

A G E N D A

600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736



METRO

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MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: May 11, 2005

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

PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Hoffman		
1	NATURE IN NEIGHBORHOODS <ul style="list-style-type: none">• 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	Cotugno/Deffebach	Decision	2 hrs

UPCOMING MEETINGS:

May 25, 2005 & June 8, 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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M E M O R A N D U M

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METRO

Date: May 5, 2005
To: MPAC
From: Andy Cotugno, Planning Department Director
Subject: MTAC comments on Ordinance No. 05-1077 from 5/4/05 meeting

MTAC met on April 20th to review Ordinance No. 05-1077 (including the Chief Operating Officer's recommendation on the proposed new title of the Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods and associated amendments to the Regional Framework Plan, other Functional Plan titles, and a Model Ordinance) and Resolution No. 05-3577 which would approve the Tualatin Basin's fish and wildlife habitat protection program. Their comments were forwarded to MPAC for review. At their May 5th meeting, MTAC continued their discussion; this memo summarizes comments from that meeting. MTAC also agreed to meet May 11 to complete their review and comments will be forwarded to MPAC for discussion that evening.

Measure 37

The Committee further discussed the COO recommendation that would change the definition of "practicable" to include a reduction of fair market value.

Motion 1: The Committee unanimously recommended the following changes:

- Remove the Measure 37 language from the definition of "practicable"
- Add a "Whereas" to Ordinance No. 05-1077 that links Title 13 with the CWA, ESA, and pollution control.
- Add a "Whereas" to Ordinance No. 05-1077 that recognizes that the program was designed in a way to avoid Measure 37 claims.

Motion 2: The Committee voted 12 (Yes) to 8 (No) to add the "environment" as a consideration in the definition of "practicable".

Similarly Situated Sites

The Committee discussed the City of Portland's concern that an "allow" decision for Port Terminals 4, 5, and 6 could impact the city's ability to develop a comprehensive District Plan for

the north Willamette Harbor and Columbia Slough area. The Port emphasized that they are planning to work with the city to develop a District Plan and the allow decision reflects the critical economic role the international marine shipping terminals play in the regional economy.

Motion 3: The Committee voted 11 (No) to 10 (Yes) with 1 abstention against deleting the “allow” decision in the COO recommendation for Port Terminals 4, 5, & 6.

Habitat-Friendly Development Practices

The Committee discussed the staff proposal to incorporate the habitat-friendly development practices into the “avoid” and “minimize” requirements and that the use of these practices should be considered when developing a mitigation plan. The staff proposal removes the stand-alone item that would require habitat-friendly development practices in Habitat Conservation Areas where technically feasible and appropriate, and incorporates the practices into the avoid-minimize-mitigate standards. Therefore, the requirement is to avoid and minimize, and the habitat-friendly practices are included as examples of how to avoid and minimize. This addresses MTAC’s concern that requiring a list of 35 practices to be used where technically feasible and appropriate would result in the need to develop findings for each practice that was not used. The Committee also recommended that the staff report address that local codes frequently require redundant systems even when habitat-friendly development practices are allowed, and the expense of the redundant systems is an additional barrier to the use of habitat-friendly development practices.

Motion 4: The Committee unanimously recommended revising the COO recommendation as proposed by staff.

Motion 5: The Committee unanimously recommended that Metro develop a detailed scope of work to describe technical assistance to jurisdictions for habitat-friendly development practices and Metro’s role in the Clean Water Act.

Tualatin Basin

The Committee discussed the merits of the Tualatin Basin Plan in the context of the conditions under which the Basin Plan would be accepted by Metro that are included in the COO recommendation in Resolution No. 05-3577. Some committee members raised concerns that the Clean Water Services vegetated corridor standards do not apply to all Class I and II riparian habitat areas. Some of their concerns related to the fact that the rest of the region would be required to apply avoid-minimize-mitigate standards to the entire Class I and II areas. Members also asked clarifying questions about the \$95 million that would be targeted to improve the ecological function of the Class I and II riparian areas. Representatives of the TBNRCC raised concerns regarding condition 2(d) of Resolution No. 05-3577 which would require the use of habitat-friendly development practices in all Class I and II riparian areas.

Motion 6: The Committee voted 13 (Yes) to 5 (No) with 3 abstentions to recommend adoption of Resolution No. 05-3577, with an amendment to condition 2(d) as recommended by TBNRCC, which would change **require** to **facilitate** and **consider**.

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