

**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:** April 27, 2005

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

**PLACE:** Metro Council Chamber/Annex

**REVISED**

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Hoffman		
1	GOAL 9 (ECONOMIC DEVELOPMENT) COMMENTS	Cotugno	Information	15 min.
2	GREENSPACES POLICY ADVISORY COMMITTEE VISION STATEMENT	Mike Ragsdale	Information	30 min.
3	NATURE IN NEIGHBORHOODS <ul style="list-style-type: none"><li>• Ordinance No. 05-1077, Amending the Regional Framework Plan and the Urban Growth Management Functional Plan Relating to Nature in Neighborhoods</li><li>• Resolution No. 05-3577, Approving the Tualatin Basin Natural Resources Coordinating Committee's Fish &amp; Wildlife Habitat Protection Program</li><li>• Resolution No. 05-3574, Establish a Regional Habitat Protection, Restoration and Greenspaces Initiative Called Nature in Neighborhoods</li></ul>	Cotugno/Deffebach	Discussion	75 min.

**UPCOMING MEETINGS:**

May 11 & 25, 2005

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us  
MPAC normally meets the second and fourth Wednesday of the month.

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METRO POLICY ADVISORY COMMITTEE MEETING RECORD

April 13, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

**Committee Members Present:** Ken Allen, Nathalie Darcy, Andy Duyck, John Hartsock, Jack Hoffman, Laura Hudson, Charlotte Lehan, Deanna Mueller-Crispin, Alice Norris, Wilda Parks, Dan Saltzman, Martha Schrader

**Alternates Present:** Larry Cooper, Tim Crail

**Also Present:** Hal Bergsma, City of Beaverton; Bev Bookin, CREEC; Ron Bunch, City of Gresham; Cindy Catto, AGC; Bob Clay, City of Portland; Sarah Cleek, THPRD; Valerie Counts, City of Hillsboro; Jennifer DeMuth, Oregon League of Conservation Voters; Dan Drentlaw, City of Oregon City; Bob Durgan, Andersen Construction; Kay Durtschi, MTAC; Craig Dye, Clean Water Services; Mary Gibson, MLIDD; Stacey Hopkins, DLCD; Steve Kelley, Washington County; Jim Labbe, Audubon Society of Portland; Susie Lahsene, Port of Portland; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Laura Oppenheimer, The Oregonian; Jonathan Schlueter, Westside Economic Alliance; Andrea Vannelli, Washington County; Ramsay Weit, Washington County Citizen

**Metro Elected Officials Present:** Liaisons – Carl Hosticka, Council District 3; Susan McLain, District 4; Robert Liberty, Council District 6 others: David Bragdon, Council President

**Metro Staff Present:** Kim Bardes, Dan Cooper, Andy Cotugno, Paul Garrahan, Lori Hennings, Chris Deffebach

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

Councilor Jack Hoffman, MPAC Chair, called the meeting to order at 5:07 p.m.

Chair Hoffman asked those present to introduce themselves, to give a one-minute local update, and to make announcements.

**2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS**

There were none.

**3. CONSENT AGENDA**

Meeting Summary March 9 & 23, 2005.

Motion:	John Hartsock, Clackamas County Special Districts; with a second from Andy Duyck, Washington County, moved to adopt the consent agenda and the MTAC appointment without revision.
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Vote:	The motion passed unanimously.
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#### **4. COUNCIL UPDATE**

Councilor Robert Liberty said that he would have to leave the meeting early and therefore gave a brief update on some of the items listed in agenda item no. 6. That update is attached and forms part of the record.

Councilor Carl Hosticka said that there were two major items consuming the time and attention of the Council: 1) the budget, and 2) a group of items for legislation related to the Nature in Neighborhoods effort. He said that there would be four pieces that the Metro Council would be looking at. The first piece would be an ordinance, No. 05-1077, for amendment to the functional plan to incorporate land-use and development standards that would be part of the entire effort. That would be introduced at the next council meeting. That ordinance would then be scheduled for the next meeting of MPAC. He said there would also be a resolution that dealt with the Tualatin Basin Approach. There would be a budget item that would single out Nature in Neighborhoods as a program that Metro would undertake as part of the budget deliberations. Finally there would be a resolution that described the entire effort that Metro was undertaking for Nature in Neighborhoods.

Council President Bragdon spoke about the Greenspaces Policy Advisory Committee (GPAC) vision statement. He said that GPAC would be addressing MPAC at the next meeting, and then the Metro Council on May 5<sup>th</sup> or 12<sup>th</sup>.

#### **5. NATURE IN NEIGHBORHOODS**

Chair Hoffman set the context of what would happen next with Nature in Neighborhoods effort. He said that at the next meeting they would work out some preliminary recommendations for the resolutions and the functional plan. He pointed out sectional maps that showed the conservation areas subject to the functional plan that he had hung in the back of the room for the members to review. He said that he would be sending out a memorandum next week that would set out the agenda and policy items for discussion for the functional plan. He said that May 11<sup>th</sup> was the date for MPAC to make their final recommendation. He indicated that he would like to have a preliminary report for the Council at the end of the next meeting, so that the Metro Councilors would have some time to review those recommendations beforehand.

Councilor Hosticka reviewed the timeline for the Council review of resolutions and the process that Nature in Neighborhoods would undergo between now and May 12, 2005, including public hearings and staff resource stations. He said that the Metro Council would take action on the resolutions related to the Tualatin Basin and the overall Nature in Neighborhoods plan. After May 12<sup>th</sup> the Council would wait to see what the state legislature would do regarding Measure 37, and then the Metro Council would take it up again in September for formal adoption.

Ken Allen, Port of Portland, distributed a letter that outlined the Port of Portland's position on the fish and wildlife protection program. That letter is attached and forms part of the record.

## **5.2 Nature in Neighborhoods**

Councilor Hosticka reviewed Resolution No. 05-3574 for Nature in Neighborhoods which was included in the meeting packet and forms part of the record. He said that the Council had decided that it was important to have the whole effort outlined in one piece and that was why the resolution was created.

## **5.1 Tualatin Basin Approach Update**

Andrea Vannelli, Washington County, gave an overview of the Tualatin Basin Goal 5 Program Report. An executive summary of this report is attached and forms part of the record.

Chair Hoffman asked for someone to respond to the Audubon Society's letter as it had raised some questions. The letter in question is attached and forms part of the record.

Hal Bergsma, City of Beaverton, who also serves on the Tualatin Basin Steering Committee (which advises the Coordinating Committee), said that the Coordinating Committee would be drafting a response to the environmental organizations represented in the letter under discussion. He said the response would be distributed to MPAC members in the next week or so.

Councilor Hosticka said that Ms. Lori Hennings, Metro Staff Ecologist, would be talking about the choices before the Metro Council, which were to either accept the Tualatin Basin Plan in total, reject it, and then the local governments in the Tualatin Basin would be subject to the same program alternatives as all other local governments, or accept it with conditions and engage in a dialogue on how it should be incorporated fully into the functional plan.

Mayor Charlotte Lehan asked if they would be able to discuss it at the next MPAC meeting.

Chair Hoffman said that for the next MPAC meeting the members should be prepared to comment and discuss the Tualatin Basin Approach without getting too far into the technical aspects. He said that the people from Washington County and the Metro Planning staff should be able to bring the members up to speed with what they were trying to accomplish and how it would fit into the regional plan. He said that on April 27<sup>th</sup> the members would put forward preliminary recommendations and then the final recommendation from MPAC to the Metro Council would be on May 11, 2005.

Councilor Hosticka informed the committee members about a resolution that would be published the following day that would list a number of concerns that the staff had suggested the Council should consider. He said that he hoped the resolution would provide structure for the discussion at MPAC. He urged the members to review that resolution after it was released on Thursday.

Lori Hennings, Metro Staff Ecologist, gave an overview of the Tualatin Basin Approach key points. She reviewed several maps posted in the room. She explained the basic difference between the Tualatin Basin Program and Metro's program. She said that the Tualatin Basin program was not laying down regulations on Class 1 and Class 2 habitat on about 30% of the land that would be regulated under Metro's proposed program. She said that there were other considerations to take into account when weighing the merits of each program. She gave a brief overview of those considerations.

Chris Deffebach, Metro Long Range Planning Manager, said that staff had tried to outline the differences and comparisons between the two programs. She said that they had prepared a draft resolution with the Chief Operating Officer (COO) that the members would have an opportunity to comment on at the next meeting.

Councilor Susan McLain said that Metro needed help from the MPAC members on looking at the gap in protection between the two programs. She said that she had confidence in the Tualatin Basin work but that there may be conditions or suggestions that would help make the program better. She expressed concern over how new urban areas would be dealt with. She said that Metro should provide a strong lead on that issue in the program.

Chair Hoffman asked two questions: 1) was the resource/habitat protected equally in Washington County as it was in Clackamas County, and 2) were land owners treated the same in Washington County as in Clackamas County?

Ms. Hennings said that she thought that Metro's proposed program covered more land and offered more certainty in terms of regulation. There was less certainty in Metro's non-regulatory program as the Tualatin Basin program already had money lined up for it. That was a big plus for the Tualatin Basin program plan. The Tualatin Basin program was already working on some projects. She said both plans had potential, but she felt that the Tualatin Basin's nonregulatory plan had more power due to the funds already committed to the program. She paraphrased that there was more certainty with Metro's regulatory plan, but more power with the Tualatin Basin's nonregulatory plan.

Chair Hoffman asked if there were guarantees tied to the Tualatin Basin funds being spent on the program and not elsewhere.

Andy Duyck, Washington County, said he would go with the Basin program because they would do restoration along the stream all the way up. He said that they were doing some aggressive voluntary programs that were already paying off. He said that MPAC needed to be careful not to penalize the west side for the progress that they had already made. He said it was not a matter of incorporating what was already being done, but rather proof of a great track record. He said they were fulfilling what they had promised when they started the process. He said that they needed to weigh what they were getting in addition to the Goal 5 program, worth giving up the estimated 30%, which may not be immediately adjacent to the streams.

Mayor Alice Norris, Oregon City, asked how each plan would monitor the programs.

Ms. Deffebach said that the Basin proposal offered two representatives for monitoring and recording. Clean Water Services did a lot of in-stream monitoring and they did a great job in updating the streams inventory. In Metro's functional plan there was a section on monitoring and reporting that would be asking everyone to help Metro accomplish those functions. She said that data changed frequently and when the jurisdictions helped by monitoring and reporting to Metro, then Metro would be able to keep a better regional database. She said that when the recommendations went out they would see that they were proposing institutionalizing the relationship that Metro had developed with cities and counties for the last four years to help keep the data alive because everyone would benefit in using it. She said that the other part of Metro's monitoring was a proposal in the budget for the next year to have a role in assembling the data that was being collected between DEQ, and other agencies, so that they could better pull it all together and keep track of the region.

Chair Hoffman asked Andy Duyck to explain the surface water management fee.

Mr. Duyck said it was paid by all those who paid their sewage bill; sort of like a surcharge but accounted for separately. He asked Craig Dye to speak more to that issue.

Craig Dye, Clean Water Services, said that a surface water management fee was a storm water fee for Washington County. He said it was done in two different ways. For the full service cities, Clean Water Services collect all the SWIM fees and then perform all the storm water management maintenance. Other cities collect the surface water fee of four dollars and then keep three dollars of it and remit one dollar to Clean Water Services. Those cities would take care of much of the maintenance activities in their own jurisdiction.

Chair Hoffman asked how much money was spent per year on restoration.

Mr. Dye said it was roughly about two million dollars per year.

Nathalie Darcy, Washington County Citizen, asked if Ms. Hennings if she could translate the 25%-30% gap into acreage.

Ms. Hennings said it was a range of about 2000+ acres.

Councilor McLain said that those acres were primarily in class 2 and not class 1.

## **6. UPDATES**

### **6.3 Legislative**

Councilor Hosticka gave a report on the Legislative activity for Metro. That report is attached and forms part of the record, it is the same report that Councilor Liberty submitted for the record when he gave his update.

### **6.2 Measure 37**

Councilor Hosticka gave a report on the Legislative activity for Metro. That report is attached and forms part of the record, it is the same report that Councilor Liberty submitted for the record when he gave his update.

### **6.1 Affordable Housing**

Councilor Hosticka gave a report on the Legislative activity for Metro. That report is attached and forms part of the record, it is the same report that Councilor Liberty submitted for the record when he gave his update.

There being no further business, Chair Hoffman adjourned the meeting at 6:40 p.m.

Respectfully submitted,

Kim Bardes  
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR APRIL 13, 2005

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

<b>AGENDA ITEM</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT NO.</b>
<b>#4 Council Update &amp; #6 Updates</b>	April 2005	Legislative Update for MPAC	041305-MPAC-01
<b>#5 Nature in Neighborhoods</b>	April 2005	Tualatin Basin Goal 5 Program Report Revised Recommendation Executive Summary	041305-MPAC-02
<b>#5 Nature in Neighborhoods</b>	4/13/05	Memorandum from Ken Allen, Port of Portland Commissioner and MPAC member to Jack Hoffman, Chair of MPAC re: Metro's Regional Fish and Wildlife Protection Program	041305-MPAC-03
<b>#5 Nature in Neighborhoods</b>	4/12/05	Letter from Jim Labbe, Audubon Society of Portland; Sue Marshall and Brian Wegener, Tualatin Riverkeepers; Tom Wolf, Trout Unlimited; Gretchen Vadnais, Cedar Mill Creek Watch; and Rock Creek Watershed Partners	041305-MPAC-04
<b>#5 Nature in Neighborhoods</b>	4/8/05	Letter from Doug McClain, Clackamas County, to David Bragdon re: Affordable Housing	041205-MPAC-05

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1540 | FAX 503 797 1793



**METRO**

DATE: April 20, 2005  
TO: Chair Jack Hoffman  
Metro Policy Advisory Committee  
FROM: Andy Cotugno, Planning Dept. Director  
**RE: APPOINTMENT OF NEW MTAC ALTERNATE**

Per the MPAC Bylaws:

*Each jurisdiction or organization named [to MTAC] shall annually notify MPAC of their nomination. MPAC may approve or reject any nomination. Revision of the membership of MTAC may occur consistent with MPAC bylaw amendment procedures...*

Rich Faith, the Multnomah County/Other Cities (Troutdale) representative on MTAC, has notified us that his new alternate will be Tamara DeRidder, Fairview Planning Director. Please consider Ms. DeRidder's nomination to MTAC.

If you have any questions or comments, please don't hesitate to call me at 503-797-1763.

Thank you.

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# M E M O R A N D U M

600 Northeast Grand Avenue | Portland, Oregon 97232-2736  
(tel) 503-797-1700 | (fax) 503-797-1797



**METRO**

**DATE:** April 21, 2005  
**TO:** Jack Hoffman, MPAC Chair  
**FROM:** Andy Cotugno, Planning Director  
**RE:** Summary of Comments on Goal 9

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## **Background**

The Land Conservation and Development Commission (LCDC) has convened the Economic Development Advisory Committee (EDAC) to review Goal 9 and recommend changes to the commission. The EDAC has met several times and has agreed that the general approach of the goal is sound although some minor updating is needed. Several drafts have been released and comments have been incorporated into the current draft. Further comments must be received by April 28, 2005 to be considered in the update to the rule.

As part of the review process, Metro staff developed a comment letter. The Metro Council has reviewed the letter and has directed staff to make additional changes to reflect the importance of coordination to the success of developing and implementing a comprehensive economic development strategy for the region. The Goal 9 Administrative Rule, Draft 5 did not address regional issues of coordination, job quality and the importance of funding for infrastructure needs. The revisions to the draft comment letter (attached) reflect this added emphasis.

The proposed comments enclosed in a letter to Steven Santos dated April 21, 2005 are intended to further improve the draft by clarifying definitions and the purpose statement to recognize that to improve the economy of the state and the region's competitiveness, a host of issues need to be addressed although some of these issues may go beyond just providing a sufficient supply of land and the scope of this rule. Examples of these issues are coordination, educational funding, workforce training, access to transportation, infrastructure and taxation and fees. The comments also differentiate between employment and industrial uses, eliminate a potential conflict with Metro's one half-acre threshold for determining vacant land and emphasize the importance of providing a short-term land supply.

It is our understanding that the issue of coordination between Metro and local governments will be addressed in phase two of the Goal 9 rulemaking but this issue is extremely important so comments have been made on this issue. Coordination is a key issue because of potential impact on the approach that Metro takes in evaluating land for industrial and employment purposes and expanding the UGB to provide a 20-year land supply, a short-term land supply and to meet the intent in local economic strategies.

**Attachments:**

DRAFT Letter to Steve Santos dated April 21, 2005

DRAFT Goal 9 Administrative Rule, Draft 5

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DRAFT

April 21, 2005

Steve Santos  
Department of Land Conservation & Development  
635 Capitol Street, N.E.  
Suite 150  
Salem, OR 97301-2540

Subject: Proposed Amendments to Goal 9 Rule, Draft 5

Dear Mr. Santos:

Metro submitted comments on the previous draft of the Goal 9 rule amendments. We thank LCDC and the department for responding in this Draft 5 to Metro's comments and concerns. This draft is much improved. We submit the following comments on Draft 5 to improve it further.

**660-009-0000 Purpose**

In a January 31 letter submitted to LCDC by Metro Council President David Bragdon prior to the Commission's March meeting, Mr. Bragdon commented that economic development involves many more ingredients than a supply of land. We recognize the limits of LCDC's authority to address other components of a comprehensive economic development strategy. Nonetheless, we believe the rule should acknowledge that provision of a supply of land is only part of what should be a larger and more comprehensive strategy that includes an emphasis on coordination. We suggest revising the first sentences of the Purpose section to read as follows:

"The intent of the Land Conservation and Development Commission is to improve the economy of the state. A successful strategy to improve the economy should be comprehensive and coordinated strategy that should address such matters as workforce training, K-12 education, higher education, access to markets and labor, public infrastructure, utilities, our system of taxation, fees and incentives and an adequate supply of land for employment growth. The intent of this division is to ensure an adequate land supply for economic development and employment growth in Oregon's communities, and to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state....."

**660-009-0005 Definitions**

0005(1) (Development constraints): We suggest adding "regulatory barriers" (height limits, e.g.) to the definition of "development constraints."

0005(2) (Industrial): We suggest adding proximity to the definition to emphasize the importance of locating new industrial uses near existing uses to take advantage of the synergistic relationships between users, suppliers, labor etc.

0005(7) Prime industrial land): The definition of “prime industrial land” is confusing in one respect: one sentence says prime sites have no or few development constraints; the next sentence says brownfield sites – sites with significant development constraints - can be prime land. Because the many sites that are prime because they have deep water port access have significant development constraints, we suggest eliminating the qualifier that prime sites are sites with few or no development constraints. The last sentence could be dropped, and the previous two sentences combined to read: “Prime industrial lands possess site characteristics that are difficult or impossible to replicate, such as direct access to regional freight infrastructure.”

0005(14) (Vacant land): We suggest that you replace “one acre” with “one-half acre.” Metro includes vacant parcels as small as ½-acre in its inventories of “vacant land”; all local governments in the region may rely upon that inventory. We recognize that paragraph 660-009-0015(3)(c) allows cities and counties to broaden their inventories to include lots smaller than one acre. But we hope to avoid a conflict over vacant land between Metro – which inventories down to ½-acre - and one of the cities in the region – which may rely upon (4) to limit its inventory to lots one acre and larger. If inserting “one-half” acre works a hardship on cities outside the metropolitan region, we suggest the ½-acre threshold apply only in MPOs (the rule already makes an MPO/non-MPO distinction for short-term supply requirements) or only to local governments in the metropolitan service district.

#### **660-009-0010 Application**

0010(1): The ambiguity of the second sentence of this subsection concerns us. Is this sentence intended only to recognize that counties may wish to plan for existing, acknowledged rural industrial areas and rural communities, or does it also contemplate planning areas for eventual inclusion within an urban growth boundary? If the latter, reference should be made to the urban reserve planning process at OAR 660-021.

#### **660-009-0020 Industrial and Other Employment Development Policies**

0020(5): We suggest adding language to encourage policies that would help move brownfield sites into the short-term supply category: “Plan policies may include brownfield redevelopment strategies for retaining land in industrial use **and for qualifying them as part of a city’s or county’s short-term supply of land.**”

#### **660-009-0025 Designation of Lands**

The proposed changes to this section are very helpful in understanding local governments’ responsibilities regarding short-term supplies of land. As we noted in earlier comments, a short-term supply of land that is “serviceable” and “ready for construction” (no constraints) is an important objective. But, given the severe limitations on local fiscal capacity to pay for infrastructure, it is likely to be a very difficult objective to achieve.

**660-009-0030 Coordination**

We understand that the Commission intends to begin a second round of rulemaking to address coordination of Goal 9 planning in the metropolitan area after the end of the 2005 legislative session. This issue is very important to the successful implementation of this rule and must be addressed to complete the update to Goal 9. We are particularly concerned that the rule as currently drafted relies upon the individual actions of the cities and counties under a disjointed schedule tied to each of their periodic review requirements. This does not recognize the importance of addressing the larger regional economy, the relationship between economic characteristics of different jurisdictions or the relationship of the metro economy to the larger region surrounding Metro.

Thank you for the opportunity to comment. Draft 5 is a much-improved set of amendments to the Goal 9 rule. We look forward to the second round of review that will address the issue of coordination.

Sincerely,

DRAFT 5  
March 31, 2005  
Attachment A



Department of Land Conservation and Development

DIVISION 009

~~INDUSTRIAL AND COMMERCIAL~~ ECONOMIC DEVELOPMENT

660-009-0000

Intent and Purpose

The intent of the Land Conservation and Development Commission is to assure an adequate land supply for economic development and employment growth in Oregon's communities. The intent of this division is to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state. The purpose of this division is to aid implementation in achieving the requirements of Goal 9, Economy of the State (OAR 660-015-0000(9)), by implementing and the requirements of ORS 197.712(2)(a) to (d). This rule division responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that comprehensive plans are based on available information about state and national economic trends. (ORS 197.717(2)).

660-009-0005

Definitions

For purposes of this division, the definitions in ORS Chapter 197 and the statewide planning goals apply, unless the context requires otherwise. In addition, the following definitions apply:

(1) "Department": The Department of Land Conservation and Development.

(1) "Development Constraints" means factors that limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.

(2) "Industrial" means employment activities generating income from the production, handling or distribution of goods and related support activities. Industrial employment includes, but is not limited to, those jobs in manufacturing, assembly, fabrication,

**DRAFT 5**  
**March 31, 2005**  
**Attachment A**

1 processing, storage, logistics, warehousing, distribution and research and development.  
2 Industrial uses have special land, infrastructure and transportation requirements.  
3 Industrial uses tend to have external impacts on surrounding uses and cluster in  
4 traditional or new industrial areas where they are segregated from other non-industrial  
5 activities.

6  
7 (33) "Locational Factors": ~~means Features which~~ market factors that affect where a  
8 particular type of ~~commercial or industrial~~ industrial or other employment -operation will  
9 locate. Locational factors include, but are not limited to, : proximity to raw materials,  
10 supplies, labor, and services,; proximity to markets or educational institutions,; access to  
11 transportation facilities,; ~~labor market and workforce~~ factors (e.g., skill level, education,  
12 age distribution).

13  
14 (4) "Metropolitan Planning Organization (MPO)" means an organization designated by  
15 the Governor to coordinate transportation planning on urban land of the state including  
16 such designations made subsequent to the adoption of this division. The Longview-  
17 Kelso-Rainier MPO is not considered an MPO for the purposes of this division.

18  
19 (5) "Other Employment" means all non-industrial employment including the widest range  
20 of retail, wholesale, service, non-profit, business headquarters, administrative and  
21 governmental activities that are accommodated in retail, office and tech-flex building  
22 types. Other employment also includes activities of an entity or organization that serves  
23 the medical, educational, social service, recreation and security needs of the community  
24 typically in large-scale building formats or multi-building campuses.

25  
26 (26) "Planning Area": ~~means The whole~~ area within an urban growth boundary,  
27 including unincorporated urban and urbanizable land, except for cities and counties  
28 within the Portland, Salem-Keizer and Eugene-Springfield metropolitan urban growth  
29 boundaries-Cities and counties with urban growth management agreements which  
30 shall ~~must~~ address the urban ~~areas~~ land governed by their respective plans as specified in  
31 the urban growth management agreement for the affected area.

32  
33 (7) "Prime Industrial Land" means land suited for traded-sector industries as well as other  
34 targeted industrial uses providing critical support to traded-sector industries. Traded-  
35 sector industries are businesses, firms or organizations that sell their goods or services in  
36 markets for which national or international competition exists, thus importing revenue  
37 into the local area. Prime industrial lands possess site characteristics that are difficult or  
38 impossible to replicate. Prime industrial lands contain few or no development constraints  
39 and have direct access to regional freight infrastructure. Prime industrial land can include  
40 industrial brownfield sites as defined in ORS 285A.185.

41  
42 (8) "Redevelopable Land" means occupied or partially occupied land that may contain  
43 permanent improvements with a low value of improvements relative to the value of the  
44 land.

**DRAFT 5**  
**March 31, 2005**  
**Attachment A**

1 ~~(69) “Serviceable”: A site is serviceable if means (a) the city or county has determined~~  
2 ~~that Ppublic facilities, as defined by OAR chapter 660, division 011, currently have~~  
3 ~~adequate capacity to servefor development planned for-in the service area where the site~~  
4 ~~is located or can be upgraded to have adequate capacity within one year; and (b) For the~~  
5 ~~short-term supply of land, serviceable means Ppublic facilities either are currently~~  
6 ~~extended toavailable at the site, or can be provided to the site within one year of a user’s~~  
7 ~~an application for a building permit or request for service extension.~~

8  
9 ~~(10) “Short-term Supply of Land” means suitable land that is serviceable and is ready for~~  
10 ~~construction within one year of being selected for development. “Competitive Short-term~~  
11 ~~Supply” means the short-term supply of land provides a range of site sizes and locations~~  
12 ~~to accommodate the market needs of a variety of industrial and other employment uses.~~

13  
14 ~~(7) "Short-Term Element of the Public Facility Plan": means the portion of the public~~  
15 ~~facility plan covering year one through five of the facility plan per OAR 660-011-~~  
16 ~~0005(3).~~

17  
18 ~~(114) “Site RequirementCharacteristics”: means Tthe physical attributes of a site~~  
19 ~~without whichnecessary for a particular type or types of industrial or other employment~~  
20 ~~or commercial use to operate. cannot reasonably operate. Site requirements~~  
21 ~~characteristics may include:include, but are not limited to, a minimum acreage or site~~  
22 ~~configuration including shape and topography, visibility, specific types or levels of~~  
23 ~~public facilities and services, or direct accessproximity to a particular type of~~  
24 ~~transportation or freight facility such as an interstate highway, rail, or deep water~~  
25 ~~access)marine port or airport.~~

26  
27 ~~(125) “Suitable”: A site is suitablemeans land designated for industrial or other~~  
28 ~~employment or commercial use if the site either provides forprovides, or can be expected~~  
29 ~~to provide the appropriate site requirements-characteristics of-for the proposed use or~~  
30 ~~category of use or can be expected to provide for the site requirements of the proposed~~  
31 ~~use within the planning period.~~

32  
33 ~~(13) “Total Land Supply” means the industrial and other employment land supply for a~~  
34 ~~20-year planning period. Total land supply includes the short-term supply of land for the~~  
35 ~~industrial or other employment uses identified in a comprehensive plan. Total land~~  
36 ~~supply includes both vacant and redevelopable land.~~

37  
38 ~~(14) “Vacant Land” means land greater than one acre not currently containing permanent~~  
39 ~~buildings or improvements.~~

40  
41 ~~(8) Other definitions: For purposes of this division the definitions in ORS 197.015 shall~~  
42 ~~apply.~~



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1  
2 **660-009-0010**

3 **Application**

4  
5 (1) ~~OAR chapter 660, This~~ division 9 applies ~~only~~ to comprehensive plans for areas  
6 within urban growth boundaries. ~~This division does not require or restrict Additional~~  
7 planning for industrial ~~and other employment uses and commercial development~~ outside  
8 urban growth boundaries ~~is not required or restricted by this rule. Cities and counties~~  
9 ~~subject to this division must adopt P~~plan and ordinance amendments necessary to comply  
10 with this ~~rule shall be adopted by affected jurisdictions~~division.

11  
12 (2) Comprehensive plans and land use regulations ~~shall~~must be reviewed and amended as  
13 necessary to comply with this ~~rule~~division as amended at the time of each periodic  
14 review of the plan (ORS 197.712(3)). Jurisdictions ~~which that~~ have received a periodic  
15 review notice from the Department (pursuant to OAR 660-~~019025~~-0050) prior to the  
16 effective date of this rule ~~shall~~must comply with this rule at their next periodic review  
17 unless otherwise directed by the Commission ~~during their first periodic review~~.

18  
19 (3) Jurisdictions may rely on their existing plans to meet the requirements of this  
20 ~~rule~~division -if they:

21  
22 (a) Review new information about ~~national, state, regional, county and local state~~  
23 ~~and national~~trends and conclude there are no significant changes in economic  
24 development opportunities (e.g., a need for sites not presently provided for by the  
25 plan); and

26  
27 (b) Document how existing inventories, policies, and implementing measures  
28 meet the requirements in OAR 660-009-0015 ~~through to~~ 660-009-~~00250030~~.

29  
30  
31 (4) Notwithstanding ~~paragraph section~~ (2), above, a jurisdiction ~~which that~~ changes its  
32 plan designations of lands in excess of two acres to or from ~~commercial or~~ industrial ~~or~~  
33 ~~employment~~ use, pursuant to OAR ~~chapter~~ 660, division ~~0~~18 (a post acknowledgment  
34 plan amendment), must address all applicable planning requirements, ~~;~~ and:

35  
36 (a) Demonstrate that the proposed amendment is consistent with the parts of its  
37 acknowledged comprehensive plan which address the requirements of this  
38 division; or

39  
40 (b) Amend its comprehensive plan to ~~explain incorporate~~ the proposed  
41 amendment, pursuant to OAR 660-009-0015 ~~through to~~ 660-009-~~00250030~~; or

42  
43 (c) Adopt a combination of the above, consistent with the requirements of this  
44 division.

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1 (5) The effort necessary to comply with OAR 660-009-0015 through 660-009-0025 will  
2 vary depending upon the size of the jurisdiction, the detail of previous economic  
3 development planning efforts, and the extent of new information on local, state and  
4 national trends. A jurisdiction's planning effort is adequate if it uses the best available or  
5 readily collectable information to respond to the requirements of this rule.

6  
7 **660-009-0015**

8 **Economic Opportunities Analysis**  
9

10 Cities and counties ~~shall~~must review and, as necessary, amend their comprehensive plans  
11 to provide an economic opportunities analysis containing the information described in  
12 sections (1) ~~through to~~ (4) of this rule. This analysis will compare the demand for land  
13 for industrial and other employment uses to the existing supply of such land.  
14

15  
16 (1) Review of National, ~~and State,~~ Regional, County and Local Trends. The economic  
17 opportunities analysis ~~shall~~must identify the major categories of industrial or other  
18 employment and commercial uses that could reasonably be expected to locate or expand  
19 in the planning area based on ~~available~~ information about national, state, regional, county  
20 and or local trends. A use or category of use could reasonably be expected to expand or  
21 locate in the planning area if the area possesses the appropriate locational factors for the  
22 use or category of use. Cities and counties are strongly encouraged to analyze trends and  
23 establish employment projections in a geographic area larger than the planning area and  
24 determine a capture rate for the planning area based on the assessment of community  
25 economic development potential pursuant to section (4) of this rule.  
26

27  
28 (2) Identification of Site Requirements Characteristics. The economic opportunities  
29 analysis ~~shall~~must identify the types of sites ~~that are likely to be needed by industrial and~~  
30 ~~commercial uses which might expand or locate in the planning area.~~ Types of sites ~~shall~~  
31 ~~be identified based on the site requirements of expected uses based on the site~~  
32 ~~characteristics of expected uses.~~ Local governments Cities and counties should are  
33 encouraged to survey examine existing firms in the planning area to identify the types of  
34 sites ~~which that~~ may be needed for expansion. Industrial or other employment and  
35 commercial uses with compatible site ~~requirements characteristics should~~may be  
36 grouped together into common site categories. ~~to simplify identification of site needs and~~  
37 ~~subsequent planning;~~  
38

39 (3) Inventory of Industrial and Other Employment and Commercial Lands.  
40 Comprehensive plans for all areas within urban growth boundaries ~~shall~~must include an  
41 inventory of vacant and significantly underutilized redevelopable lands within the  
42 planning area ~~which are~~ designated for industrial or other employment or commercial  
43 use. ~~;~~  
44  
45

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1 (a) For sites inventoried under this section, plans must provide the following  
2 information:

3 (A) The total number of vacant or redevelopable sites and their site  
4 characteristics within each plan or zoning district;

5 (B) A description of any development constraints or infrastructure needs  
6 that affect the net contiguous buildable area of sites in the inventory; and

7 (C) For cities and counties within a metropolitan planning organization,  
8 the inventory must also include the approximate total acreage and  
9 percentage of sites within each plan or zoning district that comprise the  
10 short-term supply of land.

11  
12  
13 (b) When comparing current supply to the projected demand needs under sections  
14 (1) to (2) of this rule, cities and counties may inventory contiguous parcels  
15 together within a discrete plan or zoning district. Cities and counties may also  
16 inventory sites less than one acre.

17  
18 (c) Cities and counties that adopt objectives or policies providing for prime  
19 industrial land pursuant to OAR 660-009-0020(6) and 660-009-0025(8) must  
20 identify and inventory any vacant or redevelopable prime industrial land  
21 according to section 3(a) of this rule.

22  
23 ~~(a) Contiguous parcels of one to five acres within a discrete plan or zoning district~~  
24 ~~may be inventoried together. If this is done the inventory shall:~~

25 ~~(A) Indicate the total number of parcels of vacant or significantly~~  
26 ~~underutilized parcels within each plan or zoning district; and~~

27 ~~(B) Indicate the approximate total acreage and percentage of sites within~~  
28 ~~each plan or zone district which are:~~

29 ~~(i) Serviceable, and~~

30 ~~(ii) Free from site constraints.~~

31  
32 ~~(b) For sites five acres and larger and parcels larger than one acre not inventoried~~  
33 ~~in subsection (a) of this section, the plan shall provide the following information:~~

34 ~~(A) Mapping showing the location of the site;~~

35 ~~(B) Size of the site;~~

36 ~~(C) Availability or proximity of public facilities as defined by OAR~~  
37 ~~chapter 660, division 11 to the site;~~

38 ~~(D) Site constraints which physically limit developing the site for~~  
39 ~~designated uses. Site constraints include but are not limited to:~~

40 ~~(i) The site is not serviceable;~~

41 ~~(ii) Inadequate access to the site; and~~

42 ~~(iii) Environmental constraints (e.g., floodplain, steep slopes, weak~~  
43 ~~foundation soils).~~

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1 (4) Assessment of Community Economic Development Potential. The economic  
2 opportunities analysis ~~shall~~must estimate the types and amounts of industrial and  
3 ~~commercial development other employment uses~~ likely to occur in the planning area. The  
4 estimate ~~shall~~must be based on information generated in response to sections (1) ~~through~~  
5 ~~to~~ (3) of this rule and ~~shall~~must consider the planning area's economic advantages and  
6 disadvantages ~~of attracting new or expanded development in general as well as particular~~  
7 ~~types of industrial and commercial uses.~~ Relevant economic advantages and  
8 disadvantages to be considered ~~should~~may include but ~~need are~~ not ~~be~~ limited to:

- 9
- 10 (a) Location, ~~size and buying power relative to~~of markets;
- 11
- 12 (b) Availability of key transportation facilities for freight mobility;
- 13
- 14 (c) ~~Key p~~Public facilities as defined by OAR chapter 660, division 11 and public  
15 services;
- 16
- 17 (d) Labor market factors;
- 18
- 19 (e) ~~Materials and energy availability and cost~~Access to suppliers and utilities;
- 20
- 21 (f) Necessary support services;
- 22
- 23 (g) ~~Pollution control requirements~~Air attainment or limited water quality areas; or
- 24
- 25 (h) Educational and technical training programs.

26  
27 Cities and counties are strongly encouraged to assess community economic development  
28 potential through a visioning process based on public input in conjunction with state  
29 agencies. Cities and counties are strongly encouraged to use the assessment of  
30 community economic development potential to form the community economic  
31 development objectives pursuant to OAR 660-009-0020(1)(a).  
32

33  
34 **660-009-0020**  
35 **Industrial and ~~Commercial~~Other Employment Development Policies**

36  
37 (1) Comprehensive plans ~~for planning areas~~ subject to this division ~~shall~~must include  
38 policies stating the economic development objectives for the planning area. Policies  
39 must be based on the community economic opportunities analysis prepared pursuant to  
40 OAR 660-009-0015 and must provide the following:

41  
42 ~~(2) For urban areas of over 2,500 in population policies shall be based on the analysis~~  
43 ~~prepared in response to OAR 660-009-0015 and shall provide conclusions about the~~  
44 ~~following:~~  
45

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1 (a) Community Economic Development Objectives. The plan ~~shall~~must state the  
2 overall objectives for economic development in the planning area and identify  
3 categories or particular types of industrial and ~~commercial~~other employment uses  
4 desired by the community. Policy objectives may identify the level of short-term  
5 supply of land the planning area needs. Cities and counties are strongly  
6 encouraged to select a competitive short-term supply of land as a policy objective.  
7 ~~Plans may include policies to maintain existing categories, types or levels of~~  
8 ~~industrial and commercial uses;~~

9  
10 (b) Commitment to Provide a Competitive Short-Term Supply. Cities and  
11 counties within a metropolitan planning organization must adopt a competitive  
12 short-term supply of land as a community economic development objective for  
13 the industrial and other employment uses selected through the economic  
14 opportunities analysis pursuant to OAR 660-009-0015.

15  
16 ~~(c)~~ Commitment to Provide Adequate Sites and Facilities. ~~Consistent with~~  
17 ~~policies adopted to meet subsection (a) of this section, the p~~The plan ~~shall~~must  
18 include policies ~~committing the city or county to designate~~designating an  
19 adequate number of sites of suitable sizes, types and locations, ~~and ensure~~The  
20 plan must also include policies, through the public facilities plan, to provide  
21 necessary public facilities ~~through the public facilities plan~~ for the planning area.

22  
23 (2) Plans may include policies to maintain existing categories or levels of industrial and  
24 other employment uses including maintaining downtowns or central business districts.

25  
26 (3) Plans for cities and counties within a metropolitan planning organization or that adopt  
27 policies relating to the short-term supply of land, must include detailed strategies to  
28 prepare the total land supply for development and replace the short-term supply of land as  
29 it is developed. These policies must describe timelines, events or both, that trigger local  
30 review of the short-term supply of land is needed.

31  
32 (4) Plan policies may emphasize the expansion of and increased productivity from  
33 existing industries and firms as a means to facilitate local economic development.

34  
35 (5) Plan policies may include brownfield redevelopment strategies for retaining land in  
36 industrial use.

37  
38 (6) Cities and counties are strongly encouraged to adopt plan policies pertaining to prime  
39 industrial land pursuant to OAR 660-009-0025(8).

40  
41 (7) Plan policies may include additional approaches beyond the land supply to implement  
42 this division including, but not limited to:

- 43 (a) Tax incentives and disincentives;  
44 (b) Land use controls and ordinances;  
45 (c) Preferential tax assessments;

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- (d) Capital improvement programming;
- (e) Property acquisition techniques;
- (f) Public/private partnerships; or
- (g) Intergovernmental agreements.

**660-009-0025**

**Designation of Lands for Industrial and ~~Commercial~~Other Employment Uses**

Cities and counties must adopt Measures adequate to implement policies adopted pursuant to OAR 660-009-0020 ~~shall be adopted~~. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, and public facility plans.

(1) Identification of Needed Sites. The plan ~~shall~~must identify the approximate number ~~and~~ acreage and site characteristics of sites needed to accommodate industrial and ~~commercial other employment~~ uses to implement plan policies. ~~The need for sites should be specified in several broad "site categories," (e.g., light industrial, heavy industrial, commercial office, commercial retail, highway commercial, etc.) combining compatible uses with similar site requirements. It is not necessary~~ Plans ~~do not need~~ to provide a different type of site for each industrial or ~~commercial other employment~~ use ~~which may locate in the planning area.~~ Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and ~~commercial other employment~~ uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.

(2) ~~Long-Term~~ Total Supply of Land Land Supply. Plans ~~shall~~must designate serviceable land suitable to meet the site needs identified in section (1) of this rule. Except as provided for in section (5) of this rule, ~~the~~ total acreage of land designated ~~in each site category shall~~must at least equal the projected land needs for each industrial or other employment use category during the 20-year planning period. ~~Jurisdictions need not designate sites for neighborhood commercial uses in urbanizing areas if they have adopted plan policies which provide clear standards for redesignation of residential land to provide for such uses. Designation of industrial or commercial lands which involve an amendment to the urban growth boundary must meet the requirements of OAR 660-004-0010(1)(c)(B) and 660-004-0018(3)(a).~~

(3) ~~Short-Term~~ Supply of Serviceable Sites Land. Plans for cities and counties within a metropolitan planning organization or that adopt policies relating to the short-term supply of land, must designate suitable land to respond to economic development opportunities as they arise.

- (a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must adopt policies and designate land within the urban growth

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1 boundary that constitute 25 percent or more of the total land supply as short-term  
2 supply.

3  
4 (b) Affected cities and counties that are unable to achieve the target in subsection  
5 (a) above may set an alternative target based on their economic opportunities  
6 analysis.

7  
8 (c) A planning area with a site enrolled in Oregon's industrial site certification  
9 program pursuant to ORS 284.565 satisfies the requirements of this section.

10  
11  
12 (4) If the local government is cities and counties are required to prepare a public facility  
13 plan by OAR ~~Chapter chapter~~ 660, ~~Division division~~ 011 ~~it they shall~~ must complete  
14 implement subsections (a) ~~through to~~ (c) of this section at the time of periodic review.  
15 Requirements of this rule apply only to ~~local government~~ city and county decisions made  
16 at the time of periodic review. Subsequent implementation of or amendments to the  
17 comprehensive plan or the public facility plan ~~which that~~ change the supply of  
18 serviceable ~~industrial~~ land are not subject to the requirements of this ~~rule~~ subsection.  
19 ~~Local governments~~ Cities and counties shall must:

20  
21 (a) Identify serviceable industrial and ~~commercial-other employment~~ sites.  
22 ~~Decisions about whether or not a site is serviceable shall be made by the affected~~  
23 ~~local government~~ The affected city or county in consultation with the local service  
24 provider, if applicable, must make decisions about whether or not a site is  
25 serviceable. ~~Local governments~~ Cities and counties are encouraged to develop  
26 specific criteria for deciding whether or not a site is "serviceable." ~~Local~~  
27 ~~governments~~ Cities and counties should are strongly encouraged to also consider  
28 whether or not extension of facilities is reasonably likely to occur considering the  
29 size and type of uses likely to occur and the cost or distance of facility extension;  
30

31 (b) Estimate the amount of serviceable industrial and ~~commercial-other~~  
32 ~~employment~~ land likely to be needed during the ~~short-term element~~ planning  
33 period of for the public facilities plan. Appropriate techniques for estimating land  
34 needs include but are not limited to the following:

- 35 (A) Projections or forecasts based on development trends in the area over  
36 previous years; and  
37 (B) Deriving a proportionate share of the anticipated 20-year need  
38 specified in the comprehensive plan.

39  
40 (c) Review and, if necessary, amend the comprehensive plan and the ~~short-term~~  
41 ~~element of the~~ public facilities plan ~~so to maintain that a three-year~~ short-term  
42 supply of serviceable sites is scheduled for each year, including the final year, of  
43 the short-term element of the public facilities plan land. Amendments ~~appropriate~~  
44 to implement this requirement include but are not limited to the following:



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- 1 (A) Changes to the ~~short term element of the~~ public facilities plan to add  
2 or reschedule projects ~~which to~~ make more land serviceable;  
3 (B) Amendments to the comprehensive plan ~~which that~~ redesignate  
4 additional serviceable land for industrial ~~or other employment or~~  
5 ~~commercial~~ use; and  
6 (C) Reconsideration of the planning area's economic development  
7 objectives and amendment of plan policies based on public facility  
8 limitations.

9  
10 (d) If ~~the local government a city or county~~ is unable to meet ~~theis~~ requirements of  
11 ~~this section~~, it ~~shall~~ must identify the specific steps needed to provide expanded  
12 public facilities at the earliest possible time.

13  
14 (5) Institutional Uses. Cities and counties are not required to designate institutional uses  
15 needed for government facilities on privately owned land when implementing section (2)  
16 of this rule. Cities and counties may designate land in an industrial or other employment  
17 land category to compensate for any institutional land demand that is not designated  
18 under this section.

19  
20 (6) Compatibility. Cities and counties are strongly encouraged to manage encroachment  
21 and intrusion of incompatible uses. Strategies for managing encroachment and intrusion  
22 of incompatible uses include, but are not limited to, providing transition areas around  
23 uses having negative impacts on surrounding areas, design criteria, district designation  
24 and limiting non-essential uses within districts.

25  
26 (7) Availability. Cities and counties may consider availability when designating the  
27 short-term supply of land. Available land is vacant or redevelopable land likely to be on  
28 the market for sale or lease at prices consistent with the local real estate market. Methods  
29 for determining lack of availability include, but are not limited to:

30 (a) Bona fide offers for purchase or purchase options in excess of real market  
31 value have been rejected in the last 24 months;

32 (b) Site is listed for sale at more than 150% of real market values;

33 (c) Owner has not made timely response to inquiries from local or state economic  
34 development officials; or

35 (d) Sites in any industrial or other employment land category lack diversity of  
36 ownership where more than 51% of sites in a category are controlled by a single  
37 owner or entity.

38  
39 ~~(84) Sites for~~ Uses with Special Siting ~~Requirements~~ Characteristics. ~~Jurisdictions~~ Cities  
40 and counties ~~which that~~ adopt objectives or policies ~~to provide~~ providing for specific uses  
41 with special site ~~requirements-needs shall~~ must adopt policies and land use regulations ~~to~~  
42 ~~provide~~ providing for the needs of those uses. Special site ~~requirements-needs~~ include, but  
43 ~~need are~~ not ~~be~~ limited to large acreage sites, special site configurations, direct access to  
44 transportation facilities, prime industrial lands, ~~or~~ sensitivity to adjacent land uses, or



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1 coastal shoreland sites designated as ~~especially~~ suited for water-dependent use under  
2 Goal 17. Policies and land use regulations for these uses ~~shall~~must:

3  
4 (a) Identify sites suitable for the proposed use;

5  
6 (b) Protect sites suitable for the proposed use by limiting land divisions and  
7 permissible uses and activities ~~to those which that would not~~ interfere with  
8 development of the site for the intended use; and

9  
10 (c) Where necessary to protect a site for the intended industrial or other  
11 employment or commercial use include measures ~~which that~~ either prevent or  
12 appropriately restrict incompatible uses on adjacent and nearby lands.

13  
14 **660-009-0030**

15 **Multi-Jurisdiction Coordination**

16  
17 (1) Cities and counties are strongly encouraged to coordinate when implementing OAR  
18 660-009-0015 to 660-009-0025.

19  
20 (2) Jurisdictions that coordinate under this rule may:

21 (a) Conduct a single coordinated economic opportunities analysis; and

22  
23 (b) Designate lands among the coordinating jurisdictions in a mutually agreed  
24 proportion.

25  
26 (3) Cities and counties under Metro's jurisdiction are subject to the authority and  
27 requirements of Metro's regional functional and framework plans.

28

# *Greenspaces Policy Advisory Committee*

Vision, outcomes, objectives and means

DRAFT: March 15, 2005



**METRO**

# *A vision for the greater Portland-Vancouver metropolitan area*

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We envision an exceptional, multi-jurisdictional, interconnected system of neighborhood, community, and regional parks, natural areas, trails, open spaces, and recreation opportunities distributed equitably throughout the region. This region-wide system is acknowledged and valued here and around the world as an essential element of the greater Portland-Vancouver metropolitan area's economic success, ecological health, civic vitality, and overall quality of life.

As the region grows and develops, this region-wide system also expands, diversifies, and matures to meet the needs of a growing and changing population. All residents live and work near and have access – regardless of income – to nature, areas for recreation and leisure, and public spaces that bring people together and connect them to their community.

This region-wide system of parks, natural areas, trails, open spaces, and recreation opportunities:

- Drives the region's economy and tourist trade
- Preserves significant natural areas for wildlife habitat and public use
- Enhances the region's air and water quality
- Promotes citizens' health, fitness, and personal well-being

- Connects the region's communities with trails and greenways
- Provides sense of place and community throughout the region
- Supports an ecologically sustainable metropolitan area

There is a powerful, shared ethic that a region-wide system is essential. There is widespread recognition of its value from economic, personal health, community, and ecological perspectives. Tools for its support are well established, including partnerships, policies, and funding. Individuals and organizations from all parts of the region appreciate and champion the system through education, advocacy, and stewardship.

## Definitions

**Objective:** 1. Something toward which effort is directed or an aim, goal or end of action. 2. A strategic position to be attained or a purpose to be achieved.

**Outcome:** Something that follows as a result or consequence.

**Means:** A method, course of action, or instrument by which an act can be accomplished or an end achieved.

Objective	Outcomes	Means	Who	When	Lead
<b>1. Drives the region's economy and tourist trade</b>	<p>1.1. The system is marketed as part of the region's overall quality of life and constitutes a strategic advantage in attracting new and expanded businesses. People and business interests alike value and invest in the system as an essential service that maintains clean water and air quality, preserves and restores habitat, manages storm water and provides environmental buffers.</p>	<p>1.1.1. Develop a marketing strategy that includes naming the system, developing a key message, and integrating the message into existing economic marketing packages.  1.1.2. Promote the system to all audiences using a speakers' bureau; publications that describe the system's value and importance to the region at all levels; web-based newsletters, journals, etc  1.1.3. Formally adopt fish, wildlife and botanical icons at the local and regional levels as highly visible public benchmarks for measuring the success of protection and restoration efforts. Publicize and integrate the icons by electronic and print media across the region, outside the urban growth boundaries, and on both sides of the Columbia River.  1.1.4. Research and distribute analyses of the economic benefits of the system to various audiences and integrate their findings into local economic development and other marketing strategies.  1.1.5. Establish a regional business council to promote the economic benefits of the system and to encourage investment in it by the business community.</p>	<p>1.1-3. Metro, local and county governments, park providers, conservation nonprofits, planning and other local and regional departments, business associations, chambers of commerce, media  1.1.4. Scientists, educators, agencies, consultants  1.1.5. Metro, key business leaders</p>		
	<p>1.2. The system is valued as a core element of the region's identity and is a significant attraction for tourists interested in nature-based experiences and recreation within a metropolitan and regional context.</p>	<p>1.2.1. Market the system, its attributes and uses – hiking, biking, boating, stewardship activities, etc. – as reasons to visit the region.  1.2.2. Integrate the message (1.1.1.) into local and regional tourism marketing strategies.</p>	<p>1.2.1. Metro, business leaders, local chambers</p>		
	<p>1.3. Elements of the system – natural areas, parks, trails and recreation resources – are strategically located in or near the region's employment centers to revitalize neighborhoods and commercial areas, and to provide attractive settings for new residential, commercial and industrial development.</p>	<p>1.3.1. Identify opportunities for targeted investment in parks, trails, natural areas, and/or recreation development, and amend local and county comprehensive plans and ordinances to include such opportunities.  1.3.2. Provide parks and open space, prior to redevelopment/construction, as an economic catalyst to developers.  1.3.3. Encourage developers to include tracts of accessible open space in development plans.</p>	<p>1.3.1-4. Metro, county and local jurisdictions</p>		
	<p>1.4. Elements of the system – natural areas, parks, trails and recreation resources – serve as catalysts for regional and economic development.</p>	<p>1.4.1. Work with state, business and local economic development groups to devise economic development strategies that promote the system as a key component of the region's livability, its high quality of life, enhanced property values, and attractiveness for new businesses and workforces, etc.</p>	<p>1.4.1. Metro, state and local economic interests</p>		

Objective	Outcomes	Means	Who	When	Lead
<b>2. Preserves significant natural areas for wildlife habitat and public use</b>	2.1. Additional significant natural areas are conserved, protected and continually acquired ensuring that vital habitat and regional biodiversity are protected.	2.1.1. Develop, adopt and implement a regional biodiversity recovery and management plan. 2.1.2. Pool and share best management techniques and successes from around the region, and coordinate public and private resources to encourage and facilitate large-scale volunteer biodiversity protection efforts. 2.1.3. Focus acquisition efforts on prioritized habitat and natural areas as identified in the biodiversity plan (e.g., large tracts).	2.1.1. Metro, local and county jurisdictions, all natural resource managers (nonprofits, universities, state and federal agencies) 2.1.2. Metro, local governments, watershed councils, nonprofits, schools, private property owners		
	2.2. Functional wildlife corridors throughout the region are conserved, protected, restored and managed.	2.2.1. Coordinate and focus corridor acquisition, restoration and management activities on connections between habitat areas as identified in the biodiversity plan.	2.2.1. Metro, local jurisdictions, state and federal agencies, land trusts		
	2.3. Invasive plant, animal and aquatic species are removed, controlled or managed where appropriate. Native species are reestablished throughout the region.	2.3.1. Pool and coordinate public and private resources to conduct large-scale volunteer eradication efforts. 2.3.2. Pool and coordinate public and private resources via comprehensive database, forums and training sessions, etc. to share best management practices. 2.3.3. Develop a regional invasive plant policy and plan for aggressive removal, control, management and coordinated implementation at local and regional levels. 2.3.4. Develop education programs and outreach activities to increase public awareness of invasive species and to motivate citizens to eradicate and control them whenever possible.	2.3.1. Metro, local governments, state agencies, local and state weed boards, soil and water conservation districts, universities, neighborhood associations, private property owners		
	2.4. Activities that harm natural areas and interfere with public use and enjoyment, such as illegal dumping, discharge of pollutants, vandalism, and inappropriate recreation activities, are substantially reduced.	2.4.1. Pool best management practices and conduct large-scale volunteer clean up efforts. 2.4.2. Increase public education efforts, security and monitoring by land managers, rangers and law enforcement to reduce harmful activities. 2.4.3. Develop a process to identify, promote and publicize recreation activities appropriate for natural areas, wildlife corridors and other habitat areas.	2.4.1-2. Metro, local governments, private property owners, federal agencies (e.g., Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Forest Service)		
	2.5. People of the region treasure and enjoy immediate access to nature and its experiences within a short walk of their homes and work places, whether it's a natural area, inner city park, garden or green space.	2.5.1. Develop quantitative and qualitative level of service standards and implementation strategies at local and regional levels.	2.5.1. Park providers and planners		

Objective	Outcomes	Means	Who	When	Lead
	2.6. Schools and youth groups regularly visit and use natural areas as outdoor laboratories or classrooms which helps build a lifelong relationship with nature and an attitude of stewardship toward one's landscape.	2.6.1. Develop region-wide school and youth programs, field trips, volunteer and other educational activities to teach and offer practice in stewardship.	2.6.1. Metro, existing educational infrastructure, nonprofit groups		
	2.7. Citizens and private landowners, all levels of government, organizations (e.g., watershed councils, nonprofits, land trusts), and business interests (e.g., the development community) promote a united stewardship ethic that is reflected in the active protection and restoration of natural areas for wildlife and people.	2.7.1. Implement smart growth and other coordinated policy, planning, design and conservation efforts among residents, businesses, government and the development community to protect biodiversity. 2.7.2. Define what constitutes a 'stewardship ethic' and develop strategies for popularizing it at neighborhood, community and regional levels. 2.7.3. Incorporate 2.7.2. into existing local and regional economic development, tourism and other marketing strategies.			
	2.8. Ongoing funding is available for acquisition of significant natural areas for wildlife habitat and public use.	2.8.1. Develop a multi-tiered funding strategy.			
<b>3. Enhances the region's air and water quality</b>	3.1. A healthy urban forest canopy is recognized throughout the region as an essential element of the system that contributes to storm water management, habitat, and air quality.	3.1.1. Actively monitor, increase and manage the extent and health of the region's urban forest canopy through coordination with private property owners and public agencies. 3.1.2. Expand urban tree programs region wide including planting of more trees, expanded technical assistance and improved management of existing tree canopies.			
	3.2. An interconnected system of local and regional trails, bike paths, pedestrian-friendly streets and other transportation alternatives significantly reduces vehicle miles traveled and miles of impervious road surfaces. Both reduce air pollutants and storm water runoff pollution.	3.2.1. Continue expanding, improving and implementing the regional trails plan. 3.2.2. Identify and pursue alternative trail and transportation funding sources for planning and implementation. 3.2.3. Develop resources (e.g., plans, design guidelines) to help local jurisdictions develop and implement their own trail plans.			

Objective	Outcomes	Means	Who	When	Lead
	3.3. The system is an essential, “green” part of the urban infrastructure and intentionally used to improve the region’s air and water quality.	3.3.1. Establish a scientific target for Effective Imperviousness within each watershed and sub-basin. 3.3.2. Use public parks, natural areas, green streets, bioswales, etc. as demonstration sites for practical and innovative storm water management techniques, and as ways to educate public and private landowners about the multiple benefits that rivers, streams, wetlands and floodplains provide.			
	3.4. The region’s watersheds successfully maintain the long-term ecological integrity of streams, wetlands, rivers and their floodplains, including their biological, physical, and social values.	3.4.1. Develop, integrate and implement cooperative watershed management strategies. 3.4.2. Focus land acquisition, restoration, regulations and stewardship programs on maintenance of the hydrological integrity of sub-basins, and watersheds as a whole. 3.4.3. Integrate existing surface water management plans with regional efforts, and coordinate overall goals for fish and wildlife habitat protection.	3.4.1-3. Bureau of Environmental Services, Water Environment Services, Clean Water Services, American Water Works Association, Clark County, Endangered Species Act plans		
	3.5. An informed, passionate public consistently advocates for restoration activities, resource conservation and appropriate use of natural areas to maintain the region’s air and water quality.	3.5.1. Use public parks and natural areas as demonstration sites to illustrate innovative natural resource management techniques and educate private and public landowners about the multiple benefits that rivers, streams, wetlands, and floodplains provide. 3.5.2. Develop an advocacy strategy and implementation plan that will help residents recognize the importance of air and water quality, and encourage their active involvement in its maintenance and improvement.			
<b>4. Promotes citizens’ health, fitness, and personal well-being</b>	4.1. The region’s parks, green spaces, community centers and public/private facilities provide a range of diverse, affordable and accessible recreation resources to all, regardless of income, physical ability or location. People reach such resources easily by foot, bike, horse or public and private transportation.	4.1.1. Develop standards that, at a minimum, define measures of affordability, accessibility, desired facility characteristics, and funding strategies for every neighborhood. 4.1.2. Apply and coordinate these standards at regional and local levels to identify common goals, geographic and activity deficiencies, and development strategies responsive to local needs. 4.1.3. Formulate grassroots education programs to increase citizens’ awareness of the connection between nature and an improved quality of life.	4.1.1. Existing scientific, educational infrastructure 4.1.2. Metro, GPAC, local jurisdictions, existing educational infrastructure, neighborhood associations, local citizen groups		

Objective	Outcomes	Means	Who	When	Lead
	4.2. People connect parks and green spaces with their physical and mental health. A variety of inviting, fitness-based resources enable everyone to improve and enrich his or her daily well being.	4.2.1. Develop full-service neighborhood community centers, trails and sports facilities within a short walk, bus/car trip or bicycle ride of every home in the region. 4.2.2. Develop education and activity programs that increase citizens' awareness of the connection between nature and an improved quality of life.	4.2.1-3. Local jurisdictions, private interests, existing educational infrastructure, neighborhood associations, local citizen groups		
	4.3. The regional system contains easily accessible places for contemplation of nature, appreciation of natural beauty, and refuge from the stresses of urban life.	4.3.1. Identify geographic and activity deficiencies to help determine development goals. 4.3.2. Develop and conduct education programs to increase citizens' awareness of the connection between nature and an improved quality of life.	4.3.1. Metro, local jurisdictions 4.3.2. Existing educational infrastructure, neighborhood associations, local citizen groups		
	4.4. The regional system provides places and settings that encourage creativity and other experiences that help residents maintain and improve their psychological well being.				
<b>5. Connects the region's communities with trails and greenways</b>	5.1. All residents have physical access within fifteen minutes of home or destination, by foot, bike, horse or transit, to a comprehensive, well-designed system of neighborhood, local, regional and inter-regional land and water trails.	5.1.1. Continue expanding, improving and implementing the existing regional trails plan. 5.1.2. Define accessibility, including distance and physical ability measures, and integrate them with regional and local service standards. 5.1.3. Identify gaps in the existing regional system, including neighborhood and other local connectors. Create and implement an integrated plan for their development. 5.1.4. Identify trail corridors that meet ADA and other accessibility requirements. Establish cost estimates and schedules for their development. 5.1.5. Develop and strategically distribute a variety of high quality, materials (e.g., signs, maps, brochures, web-based tools, etc.) to clearly identify the system and encourage its use among a broad public.	5.1.1-4. Metro, local and county jurisdictions, trails groups 5.1.5. Metro, media and graphic consultants		



Objective	Outcomes	Means	Who	When	Lead
	5.2. Trails and greenways are a fundamental infrastructure actively used to augment transportation networks and link parks, natural areas, waterways, public facilities (schools, libraries, etc.), neighborhoods, communities, towns and regional centers.	5.2.1. Develop and strategically distribute a variety of high quality, materials (e.g., signs, maps, brochures, web-based tools, etc.) to clearly identify the system and encourage its use among a broad public. 5.2.2. Adopt and incorporate pedestrian, bicycle and waterway networks into all existing transportation systems and transportation planning. 5.2.3. Expand the regional trails inventory and plan by integrating identified local connectors to and from neighborhoods, parks, public facilities, waterways and other system features.	5.2.1-3. Metro, local and county jurisdictions		
	5.3. The trail and greenway system connects existing and future natural resource and other significant areas on the edge of and beyond the metropolitan region (e.g., the coast, mountains and Oregon’s wine country).	5.3.1. Develop a plan for a larger trail network that connects significant natural and cultural landscape resources.	5.3.1. Metro, four county jurisdictions, Willamette Valley interests, scientific and cultural stakeholders		
	5.4. The trail and greenway system is funded on an ongoing basis as an affordable commuter transportation alternative that also provides access to nature, diverse recreation opportunities, and other settings that improve peoples’ health and well being.	5.4.1. Seek bond measure funding for regional trail and corridor acquisition, construction and maintenance. 5.4.2. Seek dedicated state funding (e.g., State Recreation Trails Program, etc.) for interregional trails planning and implementation. 5.4.3. Maximize use of Metropolitan Transportation Improvement Program (MTIP) and other transportation funds for trail development throughout the region.	5.4.1-2. Metro, trail advocacy groups		
	5.5. The region’s major arterial streets complement the trail and greenway system as well-designed, attractively planted corridors for pedestrians, cyclists and autos alike.	5.5.1. Develop and adopt arterial design and planting standards and integrate them into local and regional transportation plans.	5.5.1. Metro, local jurisdictions, Portland Department of Transportation		
<b>6. Provides sense of place and community throughout the region</b>	6.1. The system as a whole is an integral part of our identity as a region – a shared sense of place that crosses all boundaries. Elements of the system – significant natural, scenic and cultural features, and the ordinary landscapes of our daily lives, reflect the region’s essential character and identity, regardless of boundary.	6.1.1. Develop a coherent, readily understood message about the region, including key phrases, images and aspirations. Integrate it into existing local and regional marketing and acquisition strategies. 6.1.2. Acquire and manage areas of varying size, from small neighborhood pocket parks and gathering spaces to public plazas and regional scale nature preserves.	6.1.1. Metro, local jurisdictions, citizen and “friends” groups		
	6.2. Individual elements of the system, such as natural areas, interconnected trails, parks and public spaces, help physically and visually define and distinguish each neighborhood, community and city in the region.	6.2.1. Identify features whose character and value to citizens helps define individual places.	6.2.1. Metro, local jurisdictions, citizen and “friends” groups		

Objective	Outcomes	Means	Who	When	Lead
	<p>6.3. Elements of the system facilitate a sense of community by providing physical and cultural settings for diverse activities that foster community interaction at all levels.</p>	<p>6.3.1. Use elements of the system to organize volunteer, nonprofit, business and governmental activities that support and protect the system, and encourage active participation in neighborhood, local and regional community life. 6.3.2. Develop public gathering spaces and/or facilities in residential neighborhoods, town and regional centers.</p>	6.3.1. Metro, local jurisdictions		
	<p>6.4. People value and appreciate ‘living in nature’ as part of the region’s identity.</p>	<p>6.4.1. Acquire and ecosystem-manage natural areas of varying size – from small neighborhood pocket parks to regional scale nature preserves and refuges – throughout the region. 6.4.2. Where natural areas are no longer possible, provide small parks, gardens or restored green spaces as nature experiences at the neighborhood, community and city level.</p>			
<p><b>7. Supports an ecologically sustainable metropolitan area</b></p>	<p>7.1. The region’s diversity of habitat types, plants and animals is protected, conserved and restored across the region’s urban and rural landscape.</p>	<p>7.1.1. Develop, adopt and actively implement a bi-state, four-county Regional Biodiversity Recovery and Management Plan. Integrate it with other sustainability and transportation plans and planning efforts. 7.1.2. Identify significant natural areas for acquisition/protection and formally integrate them into transportation, land use planning and other sustainability plans and projects (e.g. green streets) through regional and local policies. 7.1.3. Develop and implement a tool box of innovative strategies (e.g., acquisition, regulatory, stewardship and incentive programs) to conserve the region’s natural resources and ensure that large and small refugia are interconnected in every neighborhood in the region.</p>	7.1.1-3. Metro, four-county coalition, scientific community, natural resource managers		
	<p>7.2. In all the region’s neighborhoods, parks, greenways and other natural areas protect and maintain clean water, wildlife and access to nature.</p>	<p>7.2.1. Use parks and natural areas as models of best management practices for storm water, water usage, and pest management. 7.2.2. Partner with nonprofit organizations, schools and government agencies to use natural areas as classrooms and on-site laboratories for environmental education and interpretation of watershed health, fish and wildlife habitat issues.</p>	7.2.1. Local jurisdictions 7.2.2-3. Metro, existing educational infrastructure		
	<p>7.3. Long-term, comprehensive federal, state, and regional funding, strongly supported by elected officials at all levels, the business community and the general public, is established to continually expand, operate and maintain the system.</p>				

Objective	Outcomes	Means	Who	When	Lead
	7.4. Full-time professionals staff regional and local elements of the system and collaborate with nonprofit organizations, private property owners and citizens to protect the diverse flora and fauna associated with urban natural areas.	7.4.1. Hire and fund, on an ongoing basis, staff with expertise in urban ecosystem management, restoration practices and community collaboration projects.			
	7.5. The ecological health of the system’s natural resource elements is continually monitored.	7.5.1. Establish standards and monitor changes in the system on a site specific, and watershed and regional scale over time. Produce a bi-annual “Ecological State of the Region” report and distribute to all residents of the region. 7.5.2. Establish a regional ecosystem research consortium to conduct, document and apply new research to strategies that protect, restore, and manage the urban ecosystem and the region’s natural areas. Develop monitoring as a combination of adaptive management and new information to influence choices and applications. 7.5.3. Complete a regional assessment of and recommendations for the ecosystem services or “natural capital” values of the system, including natural areas, streams, floodplains, and wetlands. 7.5.4. Place quantitative and qualitative values on individual elements and on the system as a whole to help make policy and investment decisions.	7.5.1-3. Metro, universities, scientific community, nonprofits, land trusts 7.5.4. Universities, federal agencies		
	7.6. Biodiversity protection and recovery efforts in the Portland-Vancouver Metropolitan Region are integrated with similar urban initiatives in Salem, Albany, Corvallis, and the Eugene-Springfield area. Parks, trails, and natural area planning in the urban areas are integrated with efforts to maintain biodiversity goals throughout the Willamette Valley.	7.6.1. Develop, adopt and implement a Willamette Valley Ecosystem Protection and Enhancement Strategy.	7.6.1. Metro, four-county coalition, Willamette Valley coalition, scientific community, Willamette Urban Watershed Network, Governor’s Willamette Initiative, nonprofits, Oregon Natural Heritage Information Center		
	7.7. Natural areas, parks, trails and recreation resources are recognized, embraced and used as an essential infrastructure in public and private community planning and design, permitting and development, especially in areas outside of the Urban Growth Boundary and throughout the Willamette Valley.				

# Greenspaces Policy Advisory Committee

Roster – March, 2005

NAME	REPRESENTING	E-MAIL ADDRESS	PHONE
<b>Mike Ragsdale, Chair</b>	<i>Citizen representative</i>	mragdale@costapacific.com	(503) 646-8888 x17
<b>Betty Atteberry</b>	<i>Citizen representative</i>	batteberry@comcast.net	(503) 533-9320
<b>Scott Burgess</b>	<i>Southern park providers</i>	scott@scottburgess.com	(503) 657-0331
<b>Ernie Drapela</b>	<i>Eastern park providers</i>	edrapela@spiritone.com	(503) 665-0535
<b>Kim Gilmer</b>	<i>Southwest park providers</i>	kgilmer@ci.oswego.or.us	(503) 675-2545
<b>Steve Greagor</b>	<i>Westernmost park providers</i>	steveg@ci.hillsboro.or.us	(503) 681-5383
<b>John Griffiths</b>	<i>Central western park providers</i>	john.griffiths@intel.com	(503) 264-7282
<b>Faun Hosey</b>	<i>Citizen representative</i>	faun11@msn.com	(503) 647-3286
<b>Mike Houck</b>	<i>Park-related environmental groups</i>	houckm@teleport.com	(503) 292-6855 x111
<b>Esther Lev</b>	<i>Non-profit land trust organizations</i>	estherlev@wetlandsconservancy.org	(503) 239-4065
<b>Sue Marshall</b>	<i>Citizen representative, pending council approval</i>	sue.marshall@tualatinriverkeepers.org	(503) 590-5813
<b>Zari Santner</b>	<i>Largest city in the region</i>	pkzari@ci.portland.or.us	(503) 823-5379
<b>Dick Schouten</b>	<i>West of the Willamette park providers</i>	dick_schouten@co.washington.or.us	(503) 846-8681
<b>Don Trotter</b>	<i>East of the Willamette park providers</i>	don.sue.trotter@comcast.net	(503) 659-5678
<b>Jim Zehren</b>	<i>Citizen representative</i>	jazehren@stoel.com	(503) 294-9616

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1540 | FAX 503 797 1793



DATE: April 19, 2005  
TO: MPAC Members  
FROM: Jack D. Hoffman  
RE: Nature in the Neighborhoods Program

Metro's Nature in the Neighborhoods Program is in the final stages of being adopted by Metro Council. On April 14, 2005, Michael Jordan, Metro's Chief Operating Officer, presented to the Metro Council an ordinance amending the Regional Framework Plan and the Urban Growth Functional Plan to implement one part of the Nature in the Neighborhoods Program. He also introduced a Resolution regarding the inclusion of the Tualatin Basin Goal 5 Natural Resource Program as part of the regional program.

MPAC has a key role in commenting on and providing input to Metro Council regarding amendments to the Framework Plan and the Functional Plan. There are two upcoming critical meetings at which the MPAC will discuss and vote on the proposed changes to the Framework Plan and to the Functional Plan.

On April 27, 2005, we will review the proposed Functional Plan and discuss the policy issues related to that proposal. At that meeting, we will take a preliminary vote regarding what recommendations we want to make to Metro Council. Some of the key policy issues for your consideration are the approaches proposed for:

- Measure 37 and fair market value
- The regional requirements that form the standard for habitat protection and restoration including the "Avoid, if practicable" discretionary approach and the use of habitat-friendly development standards
- Tree protection standards and how this is accomplished
- Consideration of the Tualatin Basin Approach

Two weeks later, on May 11, 2005, MPAC will make a final decision and recommendation to Metro Council.

It is imperative that every member attend both meetings so that we can have a full regional discussion of these important issues. If you have an unavoidable conflict, please ensure that your alternate is present.

## **NATURE IN NEIGHBORHOODS**

The following documents are printed out separately and will be available at the meeting. They will also be posted on the Metro Policy Advisory Committee webpage at <http://www.metro-region.org/article.cfm?articleid=8878>. When you reach the MPAC webpage, click the Metro Policy Advisory Committee information link on the left-hand side of the page to access this information:

- Ordinance No. 05-1077, Amending the Regional Framework Plan and the Urban Growth Management Functional Plan Relating to Nature in Neighborhoods
- Resolution No. 05-3577, Approving the Tualatin Basin Natural Resources Coordinating Committee's Fish & Wildlife Habitat Protection Program
- Resolution No. 05-3574, Establish a Regional Habitat Protection, Restoration and Greenspaces Initiative Called Nature in Neighborhoods

These documents are combined into one PDF and comprise roughly 255 pages.

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1540 | FAX 503 797 1793



**METRO**

DATE: April 20, 2005  
TO: MPAC Members  
FROM: Andy Cotugno  
RE: Tualatin Basin Natural Resources Coordinating Committee Goal 5 Program

At the last MPAC meeting Metro and Washington County staff reviewed the Tualatin Basin Natural Resources Coordinating Committee's Goal 5 Program. This program is under consideration by Metro Council for inclusion as part of the regional Nature in Neighborhood program, as specified in the existing intergovernmental agreement. At the last meeting, MPAC received testimony about the program from Jim Labbe, Sue Marshall, Brian Wegener, Tom Wolf, and Gretchen Vadnais. Members of the Tualatin Basin Natural Resources Steering Committee have prepared a response to these comments. Both the original comments and the response are attached.





April 12, 2005

**To:** Metro Policy Advisory Committee (MPAC)

**From:** Jim Labbe, Audubon Society of Portland, Sue Marshall and Brian Wegener, Tualatin Riverkeepers, and Tom Wolf, Trout Unlimited, Gretchen Vadnais, Cedar Mill Creek Watch and Rock Creek Watershed Partners

**Re:** Proposed Tualatin Basin Goal 5 Program

The Audubon Society of Portland, Tualatin Riverkeepers, Trout Unlimited, and the Rock Creek Watershed Partners have actively participated alongside other stakeholders in Tualatin Basin Goal 5 planning the last two years. We have offered numerous suggestions, detailed comments and extensive feedback in every step of the planning process. We are dismayed that our concerns and issues have not been addressed in the program that has been forwarded to Metro. The Tualatin Basin approach boils down to packaging up existing regulations with a proposed surface water management plan developed by Clean Water Services (CWS). **Left out of the plan are protections for approximately 35% of Class I and Class II riparian resources identified in Metro Council Resolutions for protection.**

In order to inform MPAC's discussion of the Tualatin Basin Plan, we wanted to summarize our key issues and concerns.

1. In relying on CWS's existing vegetated corridor standards, the Tualatin Basin Goal 5 program leaves between 2000 to 3000 acres class I and II riparian resources vulnerable to degradation and loss inside Metro's boundary. These are the highest value habitat areas that are also critical for water quality and public health and safety. Loss of these resources and the functions they support would not even be subject to mitigation. Existing Clean Water Services vegetated corridor standards were developed as minimum safeguards for water quality and select aquatic species, not the 92% of native fish and wildlife species that use or depend on riparian habitat in the Portland-Metro region.<sup>1</sup> One size fits all, vegetated corridor standards do not adequately address primary riparian resource functions such channel dynamics, microclimate, organic inputs and, over time, even shade. **The lack of protection for undeveloped floodplains and channel migration zones along lowland Tualatin River tributary streams is of particular concern give that CWS's standards only require a one-size-fits-all 50 foot buffer.** Vegetated corridor loss is occurring in the Tualatin Valley from both encroachment by development and normal channel migration. The results include loss of essential shade functions that support clean

<sup>1</sup> Technical Report on Goal 5, Metro, 2002.

water. Metro's inventory incorporates the 100-year floodplain as a proxy for channel dynamic functions to address this very issue. The Willamette Basin Total Maximum Daily Load (TMDL) pollution allocations specifically identify the need to provide adequate riparian vegetation along streams to account for channel migration and maintain system potential shade.

2. The proposed "revenue tools" are the **existing surface water management fees** that focus on enhancement and stormwater management. They lack any significant funding for habitat protection measures that could begin to protect Class I and II riparian resources outside existing minimum buffers water quality provided by CWS's standards.
3. The planning process has lacked a credible analysis of the draft program to evaluate a.) the environmental, social and economic consequences of failing to maintain the functional values provided by class I and II riparian resources and the implications for achieving desired basin and regional policy goals. b.) the effectiveness of the proposed mix of tools- existing in CWS vegetated corridor standards and their non-regulatory Healthy Streams Plan. Recent research by Dr. Alan Yeakley concludes that one factor explaining the higher rate of loss of riparian habitat in some the local jurisdictions in the Portland-Metro region (including Washington County) is less "stringent local regulatory controls on development in riparian buffers."<sup>2</sup> Scientific research and an abundance of citizen input has provided ample evidence that resources are risk of degradation and loss from inadequate rules and development standards to steer development away from these sensitive areas. Development pressures will only increase with population growth. Trying "voluntary measures" and monitoring results will only result in degradation and loss of riparian resources to demonstrate what we already know.
4. We greatly object to the use of Measure 37 as a rationale for the recent roll back of the regulatory component of the program as previously applied to class I and II riparian resources. Measure 37 does not prevent local governments from adopting environmental standards for new development. **Regulations applying to Class II and I riparian resources clearly fall within measure 37 exemptions for land-use restrictions that do not reduce fair market value, protect public health and safety, prevent pollution or are required to implement federal law.** It is extremely unlikely that regulatory protections for Class I and II riparian resources would result in legitimate measure 37 claims. Measure 37 is not and should not be an excuse abandon needed regulatory protections for the highest value riparian resources in the Tualatin Basin or anywhere in the region.

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<sup>2</sup> Yeakley J. A., Ozawa C. P. and Hook A. M. 2004. Changes in Riparian Vegetation Buffers in Response to Development in Three Oregon Cities. *Paper accepted for publication in the MSTTS Proceedings Monitoring Science and Technology Symposium: Unifying Knowledge for Sustainability in the Western Hemisphere*; 2004 September 20-24. p. 13. Online at: [http://www.urbanfauna.org/Yeakley\\_et\\_al\\_MSTS\\_2004.pdf](http://www.urbanfauna.org/Yeakley_et_al_MSTS_2004.pdf)

DATE:	April 20, 2005
TO:	Metropolitan Technical Advisory Committee (MTAC) Metropolitan Policy Advisory Committee (MPAC)
FROM:	Tualatin Basin MTAC Members: Valerie Counts, City of Hillsboro Hal Bergsma, City of Beaverton Andrea Vannelli, Washington County Craig Dye, Clean Water Services
RE:	Response to April 12, 2005 Joint Environmental Organization Memo to MPAC (regarding the Proposed Tualatin Basin Goal 5 Program)

As stated in the Executive Summary of the Tualatin Basin Goal 5 Program Report, and under terms of the intergovernmental agreement (IGA) between the Tualatin Basin Natural Resources Coordinating Committee and Metro, the standard by which the Metro Council is to review the recommended Basin program is consistent with the “overall goal” of the Streamside CPR Program Outline – Purpose, Vision, Goal Principles and Context (i.e., the “Vision Statement”) recommended to the Metro Council by MPAC on October 4, 2000:

“The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape. This system will be achieved through conservation, protection and appropriate restoration of streamside corridors through time.”

The IGA further dictates that Metro’s review for compliance with the above standard will evaluate the program for potential to improve regional resource conditions basin-wide, addressing the entire Tualatin Basin system, as well as addressing each regional resource site identified by the Metro Council in its draft inventory of Goal 5 regional resources within the jurisdiction of the Basin governments.

Representatives of the Audubon Society of Portland, Tualatin Riverkeepers, Trout Unlimited, Cedar Mill Creek Watershed Watch and Rock Creek Watershed Partners submitted a joint memo, dated April 12, 2005, to MPAC summarizing their key issues and concerns about the proposed Tualatin Basin program. In considering their comments, it is important to keep in mind the terms of the IGA, described above, that have already established the standard of review by which the Metro Council is to assess the Tualatin Basin program.

The following responses are numbered to correspond with the issues listed in the April 12, 2005 memo:

1. The assertion that 2000 to 3000 acres of Class I and II riparian resources will be vulnerable to degradation and loss inside the Metro district boundary requires further examination and clarification. The Basin group’s GIS analysis of Clean Water Services’ (CWS) Vegetated Corridor Standards is highly conservative—with the

mapped proxy limited to 50 feet from the centerline (rather than the top of bank, as prescribed in the Standards) of streams and from mapped wetlands, and 125 feet from the Tualatin River. In practice, a majority of the lowland streams in the Tualatin basin have active floodplains with wetlands that incorporate the channel migration zone. These sites are buffered an average of 50 feet from the edge of the delineated wetland/floodplain, resulting in riparian zones that are significantly larger than the proxy maps show. In headwater areas where stream banks have a greater than 25% slope, the buffers average closer to 100 feet per side. In addition, these estimates do not account for local regulations, publicly owned property set aside for resource protection, or land that is precluded from future development as a result of previous conditions of development. When these additional development restrictions are accounted for, the Basin Steering Committee estimates (based on further GIS analysis) that substantially fewer acres of Class I and II riparian resources will be potentially subject to development. The majority of any remaining unprotected resource area is Class II riparian. In these areas, use of low impact and habitat sensitive development techniques will be encouraged. Some of these areas may also be protected from development by future public acquisition or as a condition of approval of adjacent development.

The CWS Vegetated Corridor standards go beyond Metro's existing Title 3 requirements (which address Goal 6) and meet the safe harbor provisions of the Goal 5 OAR for riparian areas by avoiding and minimizing disturbance to water resources (sensitive areas) and their green infrastructure (vegetated corridors), as shown in the attached Table (Comparison of Metro Title 3 and 2004 CWS Standards). The CWS Vegetated Corridor standards require restoration or enhancement of degraded riparian areas, in association with adjacent development, to bring them up to good condition. Recent updates to the standards in 2004 extend protections to include the Tualatin River, steep gradient intermittent streams and redevelopment sites, and to provide improved revegetation guidelines. Far from being a "one-size-fits-all 50-foot buffer," the Vegetated Corridor standards are applied on a case by case basis, with onsite evaluation of condition and determination of corridor width that varies from 15 feet to 200 feet, depending on resource type, size of drainage area, adjacent slope, and other site conditions (see Table). Mitigation plans are required for all development and redevelopment applications on any property that contains a sensitive resource area, including activities such as grading, and even lot line adjustments where no actual site disturbance or construction activity is taking place. This approach to streamside conservation, protection and restoration clearly exceeds the regional standards. There is no evidence to support the allegation that the Vegetated Corridor standards are not an effective regulatory tool to maintain water quality and public health and safety. To the contrary, these standards were specifically formulated to achieve those goals.

It is also important to note that in addition to CWS Vegetated Corridor standards, there are other regulatory tools and programs in place in most Basin jurisdictions, including city and county Goal 5 programs, tree ordinances and floodplain regulations (that typically exceed Metro's balanced cut and fill standard).

On a voluntary basis, CWS has implemented an active capital stream enhancement program for over six years. There have been over 10 miles of community based and

voluntary projects and over 100,000 plants installed on publicly owned or easement secured lands throughout the watershed.

2. The environmental organization representatives argue that existing surface water management (SWM) fees provide insignificant funding for measures to protect Class I and II riparian resources outside of areas subject to CWS Vegetated Corridor restrictions. We believe this argument lacks merit for the following reasons:
  - Although the funding for stream improvements is based largely on monthly surface water management fees and systems development charges that are not proposed for increase in the near future, CWS has determined that sufficient funding resources are available to complete a substantial number of projects assumed by its draft Healthy Streams Plan. A SWM fee increase is not proposed at this time largely because CWS has been keeping some fee revenues in reserve until the Healthy Streams Plan, a comprehensive watershed management plan for the Tualatin Basin, is adopted. Presently CWS, together with cities in the Tualatin Basin, have over \$28 million in SWM funds committed to projects which will directly result in environmental health improvements. Once these funds are spent down CWS will review the need for an increase in the monthly SWM fees.
  - SWM funds can be used for a variety of purposes including storm sewer improvements and maintenance as well as riparian corridor improvements and enhancements. Previous capital improvement programming has focused on improvements to the man-made elements of the stormwater system, but with the adoption of the Healthy Streams Plan, it is anticipated that more money will be devoted to improvement of the natural elements of the surface water system (i.e., stream corridors).
  - Other sources of funding also are available for stream corridor improvements, including those programmed for road improvements as well as a variety of local funds. For example, the City of Beaverton has its own SWM fee of \$2 per month in addition to the \$4 per month charged by CWS that can be used for stream improvements. In fact, the City has recently completed several improvement projects along Beaverton Creek utilizing local funds.
3. The environmental organization representatives allege in this section of their memo that: the Basin's process lacked a credible analysis of (a) the ESEE consequences of failing to maintain the functional values of Class I and II resources and the implications for achieving basin and regional goals; and (b) the effectiveness of the proposed programs elements. They cite recent research by Dr. Alan Yeakley<sup>1</sup> as demonstrating that one factor in riparian habitat loss is the degree of development restriction in riparian buffers.

The ESEE analysis for the Basin Approach includes detailed site analyses of the consequences of protecting ALL riparian and upland habitat areas in the Basin, not just Class I and II riparian areas. Whether that analysis is "credible" will ultimately be determined by LCDC, but the participating Basin agencies are confident their

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<sup>1</sup> Yeakley J.A., Ozawa C.P. and Hook A.M. 2004. Changes in Riparian Vegetation Buffers in Response to Development in Three Oregon Cities.

ESEE analysis fully conforms to all applicable OAR criteria under Goal 5. No ESEE analysis can conclude with certainty what the projected success of a proposed protection program will be, and that is the case for the ESEE analyses of both Metro's and the Tualatin Basin's proposed programs. Program effectiveness is determined not just by adopted regulations or budgets, but also by the consistency of implementation efforts over time, including code enforcement and monitoring. Through past intergovernmental agreements resulting in the formation of the Tualatin Basin Natural Resources Coordinating Committee and the completion of a cooperative planning process coordinated with Metro, the local governments in the Tualatin Basin have demonstrated that they are committed to not only protecting but improving the condition of regionally significant natural resources.

The April 12, 2005 memo asserts that more "stringent local regulatory controls on development in riparian buffers" equates to less habitat loss oversimplifies and misconstrues the findings of the cited study (Yeakley et al., 2004). This study, which evaluated riparian vegetation loss in Portland, Hillsboro and Oregon City from 1990 to 1997 (i.e., **prior to implementation of Title 3**), found that Portland lost unmanaged vegetation and trees within 328 feet of streams at a lower rate than the two smaller cities (<1%/year in Portland; >1.5%/ year in Hillsboro and Oregon City). On page 2 of the study, the authors state that "Factors explaining these lower rates of riparian buffer loss for Portland **may include both a higher amount of riparian area in public ownership** and more stringent local regulatory controls on development in riparian buffers. These results also demonstrate that vegetated riparian buffers continue to be lost due to development in growing Oregon communities **regardless of the level of regulatory protection**" (emphasis added).

Further confounding the absolute conclusion that greater regulation equals less riparian vegetation loss is the study's finding that the City of Hillsboro experienced less loss in the areas closest to streams (within 25 feet) than the other two cities during a period in which the City's population expanded 86%, compared to 21% and 74% growth in Portland and Oregon City, respectively. The study fails to mention that Hillsboro was also the recipient of billions of dollars in investment in the high tech industry and development of the heart of the Silicon Forest, and that Washington County gained 85,000 jobs during that same period (many of which are located in Hillsboro's high tech cluster), in sharp contrast to the level of industrial expansion in the other two cities. It is also noteworthy that Hillsboro did not adopt its Goal 5 program until 2003. This program is implemented through a Significant Natural Resource Overlay District protecting riparian corridors with an average width of 380 feet.

The study authors somewhat timidly postulate that "the more hopeful explanation" for Portland's relative success in experiencing the lowest vegetation loss within the greatest riparian buffer width evaluated (328 feet) is the environmental zoning regulations implemented in 1989. They admit, however, that a secondary possibility is that Portland's streams were protected due to having a large number located in public parks (e.g., Forest Park alone contains over 5000 acres).

The study concludes that the regulatory tools employed to date will likely be only partially successful at best, and that refining our understanding of ecological

functions may enable development of more **targeted management tools, and focused implementation investments**, thereby increasing overall effectiveness (emphasis added). It is precisely this strategy that is incorporated in the Basin Approach.

4. The environmental organization representatives object to the use of Measure 37 as a rationale for a “rollback” in the regulatory component of the proposed Tualatin Basin program as it applies to Class I and II resources, arguing that Measure 37 does not prevent local governments from adopting additional regulation of new development in those resource areas. They argue that such regulations would very likely be interpreted to fall under Measure 37 exemptions since they would protect public health and safety or are required to implement federal law.

The Tualatin Basin Natural Resources Coordinating Committee, after considering whether to adopt additional regulations, concluded there is a significant risk of having Measure 37-based objections to those regulations upheld. Lacking any judicial decisions to date that determine the limitations of Measure 37, it cannot be stated with any certainty that the degree of regulation proposed by the environmental organization representatives would be found by the courts to be exempt from Measure 37. Neither Metro nor environmental organizations have offered to hold cities and counties in the region harmless if they choose to implement additional land use restrictions in fish & wildlife habitat areas and are then challenged under Measure 37. At the very least, staff time and resources will be needed to respond to such challenges. The Tualatin Basin local governments would prefer to invest their limited resources for natural resource protection on improving or acquiring fish & wildlife habitat areas rather than processing—with no certainty of success—Measure 37 claims. Additionally, given the current lack of financial resources to pay such claims, local jurisdictions would be obliged to waive any and all challenged regulations.

In conclusion, the Basin Approach program is adequate to protect water quality and fish & wildlife resources within urban environments through an interconnected system of stream and floodplain corridors. The program components—existing vegetated corridor standards, targeted investment of revenues, voluntary efforts/incentives and education—clearly have significant potential to meet the overall goal of the Vision. As well, the program will address upland protection concerns with incentives for the use of habitat friendly development approaches and through cooperation in a regional resource acquisition program.

attachment: Comparison of Metro Title 3 and 2004 CWS Standards

## Comparison of Metro Title 3 and 2004 CWS Standards

Sensitive Area Definition		Slope	Width of Vegetated Corridor		Requirement for Enhancement	
CWS Standards	Metro Title 3	Same of Both	CWS Standards <sup>1,3</sup>	Metro Title 3 <sup>2</sup>	CWS Standards	Metro Title 3
Streams with intermittent flow draining 10 to <50 acres	Not Protected	<25%	15 feet	0 feet	All in good condition	Encouraged not required
Streams and springs with intermittent flow draining ≥50 to <100 acres	Secondary protected water features <sup>4</sup>	<25%	25 feet	15 feet	All in good condition	Encouraged not required
Wetlands <0.5 acres			25 feet	0 feet unless mapped		
Existing or created wetlands ≥0.5 acres	Primary protected features <sup>5</sup>	<25%	50 feet	50 feet	All in good condition	Encouraged not required
Natural lakes and ponds			50 feet	0 feet		
Streams and springs with year round flow			50 feet	0 feet		
Streams with intermittent flow draining ≥100 acres						
Rivers	Not protected	<25%	125 feet	0 feet	First 50 feet in good condition	
Streams with intermittent flow draining 10 to <50 acres	Not Protected Secondary protected water feature	≥25%	50-200 feet. Measure from starting point to top of ravine plus 35' <sup>6</sup>	0 feet	First 50 feet in good condition	Encouraged not required
Streams with intermittent flow draining ≥50 acres			50 feet			
Existing or created wetlands	Primary protected features	≥25%	50-200 feet. Measure from starting point to top of ravine plus 35' <sup>6</sup>	50-200 feet. Measure from starting point to top of ravine plus 50' <sup>6</sup>	First 50 feet in good condition	Encouraged not required
Natural lakes and ponds						
Streams and springs with year round flow						
Streams with intermittent flow draining >100 acres						
Springs with intermittent flow	Not protected	≥25%	15 feet	0 feet	All in good condition	
	Not protected	≥25%	50-200 feet. Measure from starting point to top of ravine plus 35' <sup>6</sup>	0 feet	First 50 feet in good condition	
Rivers						
Redevelopment Sites:						
River	Not protected	<25%	50 feet	0 feet	All in good condition	
All other sensitive areas			25 feet	0 feet		

<sup>1</sup> CWS Starting point of measurement: edge of defined channel, delineated wetland, delineated spring boundary, and/or avg. high water for lakes or ponds, whichever offers the greatest resource protection.

<sup>2</sup> Metro starting point of measurement: edge of bankfull flow or delineated edge of Title 3 wetland

<sup>3</sup> Buffer Averaging or Reduction for marginal or Degraded Vegetated Corridors only: Buffer averaging (up to 20% of width for 20% of length); or, Buffer reduction (only for corridors over 125 feet, up to 20% reduction)

<sup>4</sup> Metro's Secondary features: intermittent streams draining 50-100 acres

<sup>5</sup> Metro's Primary features: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and ponds

<sup>6</sup> Reduction allowed with a stamped geotechnical report demonstrating slope stability - CWS 20 foot reduction, Metro 25 foot reduction.



M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1794



This is included in the packet for your review. This information will be discussed at a future MPAC meeting.

DATE: April 5, 2005  
TO: JPACT and Interested Parties  
FROM: Tom Kloster, Transportation Planning Manager  
SUBJECT: Recent Transportation Planning Rule Amendments

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On March 15, the Oregon Land Conservation and Development Commission (LCDC) adopted broad revisions to OAR 660.012.0060, the state Transportation Planning Rule. This round of amendments was focused on critical issues raised by the recent Jaqua vs. City of Springfield case that threatened current planning practices for balancing transportation and land use plans. While the LCDC response to the Jaqua case began as "fine tuning" amendments to the TPR, sweeping new provisions were introduced shortly before the draft rule was released for public review on January 3, 2005. These provisions, and Metro's position on the changes are discussed in this memorandum.

### **The 1/2 Mile Rule**

The amended TPR reaffirms the existing practice of evaluating land use and transportation plan amendments for their effects in the horizon year of adopted 20-year plans in response to the Jaqua decision. However, the amended rule also applies a special test for transportation system adequacy along certain interstate highway corridors that creates a bar so high that the practical effect will be a zoning freeze in many of the affected areas of the metropolitan region. Known as the "1/2 mile rule", this provision represents a major shift in policy that Metro believes unacceptable because of the effects on the region's ability to implement the 2040 Growth Concept in these corridors.

The 1/2 mile rule requires plan amendments within a half mile radius of interchanges on I-5, I-205, I-405 and I-84 to be evaluated according to the Regional Transportation Plan (RTP) "financially constrained" system, a set of improvements that represents just over one third of the needed projects in the region. Metro's analysis of the financially constrained system showed that most of the interstate system in the region would fail to meet the RTP level of service

policy in the 2020 horizon year with this limited set of improvements. The net effect would be a cap on plan amendments in affected areas that where added housing or employment might be proposed.

This means that zoning to increase employment or housing densities could be blocked in the Portland Central City, Gateway, Clackamas and Oregon City regional centers, Hollywood, Lents, West Linn, Tualatin and Wilsonville town centers and every station community along the Interstate, Airport and I-205 MAX lines. The inner portions of the Banfield MAX line are also affected. In many cases, local zoning that implements these 2040 designations hasn't been adopted yet, so the impact is dramatic along the Interstate and I-205 MAX corridors, in particular. In the Tualatin/Wilsonville area and Gresham's Springwater employment area, planned industry on land recently brought inside the urban growth boundary could be affected. In Metro's preliminary analysis, the rule affects more than 24,000 acres in these corridors, of which more than 8,000 areas fall into 2040 centers, station communities and main streets, alone.

While Metro shares the state's interest in protecting the integrity of the interstate highway system, we also believe this goal can be much more effectively achieved through more thoughtful strategies that are coordinated with adopted land use and transportation plans.

### **ODOT as a Land Use Authority**

The caveat to the 1/2 mile rule is that ODOT staff will be allowed to determine if additional improvements beyond the RTP financially constrained system are deemed "reasonably likely" to occur, a discretionary interpretation that would occur outside the planning process, and put ODOT staff in the position of deciding land use actions in affected areas. This provision represents a departure from Oregon's planning tradition where local elected officials adopt comprehensive plans in a public process intended to provide certainty in the development process. The effect of this provision would be to allow ODOT to make discretionary, arbitrary decisions that second-guess local policy makers on major planning decisions.

It's also unclear how this could be applied in our region, since most of the affected highway corridors are deferred to refinement plans, and have no major improvements identified in the RTP until individual corridor plans are complete. Thus, ODOT staff would be in the position of choosing projects that don't exist in the RTP in order to use this provision to "approve" plan amendments. This determination by ODOT requires no public process for evaluating the merit or impacts of such projects.

Metro opposes the "reasonably likely" provisions because it places ODOT in an inappropriate role as decision maker in the planning process, and could undermine the region's effort to concentrate future growth in existing urban centers and corridors in an effort to reduce urban sprawl. Metro is currently evaluating options for appealing or revising these recent TPR amendments.

*For more information on Metro's response to the TPR amendments, feel free to contact me at 503-797-1832 or by e-mail to [klostert@metro.dst.or.us](mailto:klostert@metro.dst.or.us).*