent with this subsection 5(I)(3) of this title. The site-level verification of Habitat Conservation Areas is a three-step process. The first step is determining the boundaries of the habitat areas on the property. The second step is determining the urban development value of the property. The third step is cross-referencing the habitat classes with the urban development value of the property to determine whether the property contains High, Moderate, or Low Habitat Conservation Areas, or none at all.
 - a. Habitat Boundaries.
 - i. Locating habitat and determining its riparian habitat class is a five-step process.
 - (A) Locate the Water Feature that is the basis of identifying riparian habitat (stream, wetland, other open water, or flood area; note that areas that were mapped as flood areas but were filled prior to *[insert appropriate date after adoption]* consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas);
 - (B) Identify the development and vegetated cover status of areas within up to 300 feet of the Water Feature (from top of bank or edge of wetland or flood area) at the time of the verification (developed with no vegetative cover, low structure vegetation or open soils, woody vegetation with shrubs and scattered forest canopy, or forest canopy);
 - (C) Determine whether the degree that the land slopes upward from the Water Feature is greater than or less than 25% (using the methodology as described in Title 3 of the UGMFP);

- (D) Identify the habitat class (Class I, Class II, or none) of the areas within up to 200 feet of the Water Feature, consistent with Table ZZ, and, for areas brought within the UGB after *[insert appropriate date]*, identify the Class III riparian habitat consistent with Table ZZ2; and
 - (E) Confirm that the development and vegetated cover status of areas within up to 200 feet of the Water Feature has not been altered without the required approval of the city or county since *[insert appropriate date]*, and, if it has, then verify the original habitat location using the best available evidence of its former location; or, for areas brought within the UGB after *[insert appropriate date]*, confirm that the development and vegetated cover status of the area within up to 200 feet of the Water Feature has not been altered without required approval of the city or county since the date the property was brought within the UGB.
- ii. For areas brought within the UGB after *[insert appropriate date]*, the location of upland wildlife habitat and its habitat class shall be as identified in Metro's habitat inventory of such areas performed pursuant to Section 7 of this title.
- b. Urban Development Value of the Property. The urban development value of property designated as regionally significant habitat is depicted on the Metro Habitat Urban Development Value Map, attached hereto⁴ and incorporated herein by reference. The Metro Habitat Urban Development Value Map is based on an assessment of three variables, the land value of property, the employment value of property, and the Metro 2040 Design Type designation of property. Cities and counties may make an upward adjustment of a property's urban development value designation (i.e. from low to medium or high, or from medium to high) if:
 - i. The Metro 2040 Design Type designation has changed from a category designated as a lower urban development value category to one designated as a higher urban development value category. Properties in areas designated as the Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, Other Industrial Areas, and Employment Centers are of medium urban development value; and properties in areas designated as Inner and Outer Neighborhoods and Corridors are of low urban development value; or

⁴ On file in the Metro Council office.

- ii. The property, or adjacent lots or parcels owned by the owner of the property, is being used as a major medical or educational facility and, for that reason, should be designated as of high urban development value because of the economic contributions the facility provides to the citizens of the region. To determine whether a property shall be considered a high urban development value property pursuant to this paragraph, cities and counties shall consider whether the use of the property:
 - (A) Supports the 2040 Growth Concept by providing a mixed-use environment that may include employment, housing, retail, cultural and recreational activities, and a mix of transportation options such as bus, bicycling, walking, and auto;
 - (B) Provides, as a primary objective, a service that satisfies a public need rather than just the consumer economy (i.e., producing, distributing, selling or servicing goods);
 - (C) Draws service recipients (e.g., students, patients) from all reaches of the region and beyond;
 - (D) Relies on capital infrastructure that is so large or specialized as to render its relocation infeasible; and
 - (E) Has a long-term campus master plan that has been approved by the city or county.
- c. Cross-Referencing Habitat Class With Urban Development Value. City and county verification of the locations of High, Moderate, and Low Habitat Conservation Areas shall be consistent with Tables YY1 and YY2.

Section 6. Program Monitoring and Reporting

- A. *[Responsibilities of cities and counties to provide updated map information to Metro to update the Metro Inventory Map, and for monitoring purposes. For example, cities and counties would provide Metro with updated data in a form compatible with its Geographic Information System program including:*
 - 1. *Adopted and revised Local Wetland Inventories approved by the Division of State Lands including approved mitigation sites;*
 - 2. *Additions or modification of wetland boundaries and mitigation sites for jurisdictions which have not carried out the Local Wetland Inventory delineation process;*
 - 3. *Revised or updated stream inventories; and*
 - 4. *Revised or updated 100-year FEMA flood maps or 1996 area of inundation maps to reflect map revisions or local permits for approved floodplain fills.]*

- B. *[City and county reports on voluntary and incentive habitat protection programs.]*
- C. *[Provisions regarding Metro annual reports?]*
- D. *[Etc.]*

Section 7. Future Urban Growth Boundary Expansion Areas

After inclusion of an area within the UGB, consistent with Title 11 of this functional plan, and in cooperation with any city or county with jurisdiction over an area brought into the UGB, Metro shall inventory and identify regionally significant fish and wildlife habitat in such an area using the same methodology used by Metro to establish the Metro Inventory Map adopted in subsection 2(A) of this title. After completing such inventory, Metro shall prepare a Habitat Conservation Areas Map for such a new area within the UGB, as described in subsection 2(B) of this title, using the 2040 Design Types that are assigned to such area to determine the area's urban development value. Metro recognizes that the assigned 2040 Design Types may change as planning for such new areas progresses, and that the relevant Habitat Conservation Area designations for such areas may likewise change during such planning.

Table xx. Habitat friendly development practices.

Reduce effective impervious surfaces	Storm water management
<ul style="list-style-type: none"> a. Relax residential lot sizes, setbacks and shape standard to minimize extent of impervious surfaces. b. Encourage smaller building footprint through building design. c. Encourage use of alternative foundations, such as pier, post or piling foundation. d. Use pervious paving materials in place of traditional impervious materials where appropriate. e. Reduce impervious impacts of residential driveways by narrowing widths, moving access to the rear of the site, using more pervious paving materials and promoting the use of shared driveways. f. Reduce width of residential streets, depending on traffic and parking needs. g. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs. h. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects. i. Reduce sidewalks width, place on one side of the street, and graded such that they drain to the front yard of a residential lot or retention area. j. Reduce impervious surfaces in parking lots by minimizing car spaces and stall dimensions, using shared parking facilities and structured parking, and using pervious paving materials where appropriate. k. Reduce parking ratios to limit excess parking space construction. l. Minimize grading and lot disturbance; minimize disturbance of native soils and reduce the removal of native soils. m. Use erosion and sediment control practices to protect soil surface and to retain sediment on site. n. Amend retained topsoil to original or higher level of porosity and water retention capacity. 	<ul style="list-style-type: none"> a. Amend retained topsoil to regain some of the absorption, infiltration, retention and pollutant removal capabilities of the soil. b. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge. c. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens. d. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering. e. Combine the rain gardens with grassed swales to replace a curb-and-gutter system. f. Use permeable pavers for walkways and parking areas. g. Design roads to incorporate storm water management in right-of-ways where appropriate. h. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems. i. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants. j. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics. k. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.

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Table YY1: Method for Identifying Habitat Conservation Areas (“HCA”)

<i>Fish & wildlife habitat classification</i>	<i>High Urban development value¹</i>	<i>Medium Urban development value²</i>	<i>Low Urban development value³</i>	<i>Other areas: Parks and Open Spaces, no design types outside UGB</i>
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+ ⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to Section 5(H)(3)(b).

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

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

³Tertiary 2040 components: Inner and outer neighborhoods, Corridors

⁴Cities and counties shall give parks designated as natural areas in Class I and II riparian habitat even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 5(B)(4).

Table YY2: Method for Identifying Habitat Conservation Areas (“HCA”) in Future Urban Growth Boundary Expansion Areas

<i>Fish & wildlife habitat classification</i>	<i>High Urban development value¹</i>	<i>Medium Urban development value²</i>	<i>Low Urban development value³</i>	<i>Other areas: Parks and Open Spaces, no design types outside UGB</i>
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+ ⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴
Class III Riparian	Low HCA	Low HCA	Low HCA	Moderate HCA / High HCA+ ⁴
Class A Upland Wildlife	Low HCA	Moderate HCA	Moderate HCA	High HCA / High HCA+ ⁴
Class B Upland Wildlife	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to Section 5(H)(3)(b).

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

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

³Tertiary 2040 components: Inner and outer neighborhoods, Corridors

⁴Cities and counties shall give parks designated as natural areas in Class I and II riparian habitat even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 5(B)(4).

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Table ZZ: Method for Locating Boundaries of Class I and II Riparian Areas

Distance in feet from Water Feature	Development/Vegetation Status			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II	Class I	Class I
100-150		Class II if slope>25%	Class II if slope>25%	Class II
150-200		Class II if slope>25%	Class II if slope>25%	Class II if slope>25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100		Class II	Class I	Class I
100-150				Class II
Flood Areas (Undeveloped portion of flood area is a Class I Riparian Area)				
0-100			Class II	Class II

[The following terms must be added to the definitions section of the UGMFP:

- *Water Feature*
- *Developed lands--those that lack sufficient vegetative cover to meet the one-acre minimum mapping units of vegetative cover.*
- *Forest canopy--a contiguous grove of trees one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant Water Feature.*
- *Shrub vegetation--a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.*
- *Low structure vegetation--a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).]*

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