

## Council meeting agenda

---

Thursday, April 12, 2018

2:00 PM

Metro Regional Center, Council chamber

---

**1. Call to Order and Roll Call**

**2. Public Communication**

**3. Presentations**

- 3.1 Oregon Zoo Bond Citizens' Oversight Committee Annual Report [18-4998](#)

Presenter(s): Ruth Shelly, Oregon Zoo Bond Citizens' Oversight Committee  
Susan Gibson-Hartnett, Oregon Zoo Bond Citizens' Oversight Committee

Attachments: [Oregon Zoo Bond Citizens' Oversight Committee Report for calendar](#)

- 3.2 Oregon Zoo's Polar Passage, Primate Forest, and Rhino Habitat Design and Construction Plans [18-4957](#)

Presenter(s): Dr. Don Moore, Oregon Zoo  
Heidi Rahn, Oregon Zoo  
Grant Spickelmier, Oregon Zoo

**4. Consent Agenda**

- 4.1 Resolution No. 18-4880, For the Purpose of Confirming the Appointment of Members to the Oregon Zoo Bond Citizens' Oversight Committee [RES 18-4880](#)

Attachments: [Resolution No. 18-4880](#)  
[Exhibit A to Resolution No 18-4880](#)  
[Staff Report](#)

- 4.2 Resolution No. 18-4882, For the Purpose of Authorizing a Technical Assistance Program Component to Support the 2040 Planning and Development Grant [RES 18-4882](#)

Attachments: [Resolution No. 18-4882](#)  
[Exhibit A to Resolution No. 18-4882](#)  
[Staff Report](#)  
[Attachment 1 and 2 to Staff Report](#)

- 4.3 Consideration of the Council Meeting Minutes for April 5, 2018 **18-5001**

**5. Resolutions**

- 5.1 Metro Chief Operating Officer Acting as Budget Officer Presents the Proposed Fiscal Year 2018-19 Budget and Budget Message to the Metro Council, Acting as the Budget Committee [18-5002](#)

Presenter(s): Martha Bennett, Metro  
Tim Collier, Metro  
Brian Evans, Metro Auditor

- 5.1.1 Resolution No. 18-4873, For the Purpose of Approving the FY 2018-19 Budget, Setting Property Tax Levies and Transmitting the Approved Budget to the Multnomah County Tax Supervising and Conservations Commission [RES 18-4873](#)

Attachments: [Resolution 18-4873](#)  
[Staff Report](#)

- 5.1.2 Public Hearing on Resolution No. 18-4873

**6. Ordinances (Second Reading)**

- 6.1 Ordinance No. 18-1419, For the Purpose of Amending  
Metro Code Title 10 to Update the Parks, Cemeteries and  
Natural Areas Rules and Regulations

[ORD 18-1419](#)

Presenter(s): Dan Moeller, Metro  
Suzanne Piluso, Metro

Attachments: [Ordinance No. 18-1419](#)  
[Exhibit A to Ordinance No. 18-1419](#)  
[Exhibit B to Ordinance No. 18-1419](#)  
[Exhibit C to Ordinance No. 18-1419](#)  
[Exhibit D to Ordinance No. 18-1419](#)  
[Staff Report](#)  
[Attachment 1 to Staff Report](#)  
[Attachment 2 to Staff Report](#)  
[PowerPoint Metro Title 10 Update](#)

7. **Chief Operating Officer Communication**
8. **Councilor Communication**
9. **Adjourn**

## Metro respects civil rights

Metro fully complies with Title VI of the Civil Rights Act of 1964 and related statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1700 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. For up-to-date public transportation information, visit TriMet's website at [www.trimet.org](http://www.trimet.org).

### Thông báo về sự Metro không kỳ thị của

Metro tôn trọng dân quyền. Muốn biết thêm thông tin về chương trình dân quyền của Metro, hoặc muốn lấy đơn khiếu nại về sự kỳ thị, xin xem trong [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Nếu quý vị cần thông dịch viên ra dấu bằng tay, trợ giúp về tiếp xúc hay ngôn ngữ, xin gọi số 503-797-1700 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường) trước buổi họp 5 ngày làm việc.

### Повідомлення Metro про заборону дискримінації

Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1700 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

### Metro 的不歧視公告

尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

### Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweynaha, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmaha shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

### Metro의 차별 금지 관련 통지서

Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1700를 호출합니다.

### Metroの差別禁止通知

Metroでは公民権を尊重しています。Metroの公民権プログラムに関する情報について、または差別苦情フォームを入手するには、[www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。までお電話ください。公開会議で言語通訳を必要とされる方は、Metroがご要請に対応できるよう、公開会議の5営業日前までに503-797-1700（平日午前8時～午後5時）までお電話ください。

### សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬស្នើសុំទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក។

### إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

### Paunawa ng Metro sa kawalan ng diskriminasyon

Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1700 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan.

### Notificación de no discriminación de Metro

Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Si necesita asistencia con el idioma, llame al 503-797-1700 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

### Уведомление о недопущении дискриминации от Metro

Metro уважает гражданские права. Узнать о программе Metro по соблюдению гражданских прав и получить форму жалобы о дискриминации можно на веб-сайте [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1700 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

### Avizul Metro privind nediscriminarea

Metro respectă drepturile civile. Pentru informații cu privire la programul Metro pentru drepturi civile sau pentru a obține un formular de reclamație împotriva discriminării, vizitați [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1700 (între orele 8 și 5, în timpul zilelor lucrătoare) cu cinci zile lucrătoare înainte de ședință, pentru a putea să vă răspunde în mod favorabil la cerere.

### Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwj ntej ntawm lub rooj sib tham.



**Television schedule for Metro Council meetings**

<b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b> Channel 30 – Community Access Network <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a> <i>Ph:</i> 503-629-8534 Call or visit web site for program times.	<b>Portland</b> Channel 30 – Portland Community Media <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a> <i>Ph:</i> 503-288-1515 Call or visit web site for program times.
<b>Gresham</b> Channel 30 - MCTV <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a> <i>Ph:</i> 503-491-7636 Call or visit web site for program times.	<b>Washington County and West Linn</b> Channel 30– TVC TV <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a> <i>Ph:</i> 503-629-8534 Call or visit web site for program times.
<b>Oregon City and Gladstone</b> Channel 28 – Willamette Falls Television <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a> <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	

**PLEASE NOTE:** Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities.

Agenda Item No. 3.1

**Oregon Zoo Bond Citizens' Oversight Committee Annual Report**

*Presentations*

Metro Council Meeting  
Thursday, April 12, 2018  
Metro Regional Center, Council Chamber



# **Oregon Zoo Bond Citizens' Oversight Committee**

## **CALENDAR YEAR 2017 REPORT**

*Presented April 2018 to the Metro Council and the community*





**Cover:**

- Young people discover nature and how they can make a difference for wildlife at ZooCamps and programs at the Oregon Zoo Education Center.
- The historical and restored mosaic *Continuity of Life* by Willard Martin graces the entrance of the Oregon Zoo Education Center where more than 83,600 students on field trips enter the zoo annually to encounter wild animals and learn how to take action to create a better future for wildlife.  
(photos: Michael Durham)

April 5, 2018

**RE: Oregon Zoo Bond Citizens' Oversight Committee Report for the Calendar Year 2017**

Dear Metro Councilors and Residents of the Region:

In 2008 voters of the region expressed the value they place on animal welfare, conservation education and water and energy conservation when they passed the \$125 million bond measure that funds habitat and infrastructure upgrades at the Oregon Zoo. To help ensure that the public's money is well spent, the bond measure mandated an Oregon Zoo Bond Citizens' Oversight Committee ("the committee") to provide independent citizen review. Every year, the committee presents an annual report to the Metro Council and our community. This is the committee's report on bond program progress from January through December 2017.

The report is divided into three required reporting items: (1) Assessment of Progress, (2) Spending Considerations, and (3) Project Modifications in Excess of Budget. In each section, the committee provides a narrative followed by a summary of findings and recommendations. For the recommendations from last year's 2016 report, you'll find an update on what was done to fulfill those recommendations, followed by new findings and recommendations from 2017. The new 2017 findings and recommendations are also summarized at the beginning of the report for your convenience.

**The committee is pleased to report that in 2017, bond funds continued to be spent wisely, bond projects were advanced on schedule and within budget, and overall the bond program is on track to deliver on voter expectations.**

Passage of the bond measure in 2008 has been followed by nine years of planning and construction, with two to three years remaining to complete the program. It's natural that such a major, multi-year project experiences an arc of activity, and the committee has felt a shift in its oversight on this "downhill slope" toward the finish line. In March 2017 we all celebrated the opening of the new Education Center, which on the heels of Elephant Lands opening, represented a tremendous stretch of nonstop construction. The staff and committee took a breath and – with no less energy – dove into planning and preparation for the bond measure's last three projects: Polar Passage, Primate Forest and the rhino habitat.

In some ways, committee activity on this homestretch was made easier:

- The zoo's experience with major construction under a Construction Management/General Contractor structure has worked extremely well, and the new projects moved forward benefitting from that experience and efficiency.
- The bond project's commitment to COBID firms exceeded expectations with 29.5 percent utilization on the Education Center, and lessons learned from that experience continue to inform the remaining projects.
- Habitat planning was enhanced by a clear commitment to animal welfare and alignment with the zoo's draft Integrated Conservation Action Plan.

- Allocation of remaining unallocated bond funds was approved by Metro in March 2017, charting a clear course to complete all projects with available resources.
- Elephant Lands animal welfare research results, and evaluation of the effectiveness of interpretive signage, indicate completed projects are delivering the intended results. Those participants in the Elephant Lands interpretive evaluation focus group who voted to support the bond measure are satisfied that their taxes were well-spent, and they are willing to continue making financial contributions to support additional habitat improvements. They feel that Elephant Lands met or exceeded the expectations of the public.
- Past experience with two major public art projects facilitated the selection process for the final art piece, *Melting Ice Bear*, for Polar Passage. The zoo will meet Metro's goal of investing one percent of direct construction costs on public art, greatly enhancing the visitor experience.

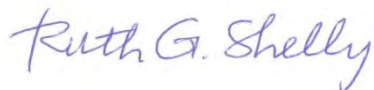
In other ways, winding down the bond program signaled challenges:

- After years of benefitting from low material and construction costs, prices began to escalate, requiring thoughtful value engineering to stay within budget.
- Competition for bids and workers in the midst of Portland's current building boom may make it more difficult to maintain past levels of COBID utilization.
- As projects in the pipeline are reduced in number and unallocated funds have been designated, there is increasingly less "wiggle room" for course corrections.
- As projects were completed and open to the public, the transition to operations must remain consistent with original design intent.
- Disruption of the zoo's central core with construction of Polar Passage, Primate Forest and the rhino habitat will require careful coordination to reduce revenue loss and support a positive visitor experience.

Thus, the Oregon Zoo Bond Citizens' Oversight Committee continues to fulfill a critical role in making sure that the bond projects conclude with the same robust success they have enjoyed to date, and we have great confidence that they will do so. The committee commends the zoo bond program team for ongoing planning, implementation and evaluation of their work. In addition, the zoo continues to build innovative partnerships and community support for its efforts.

It is my honor to thank the 14 other members of the Oregon Zoo Bond Citizens' Oversight Committee for their service, zoo bond staff and Oregon Zoo staff for their hard work and collaborative spirit, and the Oregon Zoo Foundation for its generous support. We present this report as a team effort.

Sincerely,



Ruth G. Shelly  
Oversight Committee Chair  
Executive Director, Portland Children's Museum



# Oregon Zoo Bond Citizens' Oversight Committee Report

A report to the Metro Council and community regarding progress  
on the zoo bond program

Presented April 2018 for the calendar year 2017

## Table of Contents

<b>Introduction and bond measure language</b>	<b>3</b>
<b>Why the committee exists</b>	<b>4</b>
<b>The committee's reporting requirement</b>	<b>4</b>
<i>Figure 1, Bond Program sequence and progress</i>	6
<b>2017 Findings and Recommendations Summary</b>	<b>7</b>
 <b>Required Reporting Item 1: Assessment of Progress</b>	 <b>12</b>
<b>A. Program initiatives</b>	<b>12</b>
1. Animal Welfare: Overview	12
2. Conservation Education: Overview	13
3. Infrastructure and Sustainability: Overview	15
4. Diversity in Contracting: Overview	17
5. Program Governance and Structure: Overview	21
<b>B. Ongoing and new bond projects</b>	<b>22</b>
1. Polar Passage	22
2. Primate Forest	25
3. Rhino Habitat	26
4. Interpretive Experience and Wayfinding	27
5. Percent for Art	29
6. Electrical Infrastructure	31
<b>C. Completed bond projects</b>	<b>32</b>
1. Education Center	32
2. Remote Elephant Center	34

continued

3. Elephant Lands.....	35
4. Condors of the Columbia .....	39
5. Veterinary Medical Center .....	39
6. Penguin Life Support System Upgrade .....	39
7. Comprehensive Capital Master Plan .....	40
8. Water Main Building.....	40
9. Land Use .....	40
<b>Required Reporting Item 2: Spending Considerations.....</b>	<b>41</b>
<b>A. Overall program spending.....</b>	<b>41</b>
1. Budget and Expenditures .....	41
<i>Figure 2, Bond Program Budgets and Expenditures .....</i>	<i>41</i>
<i>Figure 3, Bond Program Revenue Sources .....</i>	<i>42</i>
<i>Figure 4, Bond Program Resources .....</i>	<i>43</i>
2. Contracting Methods.....	46
<b>B. Cost projections.....</b>	<b>47</b>
1. Master Plan Implementation.....	47
2. Administrative Costs.....	49
3. Operating Costs .....	50
<b>C. Independent financial audit .....</b>	<b>50</b>
<b>Required Reporting Item 3: Project modifications in excess of budget.....</b>	<b>51</b>
<b>A. Project Modifications .....</b>	<b>51</b>
<b>How to learn more .....</b>	<b>52</b>
<b>Appendix A – Committee Membership .....</b>	<b>53</b>
<b>Appendix B – Zoo Bond Program Organization Structure .....</b>	<b>57</b>

# Oregon Zoo Bond Citizens' Oversight Committee Report

A report to the Metro Council and community regarding progress on the zoo bond program

Presented April 2018 for the calendar year 2017

In 2008 Portland area voters expressed the value they place on animal welfare and water and energy conservation when they passed the \$125 million bond measure that funds habitat and infrastructure upgrades at the Oregon Zoo. As mandated by the bond measure, the Oregon Zoo Bond Citizens' Oversight Committee ("the committee") provides independent citizen review to help ensure the public's money is well spent. The committee's charge is to determine if the zoo improvement program is on the right path in terms of structure, expenditures and achievement of defined goals. This is the committee's annual report to the Metro Council and the community, presenting its findings on how the program has progressed during the period from January through December 2017.

## **Zoo Bond Ballot Measure:**

### **Bonds to Protect Animal Health and Safety; Conserve, Recycle Water**

The zoo bond measure calls for updating and replacing old exhibits and facilities, increasing access to conservation education, and replacing utility systems to reduce water and energy use and lower operating costs.

- Provide more humane care for animals; update four outdated and undersized enclosures with larger, more natural and safer spaces.
- Protect animal health and safety; modernize zoo's substandard 45-year-old animal clinic determined deficient by the Association of Zoos and Aquariums.
- Increase access to conservation education; provide more space for summer camps, classes and hands-on learning for kids, adults and families.
- Improve water quality; replace the zoo's 1950s sewer system, reducing pollution by separating sewage from stormwater, harvesting runoff for reuse.
- Conserve, reuse water; install water recycling filtration systems; replace leaking, worn-out plumbing, irrigation systems, saving 11,000,000 gallons of water annually.

## **Why the committee exists**

The Metro Council first appointed the committee in January 2010. The committee met five times in 2017: February, March, May, September and November. Currently the committee has 15 members, who bring to the committee skill sets from a diverse set of backgrounds (see Appendix A).

The committee operates under a charter that incorporates the governance and reporting requirements of Metro Council Ordinance 10-1232. The Metro Council president appoints the chair of the committee, a position currently held by Ruth Shelly.

The committee meetings typically involve interactive presentations by the zoo bond staff team and other Oregon Zoo staff. Each meeting includes considerable discussion and question/answer time.

The committee operates at a high oversight level, reviewing the zoo improvement program to ensure that structure, expenditures and defined goals are on track. In most cases, the committee does not make specific project decisions. Members look at how decision-making occurs and how business is conducted. The committee seeks to help ensure that the right processes and controls are in place so that the best possible value can be realized from the voter-approved zoo bond funds. The attached organizational chart of the zoo bond program (Appendix B), illustrates the many different levels of interaction and oversight.

The 2008 zoo bond measure titled “Bonds to Protect Animal Health and Safety: Conserve, Recycle Water” (the “zoo bond”) called for a citizen oversight committee to do the following:

1. Assess progress in implementing the Oregon Zoo bond measure project improvements.
2. Report on project spending trends and current cost projections, and review and report on the annual independent financial audit of spending.
3. Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates, to ensure that the purpose and promise of the Oregon Zoo bond measure is fully realized.

## **The committee's reporting requirement**

The committee is required to report annually to the Metro Council regarding the progress of the zoo bond measure improvements, spending trends and cost projections, and project modifications. This document satisfies that requirement. This committee helps ensure the best value for the voters' investment and provides this report to the community as part of its oversight and stewardship.

In addition to the bond reporting requirements, the committee reviewed other requirements and goals for the program. These included the state requirement that 1.5 percent of construction cost on eligible projects be used for renewable energy installations. Metro requires that 1 percent of construction cost on projects of a certain size be used for commissioned artwork. Zoo bond-funded construction projects have an aspirational contracting goal of 15 percent participation from minority-owned, women-owned, emerging small business, and service-disabled veteran-owned firms. The committee also strives to maintain a focus on the visitor experience and how its recommendations impact this crucial component.

Starting with the 2015 report, the committee changed the format from previous years by focusing on the three main objectives of the ballot measure – animal welfare, conservation education, and infrastructure and sustainability – and diversity in contracting utilization, for each project. This report includes the committee's recommendations from the report issued in April 2017 that covered the calendar year 2016 (2016 Findings and Recommendations), and provides an update on the outcomes of those recommendations as applicable.

As noted above, this report fulfills the bond measure requirement to report annually to the Metro Council regarding the progress of the zoo bond measure improvements, spending trends and cost projections, and project modifications. Although of interest to the committee, it does not attempt to set measurable operations standards or include an analysis of operations of the new facilities constructed by the bond program. Some of that information is provided in a mid-program report, [\*Thanks to You, A Better Zoo, 2016 Bond Program Progress Report\*](#), posted on the zoo website, [www.OregonZoo.org](http://www.OregonZoo.org). Based on a 2015 request, bond staff is committed to providing a memo outlining the estimated annual operational impacts after one full fiscal year (July to June) of operations in the new bond-constructed facilities completed in 2015 or later.

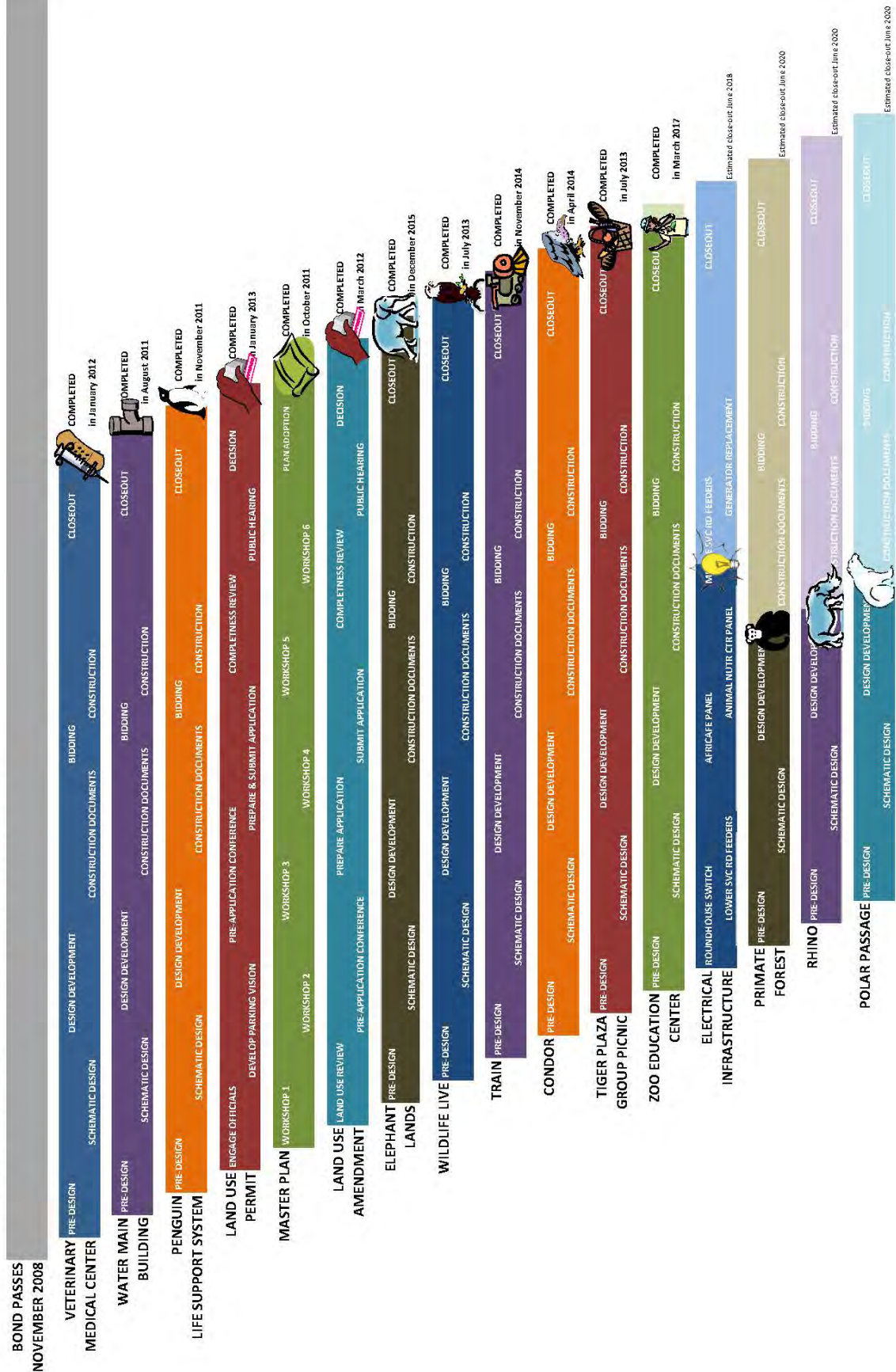
This Oversight Committee annual report includes some general diversity in contracting information, but more complete information is available in the [\*Oregon Zoo Bond Program Equity in Contracting Quarterly Report\*](#), first issued by bond staff in September 2016, and provided to the committee and posted quarterly thereafter on the zoo website.

This report makes various references to items that were presented to the committee in 2017 and prior years. The committee's meeting materials, minutes, annual reports, program fiscal audits and *Oregon Zoo Bond Program Equity in Contracting Quarterly Reports* can be found on the Oversight Committee meeting materials pages on the zoo's website: <http://www.oregonzoo.org/discover/new-zoo/oregon-zoo-bond-citizens-oversight-committee/oregon-zoo-bond-citizens-oversight>.

Figure 1

# OREGON ZOO BOND PROGRAM

## PROJECT SEQUENCE AND PROGRESS, AS OF DECEMBER 2017





## 2017 Findings and Recommendations Summary

The committee's findings and recommendations for 2017 are compiled here for quick reference. They are listed again under each reporting item later in the report with more complete narrative and updates on the previous year's recommendations.

### 2017 Findings and Recommendations Summary

#### Conservation Education: Overview

- The committee commends Oregon Zoo director Dr. Don Moore for his work to illustrate critical conservation issues and to lead the zoo in developing an Integrated Conservation Action Plan.
- The committee recommends that the remaining bond-funded projects focus conservation education to align with the new Integrated Conservation Action Plan.

#### Infrastructure and Sustainability: Overview

- The committee commends the investment in sustainable infrastructure at the Oregon Zoo as a means to reducing utility and energy costs, which frees funds to support the zoo's core missions, and is in alignment with the zoo's conservation goals.
- The committee recommends that the Oregon Zoo operate, maintain and repair the new facilities to meet the intended water, energy and sustainability performance of the designs and equipment specifications.

#### Diversity in Contracting: Overview

- The committee commends the zoo bond program for consistently improving their performance in expanding tools to advance COBID utilization.
- The committee commends Metro for the role it's taken to advance the regional work toward supporting women and people of color in the construction industry.
- The committee recommends that Metro continue prioritizing efforts to enhance diversity in the construction workforce and contracting through workforce equity standards.
- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on the final construction projects.
- The committee carries forward its 2016 recommendation to track and report the contracting of COBID-certified firms used for project design, construction and other services.

(continued)

## **2017 Findings and Recommendations Summary** (continued)

### **Diversity in Contracting: Overview** (continued)

- The committee recommends that staff continue to make best efforts to diversify contracting; the committee considers the demand on the marketplace to be an ongoing challenge for projects in the region based on both limited overall competitive resources as well as the other, primarily publicly funded, construction projects that require reporting of workforce equity.

### **Program Governance and Structure: Overview**

- The committee recommends that Metro continue to maintain clarity about roles, responsibilities and lines of authority given the reporting structure transition.
- The committee commends former deputy chief operating officer Scott Robinson for his dedication and hard work in establishing and maintaining high standards for the zoo bond program over the 10 years since the ballot measure passed. The committee appreciates his oversight encouragement and support of the Zoo Bond Citizens' Oversight Committee.

### **Polar Passage**

- The committee commends the forward thinking of the bond team to identify how to best utilize remaining funds to optimize goals associated with the remaining projects.
- The committee recommends continued commitment to polar bear conservation and to define how Polar Passage supports this conservation commitment.
- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on a construction project, specifically Polar Passage.
- The committee recommends the Oregon Zoo continue to work with professional networks to optimize the positive result of bears being placed in appropriate habitats, including Polar Passage.
- The committee recommends that staff analyze and apply lessons learned on COBID utilization from the Education Center to Polar Passage, Primate Forest and the rhino habitat.

### **Primate Forest**

- The committee commends the zoo and Metro Council for prioritizing the removal of the old primate building in this phase of construction due to animal welfare priorities and to reduce ongoing costs by no longer operating a dilapidated building.
- The committee commends the zoo for continuing to recognize the need to monitor the impacts of construction and habitat changes on the affected animals.
- The committee commends zoo staff for analyzing the ongoing capacity and conservation priorities of the primate habitat, and supports the decision to reduce the number of species in order to enhance overall animal welfare.

## **2017 Findings and Recommendations Summary (continued)**

### **Rhino Habitat**

- The committee commends the zoo for continuing to recognize the need to monitor the impacts of construction and habitat changes on the affected animals.

### **Interpretive Experience and Wayfinding**

- The committee recommends that the interpretive investments continue to be analyzed and updated to reflect conservation action priorities for the zoo.
- The committee recommends that staff share the outcomes and findings from the Education Center interpretive summative evaluations when they are available.
- The committee requests information about the zoo's ongoing processes and systems to assess the condition and effectiveness of the interpretive elements of completed bond projects, including how funds are budgeted, to ensure they remain relevant, accurate and well maintained.
- The committee recommends that staff continue to investigate interpretive systems that can be easily changed to display current data and conservation updates.

### **Percent for Art**

- The committee commends the integrated effort with the art design and interpretive focus of Polar Passage and recommends the zoo consider this integration in future art investments.
- The committee carries forward its 2016 recommendation that the zoo document the new public art and develop an ongoing maintenance plan to support its commitment to this nonliving collection.
- The committee commends the zoo for being on track to meet Metro's 1 percent for art requirement and pooling art resources to enhance effectiveness in major visitor zones.
- The committee recommends that the zoo document the successful process of the Oregon Zoo Public Art Advisory Committee, as a reference for future art investments.

### **Education Center**

- The committee recommends the Education Center continue to be operated in a way that optimizes net-zero energy goals while achieving other program goals.

### **Elephant Lands**

- The committee commends the zoo for winning the Association of Zoos and Aquariums (AZA) Exhibit of the Year award for Elephant Lands. The project has received 17 awards to date.
- The committee carries forward its 2016 recommendation that staff share publicly the outcomes of the elephant welfare studies when data analysis is complete.

## **2017 Findings and Recommendations Summary (continued)**

### **Budget and Expenditures**

- The committee congratulates and thanks the Oregon Zoo Foundation for its significant financial support of \$3.2 million for Polar Passage, Primate Forest and rhino habitat.
- The committee appreciates the work the budget subcommittee did on the recommended reallocation of remaining funds and appreciates Metro for approving the reallocation.
- The committee recommends that continued rising construction and infrastructure costs be monitored closely during the remaining projects.
- The committee commends zoo staff for the forethought and prudence of combining the three remaining projects to reduce construction costs and time. The committee also commends Metro for being open to and approving this innovative construction plan.
- The committee recommends that the zoo consider alternative ways to provide food choices for patrons while eateries are closed for construction.
- The committee recommends that the zoo have a plan to help offset any reduced cash flow during this final stage of construction.
- The committee recommends careful consideration of the Integrated Conservation Action Plan (ICAP) when completed and adopted to understand how costs will be influenced.
- The committee recommends evaluating options with remaining unallocated funds after the final bond issuance in 2018.

### **Contracting Methods**

- The committee recommends that zoo bond staff continue to document cost savings and efficiencies through the use of alternative contracting methods through the completion of the remaining projects.

### **Master Plan Implementation: Cost Projections**

- The committee recommends staff continue to inform and update the Oversight Committee on cost trends in the construction industry, including materials costs.
- The committee recommends staff continue to review and validate budgets and cost escalation and their implications on the remaining planned projects.
- The committee recommends the staff continue to monitor changes to animal welfare standards that could have an impact on current and future projects.
- The committee recommends continued monitoring of the zoo's conservation priorities for any upcoming changes that could affect project designs, construction or operation.

## **2017 Findings and Recommendations Summary** (continued)

### **Administrative Costs: Cost Projections**

- The committee recommends staff continue to monitor the reasonable assessment of administrative costs and their implications on the overall program budget, and provide a report at least annually to the full Oversight Committee.

### **Operating Costs: Cost Projections**

- The committee believes it is important that staff continue to monitor future operating costs of the zoo assuming that as project planning matures, costs may change.
- The committee recommends staff provide the operating outcomes from completed bond projects.
- The committee recommends that the zoo prioritize preventative maintenance in the ongoing operation of the new facilities to maximize the lifespan of the equipment.

**REQUIRED REPORTING ITEM 1 | Assessment of Progress**

Assess progress in implementing the Oregon Zoo bond measure project improvements

## **A. Program initiatives**

### **1. Animal Welfare: Overview**

Protecting animal health and safety was a priority in the ballot measure. The zoo is committed to providing its animals with the best care possible. Animal welfare is prioritized during design and monitored during all construction. The sequence and design of the bond-funded projects prioritizes animal welfare.

Animal welfare refers to an animal's collective physical, mental and emotional states over a period of time and is measured on a continuum from poor to excellent. The zoo aims to optimize the welfare potential of each animal through enrichment, enclosure design, nutrition, research programs, veterinary care, husbandry training, population management and staff training. For animals to thrive the zoo takes into account psychological aspects of welfare such as mental, emotional and social health. The zoo conducts continuous welfare assessments of individual animals and the species to analyze behavior, physiology, and physical appearance and health.

The ballot measure called for providing more indoor and outdoor space for elephants; replacing the zoo's 45-year-old animal hospital and quarantine facilities to protect animal health and safety; protecting the health of polar bears by replacing concrete structures and substrate with pools, more space and more humane conditions; and replacing plain and sterile areas for primates with trees, rocks and water.

#### **Completed Projects**

The Elephant Lands habitat provides more space, natural substrate and enrichment opportunities for the elephants. Expanded spaces and upgraded facilities will improve elephant health and welfare by providing more options for extending outside access, increasing exercise opportunities and offering a more natural and stimulating environment for elephants. Research outcomes will be available in 2018.

The Veterinary Medical Center offers dramatic improvements in animal holding, climate-controlled spaces, enclosure substrates to increase safety and comfort, reduced stress for animals, options for environmental enrichment and ability to control communicable diseases. The Association of Zoos and Aquariums (AZA) had deemed the zoo's former animal quarantine facility substandard. Built 45 years ago, it had inadequate lighting, heating, ventilation and drainage. The building had been noted for its rusty and crumbling walls and doors. Some surfaces were difficult to sanitize because of degradation and could have provided foreign objects subject to ingestion by animals. The facility's floor could damage the hooves of some animals. The Oregon Zoo is now recognized as having one of the most advanced animal hospitals in the country.

The Condors of the Columbia exhibit offers opportunities for the birds to fly and provides the public with a rare opportunity to see this endangered Northwest native bird, increasing awareness of the need to protect this endangered species.



The Education Center provides improved facilities for the invertebrate collection at the Insect Zoo and western pond turtles at the Species Conservation Lab. In addition, the Center's message of taking small actions on behalf of wildlife will benefit the conservation of animals worldwide.

**Current Projects**

Polar Passage is currently being designed to provide polar bears with long views, natural substrate, more space, and meet AZA and Manitoba standards for polar bear habitats. The old exhibit is almost entirely concrete, generating a very high heat load in the summer, and uniformly fails to address the welfare of the polar bears. In addition, the old space, both land and pools, does not meet the Manitoba protocols (see Polar Passage, page 22) established for zoo polar bears.

Primate Forest is currently under design and will be home to an expanded colony of chimpanzees adjacent to the orangutans in Red Ape Reserve. Chimps thrive when they are in large enough groups to choose who to spend time with, and when they have the latitude to move between groups. New construction addresses this need by expanding and significantly improving the space to accommodate a larger troop of chimpanzees.

The new habitat will provide the chimps with more complex spaces and better visibility so that they can see who is entering the area. Primate Forest will include interchangeable three-dimensional structures, allowing keepers to enrich the environment by changing the arrangement of climbing structures and hammocks every day.

The rhinoceros habitat will also be expanded into the old hippo habitat to provide more space for the critically endangered black rhinoceros.

**2. Conservation Education: Overview**

The ballot measure highlighted a need to increase conservation education opportunities for zoo visitors. The zoo aims to inspire visitors to take conservation action, increase its capacity to invite and engage diverse audiences in conservation education, engage other conservation partners in providing resources and programming to the zoo's 1.6 million annual visitors, and advance conservation education in the region by fostering connection and dialogue between different sectors and issues.

**Completed Projects**

Completed in March 2017, the Education Center creates a dedicated space for education programming at the zoo, allowing the zoo to increase capacity for conservation education. The Education Center is helping the zoo raise the visibility and support the work of more than 30 nature, conservation and sustainability organizations by connecting them with zoo audiences. The center features seven new classrooms and three tent sites, up from just two classrooms previously. New programming in the space has resulted in an increase in summer camp attendance. The Education Center has hosted wildlife lectures, naturalist classes, citizen science trainings, Zoo Teen demonstrations in the insect zoo, and an early childhood pilot program. With new space and new programming, the zoo team is maximizing their opportunity to expand conservation education.

The results of an interpretive evaluation demonstrated that the Oregon Zoo effectively achieved its education goals for Elephant Lands. Messaging about palm oil threats and human-elephant conflicts

holds promise as the most effective way to incentivize conservation action in Elephant Lands. Almost half of all respondents had never heard that these situations threatened elephants. As a result of their visit, 62 percent were more likely or a lot more likely to buy products that they know contain only wildlife-friendly palm oil. Interview respondents confirmed that Elephant Lands effectively or very effectively communicated messages about the zoo's care for, research about, and conservation of elephants. After a visit to Elephant Lands, 83 percent of survey respondents agreed that they felt a stronger connection to the elephants and 84 percent felt their consumer choices made an impact on elephant conservation. Visitors were strongly moved to increasingly act on behalf of elephant conservation causes advocated by the zoo. When asked about a series of local sustainability actions that they could adopt that would benefit elephants, about one-third of survey respondents were more likely to engage in all five actions as a consequence of their visit.

Condors of the Columbia tells the story of condors' historic fall and current rise and the challenges these birds face today from lead and trash in their environment. It also guides visitors through the zoo's decade-long condor recovery effort in conjunction with the United States Fish and Wildlife Service and many other partners. An evaluation of the interpretive messaging and experience at Condors of the Columbia demonstrated that visitors learned about history, threats, recovery efforts under way and what actions they could take to support the condors. Specifically, visitors committed to picking up trash and to support the switch to lead-free ammunition.

### **Current Projects**

As the primary threat to polar bear survival, climate change will be a central theme of the visitor experience. Visitors will learn about the polar bears' amazing adaptations to their Arctic habitat and the best ways to take personal action to reduce the effects of climate change. Because polar bears are hard to study in their natural habitat, the Oregon Zoo has provided an environment suitable for science-based research that contributes to and supports field research aimed at helping wild bears survive. The new zoo habitat will continue this commitment and provide visitors with a fascinating and close-up view into this important conservation science support.

At Primate Forest, visitors will learn about the incredible adaptations chimpanzees and orangutans have developed for life in their forested habitats in Asia and Africa and the devastating impacts of deforestation on these arboreal animals. In particular, visitors will learn about the destruction of forests by the palm oil industry and how each one of us can take action to ensure a future for these remarkable primates.

In 2017, the Oregon Zoo made significant progress on the development of an Integrated Conservation Action Plan (ICAP). This plan establishes the zoo's primary conservation priorities and helps the zoo focus efforts around animals, programs and operations for greater impact.

## **Conservation Education: Overview**

### **2017 Findings and Recommendations:**

- The committee commends Oregon Zoo director Dr. Don Moore for his work to illustrate critical conservation issues and to lead the zoo in developing an Integrated Conservation Action Plan.
- The committee recommends that the remaining bond-funded projects focus conservation education to align with the new Integrated Conservation Action Plan.

### **3. Infrastructure and Sustainability: Overview**

The ballot measure called for the zoo to conserve and reuse water, requiring significant infrastructure upgrades. Most of the zoo's infrastructure dates back to the 1950s and 1960s. Pipes, plumbing and irrigation systems are outdated, leaking and well past their useful lives. The most expensive utility cost at the zoo is water, and leaking pipes, run-off, inadequate filtration systems, and lack of water storage all contribute to wasting water and increasing costs. Literally millions of gallons of water per year and thousands of dollars are being saved through a major rebuilding of the zoo's water distribution system. In addition, new buildings are being designed to capture solar warmth, and provide natural light and ventilation, cutting down on energy usage and cost.

In its Comprehensive Capital Master Plan, the Oregon Zoo detailed its commitment to creating an efficient and sustainable campus constantly striving to increase conservation of resources, and improvement and expansion of services. Through these types of efforts, operating funds needed for utilities and energy are reduced and can be used for support of the zoo's core missions. The bond funds have provided for the replacement of many of the original buildings, antiquated building/operational systems and animal habitats. The Oregon Zoo strives to be an efficient and sustainable campus.

The physical location of the zoo presents development challenges due to natural landforms, steep grades and unstable soil conditions. Projects are shaped using the design team's study of vegetation, geology, hydrology, landforms, topography, circulation, potable water network and existing infrastructure, age of existing buildings and suitability of land for development. Capital improvements, enhancements and sustainable features have been incorporated to improve site infrastructure, including the new train route and trestle, new service road, sanitary sewer line replacement, improved stormwater management, and energy and water saving measures.

Zoo bond projects are designed to achieve or exceed U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Silver certification. The Veterinary Medical Center and Elephant Lands both received LEED Gold Certifications, and the goal has been set for the Education Center also to achieve LEED Gold. LEED is an internationally recognized means to assess the effectiveness of building materials, systems and siting choices to reduce environmental impact through a broad range of energy and resource consumption measures.

Oregon Zoo bond project sustainability and infrastructure goals:

- Achieve LEED Silver or higher certification in each project.
- Reduce zoo-wide greenhouse gas emissions 80 percent below 2008 levels by 2050, from building operations and maintenance and through energy efficiency and resource conservation.
- Produce on-site renewable energy with solar panels generating electricity to meet state requirements to invest 1.5 percent of capital construction cost of eligible projects in renewable energy.
- Reduce zoo-wide water use 50 percent below 2008 levels by 2025.

### **Completed Projects**

On projects to date, the zoo has separated the old combined sewer system into isolated stormwater and sanitary sewer, and built stormwater planters and bioswales to naturally filter and clean stormwater before sending it downstream; this practice will continue on the remaining projects.

The zoo installed an underground stormwater storage facility under the Elephant Lands encounter habitat capable of storing and slowly releasing storm runoff from the entire zoo in a ten-year rain event. In addition, the zoo implemented water reuse or reclaimed water systems for nonpotable water demands (rainwater harvesting) on the Veterinary Medical Center, Elephant Lands and the Education Center. The zoo has installed water filtration and circulation systems as part of the life support systems to reuse water in the penguinarium and Elephant Lands, and will also do so in the Polar Passage pools. The pools at Elephant Lands use 86 percent less water than the old exhibit pools, or a decrease of more than 13 million gallons of water annually.

The zoo has designed landscape areas with native, climate-adaptive plant species on projects to date and will continue to do so on remaining projects.

The new Education Center includes many features to enhance infrastructure and sustainability (see page 33). The LEED-certified building features rainwater reuse in restrooms, solar panels for energy production, bird-friendly glazing, Forest Stewardship Council-certified wood and efficient heating and cooling systems. Funding from Portland General Electric's Renewable Development Fund supported the expansion of the solar panel installation to help achieve net-zero energy operations.

### **Current Projects**

Polar Passage is being designed to connect to the geothermal "slinky" system for heat exchange with Elephant Lands. This energy-saving feature that will capture heat used to cool the polar bear pools and transfer it to help heat the elephant building. New pools at Polar Passage will have water filtration and recovery systems to save significantly on water utility costs. Polar Passage and Primate Forest buildings will be significantly upgraded with a high efficient heating/ventilation/air conditioning (HVAC) system, LED lighting and solar tubes for natural daylighting. The most critical improvement is the deconstruction of the 1950s polar bear and primate buildings and the antiquated systems.

The new rhinoceros habitat will expand into the existing hippopotamus area. This upgrade will remove the outdated hippo pool and save more than 10 million gallons of water annually.

Electrical upgrades are occurring throughout campus to replace outdated generators and associated infrastructure.

In 2017, the Metro Council approved funding for additional electrical infrastructure upgrades on the zoo campus. Investing in a new generator and supporting electrical infrastructure provides for animal welfare and operational efficiencies.

## **Infrastructure and Sustainability: Overview**

### **2017 Finding and Recommendation:**

- The committee commends the investment in sustainable infrastructure at the Oregon Zoo as a means to reducing utility and energy costs, which frees funds to support the zoo's core missions, and is in alignment with the zoo's conservation goals.
- The committee recommends that the Oregon Zoo operate, maintain and repair the new facilities to meet the intended water, energy and sustainability performance of the designs and equipment specifications.

## **4. Diversity in Contracting: Overview**

The zoo continues to demonstrate its commitment to increase contracting opportunities for minority-owned enterprises, women-owned enterprises, emerging small businesses, and service-disabled veteran-owned enterprises that are certified by the State of Oregon Certification Office of Business Inclusion and Diversity (COBID firms).<sup>1</sup> The aspirational contracting goal for the zoo bond-funded construction projects is 15 percent participation from COBID firms. This goal is currently being met by the zoo bond program.

On the nearly complete Education Center project, the COBID utilization rate as of December 31, 2017, was 29.5 percent – almost double the aspiration goal. Overall as of that date, the bond program has spent approximately \$70.8 million on COBID-eligible construction contracts, and \$10.4 million, or 15 percent, of that was on COBID firms. Of that COBID spending, 34 percent (\$3.6 million) went to minority-owned businesses, 41 percent (\$4.3 million) to emerging small businesses, and 25 percent (\$2.5 million) to women-owned businesses.

Starting with the Education Center project, additional tracking is being conducted to assess COBID consultant utilization in the design phase. The Education Center design team led by Opsis Architecture, had a COBID utilization rate of 8 percent. Projected COBID utilization for the Polar Passage/Primate Forest/Rhino design team led by CLR Design is currently at 24 percent.

---

<sup>1</sup> Metro now refers to MWESB firms as COBID (Certification Office for Business Inclusion and Diversity)-certified firms to align with the state's certification program for minority-owned businesses, women-owned businesses, emerging small businesses and service-disabled veteran-owned businesses.

A full accounting of the bond program diversity in contracting activities is now detailed in a quarterly report, first issued in September 2016. The [Equity in Contracting Quarterly Report](#) is posted on the zoo website, and distributed through Metro's community and construction networks.

Efforts to increase these numbers include evaluation during the procurement of goods and services, outreach to COBID firms to encourage participation, mentoring of COBID firms, and breaking down projects to increase accessibility to bid.

Improved recruitment strategies of COBID firms included:

- General contractor starts recruiting COBIDs earlier to help get them ready by bid day, and hosting workshops either at their office or onsite before bid day.
- Breaking down bid packages for subcontractors so that they are not overwhelming for smaller firms to bid.

Metro's methodology for calculating COBID utilization<sup>2</sup> deducts the value of the scopes of work deemed ineligible to COBID firms from the total construction contract amount to determine the base for utilization rate calculation. For example, for the Condors of the Columbia project, this methodology resulted in removing the specialized aviary mesh installation scope of work, with a subcontract value of \$157,845, from the base calculation. Only three firms nationwide provide the mesh installation, and none of them was a certified COBID firm.

To determine if a scope of work is ineligible, the Metro project manager and contractor contact and search the Oregon Procurement Information Network (ORPIN), State of Oregon COBID website, Oregon chapter of National Association of Minority Contractors and minority business chambers of commerce to determine if any vendors in the area are eligible to perform the specialized work. The outcome of this search is documented in the project Minority Utilization Report. Metro's procurement manager must approve the request for any specialized work deemed ineligible to COBID contractors and is responsible for tracking and reporting COBID contractor utilization.

While COBID goals focus on business ownership, goals for creating greater labor force opportunities for women and people of color have not been addressed until recently. The committee has raised this topic, which has been well received by zoo bond staff and Metro. With no goals in the original bond language to help measure workforce equity impacts, the committee has encouraged practices that increase opportunities for women and people of color on the final construction projects, including recommending the Metro Council approve alternative contracting methods such as Construction Management by General Contractor (CM/GC) for several zoo bond projects.

Recently, Metro launched the Construction Career Pathways Project to identify strategies for providing reliable career pathways for women and people of color in the construction trades. Metro, in partnership with other public and private institutions, is conducting an assessment of the region's construction workforce supply and demand outlook to better understand its overall capacity to meet growing demand, its current composition as it relates to the increasing demand to provide more

---

<sup>2</sup> Early in the bond program, Metro used a different method of calculating COBID utilization (COBID utilization percentage was calculated based on the value of contract dollars available to subcontractors; excluding the value of the general contractor's self-performed work). Metro revised its methodology in 2014 to include the total contract value (including the general contractor's self-performed work and overhead costs), and this report has updated all COBID utilization reporting to be consistent with the current method.

diversity across the trades, and the existing opportunities for future workforce growth across the overall regional industry. The zoo bond staff have also participated in this project to determine meaningful areas of partnership between public sector agencies, community, the trades and industry to invest resources to support living-wage jobs for people of color and women.

The Zoo Bond Citizens' Oversight Committee acknowledges that issues of equity and inclusion in public sector contracting to increase both business ownership and labor force development are complex and will require sustained, long-term actions that extend beyond the zoo bond in scope and time. Nonetheless, the committee appreciates the efforts by Metro, other government units and private sector entities to create sustainable programs that will make meaningful change over time. The committee also appreciates that the bond program staff has worked hard to solicit and retain design and construction teams who are committed to these goals.



## Diversity in Contracting: Overview

### 2016 Recommendations *with updates*:

- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on a construction project, specifically Polar Passage.

*Update: The Diversity in Workforce and Contracting plan for Polar Passage is currently being developed and will be shared with the committee prior to subcontractor bidding.*

- The committee carries forward its recommendation that when the 15 percent COBID utilization goal may not be reached because of specialty work, that alternative bidding practices such as those suggested for "2015 improved recruitment strategies of MWESB firms" should be implemented to maximize opportunity.

*Update: The bond program has completed alternative procurement for the final three projects and has secured a general contractor for construction management during design and construction (CM/GC) that is committed to Metro's Diversity in Contracting goals.*

- The committee recommends tracking and reporting the contracting of COBID-certified firms used for project design and other services on the project, not just construction.

*Update: Staff began tracking and reporting the COBID-certified firms used for project design and other services.*

### 2017 Findings and Recommendations:

- The committee commends the zoo bond program for consistently improving their performance in expanding tools to advance COBID utilization.
- The committee commends Metro for the role it's taken to advance the regional work toward supporting women and people of color in the construction industry.
- The committee recommends that Metro continue prioritizing efforts to enhance diversity in the construction workforce and contracting through workforce equity standards.
- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on the final construction projects.
- The committee carries forward its 2016 recommendation to track and report the contracting of COBID-certified firms used for project design, construction and other services.
- The committee recommends that staff continue to make best efforts to diversify contracting; the committee considers the demand on the marketplace to be an ongoing challenge for projects in the region based on both limited overall competitive resources as well as the other, primarily publicly funded, construction projects that require reporting of workforce equity.

## 5. Program Governance and Structure: Overview

Prior to the start of the zoo bond construction projects, the Metro Auditor recommended improved accountability through clarity of the organizational structure. The Auditor suggested clearly delineating roles and responsibilities and lines of authority.<sup>3</sup> The governance structure set up for the zoo bond program separated bond program project planning and construction activity from zoo operations. The zoo bond program team reported directly to the Metro deputy chief operating officer through November 2017. The zoo bond team transitioned reporting to the Metro general manager of visitor venues at the end of 2017, which still allows a separation of planning, construction and expenditure authority between the zoo bond program and zoo operations.

A follow-up audit demonstrated that separating the bond program from zoo operations created a separate project management function better suited to address financial oversight, scheduling and information sharing.<sup>4</sup> This robust governance and oversight structure continues to guide the bond program and is proving to be effective in ensuring careful and diligent stewardship of bond funds.

In February 2016, Dr. Donald E. Moore joined the zoo as the new director. Dr. Moore has offered valuable insight in the design and partnerships to support the zoo's bond-funded projects.

### Program Governance and Structure

#### 2016 Findings and Recommendations *with updates*:

- The governance structure that guides the bond program is proving to be effective. As it did in 2015, the committee recommends preserving the current governance structure of the bond program reporting to the Metro deputy chief operating officer for appropriate oversight.

*Update: In 2017, the zoo bond program transitioned reporting to the Metro general manager of visitor venues. This still allows a separation of planning, construction and expenditure authority between the zoo bond program and zoo operations.*

#### 2017 Findings and Recommendations:

- The committee recommends that Metro continue to maintain clarity about roles, responsibilities and lines of authority given the reporting structure transition.
- The committee commends former deputy chief operating officer Scott Robinson for his dedication and hard work in establishing and maintaining high standards for the zoo bond program over the 10 years since the ballot measure passed. The committee appreciates his oversight encouragement and support of the Zoo Bond Citizens' Oversight Committee.

<sup>3</sup> Metro audit issued in November 2009 entitled "Oregon Zoo Capital Construction: Metro's readiness to construct 2008 bond projects," p. 21.

<sup>4</sup> Metro audit issued October 26, 2011, entitled "Zoo Capital Construction Program Audit Follow-up," p. 5.

## REQUIRED REPORTING ITEM 1 | Assessment of Progress

## B. Ongoing and new bond projects

The final projects – Polar Passage, Primate Forest and expanded rhino habitat – are adjacent to one another in the center of the zoo, so the zoo will manage them as a single construction site. This approach is expected to reduce construction time, construction costs, make the whole undertaking more efficient, and reduce impacts on zoo operations and visitor experience. The construction will be done in phases. The first phase has the largest footprint, encompassing all three future habitats as the zoo demolishes old facilities. As the zoo completes projects, the construction footprint will get smaller. Primate Forest and the rhino habitat will open first, followed by Polar Passage. All are scheduled to open in 2020.

### 1. Polar Passage

Planning and design work is underway for the new polar bear habitat, Polar Passage, included in the bond. Zoo director Don Moore, who has for many years worked closely with international colleagues on polar bear conservation, and the Oregon Zoo polar bear keepers, who have been recognized internationally for their research on polar bear nutrition and metabolism, have generously shared their knowledge with the Zoo Bond Citizens' Oversight Committee and zoo bond program staff. This was to help assure that decision-making about the design of the new exhibit optimizes the opportunities to meet the zoo's multiple goals for animal welfare, conservation and education, and creates an engaging habitat for the next generations of polar bears at the Oregon Zoo.

Polar Passage will cover approximately two acres, three times the size of the existing space, and will be custom designed to support the needs of polar bears. The new habitat will give the bears greater choice and control, encouraging them to engage in more natural behaviors while providing opportunities for keepers to visually monitor animals, enabling responsive care. Polar Passage will include more open and varied terrain, with hilltops and cliffs offering the bears big views across the zoo and a variety of habitats to patrol, as polar bears do on ice floes and tundra in the Arctic. New shallow and deep saltwater pools will be healthy for skin, fur and eyes. The groundbreaking work the zoo does with bears to support Arctic conservation science will be on display for visitors, who will learn how to personally take meaningful action to reduce their climate change impacts and help create a better future for polar bears.

**Animal Welfare** – As envisioned, the project will expand the bears' access to natural substrate and habitat, renovate and increase the efficiency of the water-filtration system, reduce temperatures, chill the pool water, and increase both land and pool space. New holding areas will have better lighting and ventilation, allowing for better animal care. As marine mammals, polar bears' eye and coat health is best served with access to saltwater. The original scope included one saltwater pool, but the committee recommended and the Metro Council approved a scope change to ensure all of the pools had a saltwater system.

Manitoba, Canada's Polar Bear Protection Act establishes minimum requirements for facilities that receive an orphaned animal from Manitoba (Western Hudson Bay population/Churchill area). The regulations identify exhibit and off-exhibit space, holding area, maternity den, pools, viewing distance, barrier heights, exhibit complexity, animal care, enrichment and education requirements. The Association of Zoos and Aquariums' Species Survival Plan for polar bears has asked that all polar bear facilities aspire to the Manitoba standards. The Oregon Zoo is designing Polar Passage to adhere to AZA and the Manitoba standards. This will allow the zoo to qualify to receive polar bears from Canada, if available. Polar Passage could be a future home for orphaned or displaced bears.

**Conservation Education** – Development of this new habitat also provides the Oregon Zoo the opportunity to educate guests about climate change, as well as the conservation research the zoo conducts with polar bears to assess the impacts of such change. A key component of the new polar bear exhibit will be to bring the zoo's research and positive reinforcement training activities to the forefront of the visitor experience. One of the main objectives of the interpretive messaging will be to introduce facts about climate change, polar bear conservation, and actions visitors can take to preserve polar bears and their Arctic habitat. As with all bond projects, the effectiveness of the interpretive exhibits with visitors will be assessed after the project is complete.

**Infrastructure and Sustainability** – Infrastructure work associated with the polar bear project includes a public plaza with guest amenities, visitor path upgrades, and the final phase of upgrading utilities as part of the bond program implementation. The polar bear project will also connect to the geothermal "slinky" system installed during the construction of Elephant Lands to exchange heat and cooling between the habitats. The geothermal system will help save energy by transferring energy used to cool Polar Passage and use it to help heat Elephant Lands.

**Diversity in Contracting** – The approval to utilize CM/GC for this project will allow for more outreach to COBID contractors during the design phase.

**Percent-for-Art** – The final of three major bond program Percent-for-Art installations will be developed in conjunction with the Polar Passage project. The team of Edwin and Veronica Dam de Nogales was selected in November 2016 as the commissioned artists. The Polar Passage design and conservation messages related to the iconic polar bear were a major consideration in artist selection. The Metro Council approved the artists' design concept in 2017.

## Polar Passage

### 2016 Findings and Recommendations *with updates*:

- The committee recommends that staff analyze the use of saltwater for all of the Polar Passage swimming pools and bring the cost and program analysis to the committee for review.

*Update: Staff completed an analysis of the operational, construction cost, animal welfare, and research opportunities associated with the use of saltwater in all pools. The project scope was amended to incorporate saltwater per the recommendation of the committee and approval by the Metro Council.*

- The committee recommends that the zoo develop a formal commitment to polar bear conservation and define how Polar Passage supports this conservation commitment.

*Update: The committee appreciates Dr. Don Moore's letter to the committee outlining the zoo's efforts to prioritizing polar bear conservation and efforts underway to plan for bears coming to Polar Passage.*

- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on a construction project, specifically Polar Passage.

*Update: The Diversity in Workforce and Contracting plan for Polar Passage is currently being developed by the general contractor and will be shared with the committee prior to subcontractor bidding.*

### 2017 Findings and Recommendations:

- The committee commends the forward thinking of the bond team to identify how to best utilize remaining funds to optimize goals associated with the remaining projects.
- The committee recommends continued commitment to polar bear conservation and to define how Polar Passage supports this conservation commitment.
- The committee carries forward its 2015 recommendation that staff share the general contractor's Diversity in Workforce and Contracting plan with the committee prior to seeking subcontractor bids on a construction project, specifically Polar Passage.
- The committee recommends the Oregon Zoo continue to work with professional networks to optimize the positive result of bears being placed in appropriate habitats, including Polar Passage.
- The committee recommends that staff analyze and apply lessons learned on COBID utilization from the Education Center to Polar Passage, Primate Forest and the rhino habitat.

## 2. Primate Forest

Primate Forest will provide vastly improved habitat for an expanded family of chimps. The old primate building, including Flooded Forest, will be demolished to make way for this new habitat. Red Ape Reserve will remain, but with updated displays and information about the effects of deforestation on orangutans, and guidance for visitors on how to take meaningful action.

**Animal Welfare** – The old primate building was scheduled to be demolished in a future phase of construction (Master Plan Phase II). In 2017, the Metro Council approved the prioritization of removing the primate building in this phase and building a new habitat in that space. The zoo staff reviewed conservation and animal welfare goals to determine the priority species for the new habitats. Focusing on chimpanzees and orangutans improves the welfare of the animals in the habitat and strengthens the impact of information shared with visitors by focusing on a theme – deforestation – with meaningful information, empowering zoo visitors to take action that can bring about real results.

The Oregon Zoo has an existing troop of chimpanzees who will benefit significantly from more complex spaces and better visibility so that they can see who is entering the area. This species thrives in groups large enough for individuals to choose who to spend time with, and with latitude to move between groups. Primate Forest is being planned to address these needs by greatly expanding the space to accommodate a larger troop of chimpanzees. The habitat will include interchangeable, three-dimensional structures, allowing keepers to enrich the environment by changing the arrangement of climbing structures and hammocks. The new chimp habitat will be adjacent to the orangutans in Red Ape Reserve.

**Conservation Education** – Visitors will learn about the conservation challenges primates face from deforestation, particularly as their habitat is converted to palm oil plantations.

**Infrastructure and Sustainability** – The project is being designed to meet LEED Silver certification.

**Diversity in Contracting** – The approval to utilize CM/GC for this project will allow for more outreach to COBID contractors during the design phase. This project is being constructed in conjunction with Polar Passage and the rhino habitat.

### Primate Forest

#### 2017 Findings and Recommendations:

- The committee commends the zoo and Metro Council for prioritizing the removal of the old primate building in this phase of construction due to animal welfare priorities and to reduce ongoing costs by no longer operating a dilapidated building.
- The committee commends the zoo for continuing to recognize the need to monitor the impacts of construction and habitat changes on the affected animals.
- The committee commends zoo staff for analyzing the ongoing capacity and conservation priorities of the primate habitat, and supports the decision to reduce the number of species in order to enhance overall animal welfare.

### 3. Rhino Habitat

The 2008 ballot measure asked for funds to improve the hippo exhibit, primarily the installation of a water-saving filtration system. The hippo pool is currently dumped and refilled several times a week with millions of gallons of water being poured down the drain every year. The zoo began master planning after the ballot measure was approved and analyzed energy use across the entire zoo campus. The pumps and filtration systems use the most power, which meant the zoo was about to install a water-saving hippo pool filtration system that would use a lot of energy.

Unlike hippos, rhinos don't require pools and pose no issues regarding water use or filtration. In addition, rhinos are better suited to the zoo's long-term species plan. The zoo's 20-year master plan calls for construction of an Africa savanna habitat shared by a number of large grassland species. Rhinos can share habitat with gazelles and giraffes, while hippos are more aggressive and cannot share habitat. Upon further analysis, including public opinion surveys, the zoo and Metro Council amended the project to focus on expanded habitat for critically endangered rhinos. This allows for removal of the pool and prioritizing conservation of the endangered black rhino. To prepare for the rhino habitat expansion, the zoo will move hippos to a new home and the hippo pool will be decommissioned.

**Animal Welfare** – The rhino habitat will expand by more than fifty percent, creating space that can be divided, which will better support future breeding opportunities for this highly endangered animal. The rhinos will have more choices over how and where they spend their day, and visitors will get more intimate views of the animals.

**Conservation Education** – The new encounter space being designed into the habitat will allow visitors the opportunity to get up close to an endangered rhino with a keeper and learn more about the threats to the species.

**Infrastructure and Sustainability** – Decommissioning the hippo pool will save millions of gallons of water annually for the zoo.

**Diversity in Contracting** – The approval to utilize CM/GC for this project will allow for more outreach to COBID contractors during the design phase. This project is being constructed in conjunction with Polar Passage and Primate Forest.

## Rhino Habitat

### 2017 Findings and Recommendations:

- The committee commends the zoo for continuing to recognize the need to monitor the impacts of construction and habitat changes on the affected animals.



#### **4. Interpretive Experience and Wayfinding**

The zoo's overall interpretive goals, including both bond project and nonbond project initiatives, are to create a more synergistic experience for guests across the entire campus and to position the zoo itself – its environmental resources and stewardship of those resources, husbandry and animal care practices, and conservation programs – as an essential part of that experience.

Each project has interpretive themes and goals developed via a research-based approach. Visitors are engaged as part of the front-end (goal setting), formative (design) and summative (effectiveness) evaluations. Animal welfare, sustainability/green living, and conservation education are common threads through each project's interpretive elements.

The summative evaluation of Elephant Lands in 2017 demonstrated that the Oregon Zoo effectively achieved its education goals for the project (see page 35). The summative evaluation included six guiding questions and was a multi-modal study with three evaluation methods: a visitor intercept survey, a timing and tracking study, and focus groups. The timing and tracking study looked at how visitors navigate at each main habitat area and the activities of visitors at each habitat.

Before Elephant Lands was completed, 64 percent of respondents agreed or strongly agreed that Oregon Zoo elephants have a good quality of life. After Elephant Lands opened, that perception moved to 91 percent. With regard to appreciation of the new habitat, 93 percent of respondents said the exhibit design effectively or very effectively nurtured natural social behaviors and choices. Most visitors take pride in the Oregon Zoo and what it is doing for elephants at the zoo and in the wild. Ninety-eight percent agreed or strongly agreed that this exhibit shows that the Oregon Zoo is committed to the welfare of elephants. Visitors showed an increased empathy and respect for the elephants as a result of the exhibit, and they indicated their willingness to take actions to help elephants in the wild. Elephant Lands helped visitors see the value of zoos. The interpretive team effectively showed that elephants at the zoo are in good hands, and that the Oregon Zoo makes their lives healthy here and also helps elephants in the wild.

Installation of the campus wayfinding system was substantially complete in 2017. Zoo staff and consultants implemented a system to aid visitor navigation and trip planning on grounds.

## Interpretive Experience and Wayfinding

### 2016 Findings and Recommendations *with updates*:

- The committee recommends that staff share the outcomes and findings from the Elephant Lands and Education Center interpretive summative evaluations when they are available.

*Update: Staff shared results from Elephant Lands summative evaluation in May 2017; the committee commends the positive results, which demonstrate that the zoo effectively achieved its education goals.*

### 2017 Findings and Recommendations:

- The committee recommends that the interpretive messaging continue to be analyzed and updated to reflect conservation action priorities for the zoo.
- The committee recommends that staff share the outcomes and findings from the Education Center interpretive summative evaluations when they are available.
- The committee requests information about the zoo's ongoing processes and systems to assess the condition and effectiveness of the interpretive elements of completed bond projects, including how funds are budgeted, to ensure they remain relevant, accurate and well maintained.
- The committee recommends that staff continue to investigate interpretive systems that can be easily changed to display current data and conservation updates.

## 5. Percent for Art

The zoo's public art program goal is to present art that complements and enhances the zoo's award-winning education programs and animal habitats, and inspires visitors to be aware of the zoo's inherent role in creating a better future for wildlife. The zoo bond program has contributed to the zoo's collection through the acquisition of art under Metro's 1 percent for art requirement. The zoo bond program has engaged the Regional Arts and Culture Council (RACC) to help administer the selection of art for all the major art pieces commissioned under the bond program.

In 2011, the Metro Council approved a programmatic approach to art spending, which allowed the art appropriation for the remainder of the construction projects to be pooled for the whole program to fund three major commissions at three plazas, in addition to the initial zoo bond art commission for the Veterinary Medical Center. At the same time, the Council created an Oregon Zoo Public Art Advisory Committee (OZPAAC) and defined the process and criteria for the committee to select art. OZPAAC was directed to advise Metro on the selection of artists and/or works of art in accordance with Metro's percent-for-art program and to develop a long-term public art strategy dealing with the zoo's existing public art collection. OZPAAC includes a member of the Zoo Bond Citizens' Oversight Committee.

Since 2012 when the committee was formed, volunteer members have met several times each year and spent many hours developing artist solicitations, reviewing hundreds of artist proposals, interviewing finalists, selecting artists to recommend, and working with artists to refine the art concepts. OZPAAC has played a key role in successfully selecting art of high quality that represents the best in artistic skills, encourages public dialogue and understanding of art, enhances the aesthetic quality of the zoo site, and fulfills the zoo's public art program goal.

The first commissioned art acquired under the zoo bond program was installed at the Veterinary Medical Center. Two artists, Steve Gardner and Margaret Kuhn, were selected and produced *Inside/Outside* (Gardner), a series of fused glass and acrylic pieces, and *Outside/Inside* (Kuhn), a series of mosaic floor tiles.

The second art installation commissioned through the zoo bond program was created by artist Catherine Widgery. Ms. Widgery created *Forest Lights* for Elephant Lands and the east plaza, which opened in December 2015. She used dichroic glass and wood on the Elephant Lands Forest Hall façade to welcome visitors, and a related series of reflective vertical towers demarcating the concert lawn/Elephant Lands edge to help weave a sense of continuity between different elements on the site.

The third art commission was awarded to Rob Ley, a public artist from Los Angeles, to create art for the Education Center and west plaza project. Mr. Ley's art, titled *Ambiguous*, was installed in 2016 in Discovery Plaza, in front of the Education Center. His conceptual approach is based on the Education Center's interpretive theme that "small things matter," particularly how many small parts contribute to a whole., Mr. Ley created a sculpture composed of 2,500 triangles with 10,000 unique-angled bends and 15,000 rivets that turn all of these separate pieces into a singular, monolithic form.

The final major art commission selection process was completed in 2016 in coordination with the design of the new Polar Passage. Given the connection between polar bears and North American native populations, OZPAAC asked RACC to extend its outreach to native artists in Alaska. In addition to its routine outreach efforts, RACC contacted arts organizations based in Canada and Alaska and directly contacted a number of native artists, but did not receive any proposals from them. OZPAAC selected the

artist team of Edwin and Veronica Dam de Nogales of Ontario, Canada, out of 179 responses to the request for qualifications. The selected artists demonstrated significant personal knowledge of the plight of polar bears, and their proposed *Melting Ice Bear* sculpture will capture and convey both the majestic qualities of the polar bear and the precarious state of their survival. The cast aluminum sculpture will stand 11 feet tall and be complemented by two cast aluminum benches that capture the playful side of polar bears.

In 2017 staff provided a report on the public art expenditures associated with the bond program. It showed that the program is on track to achieve Metro's requirement to invest 1 percent of direct construction costs in public art. These investments further the zoo's public art program goal.

OZPAAC has encouraged the zoo to enhance its art condition assessment and maintenance program for its entire art collection, along with the newly commissioned artworks.

## Percent for Art

### 2016 Findings and Recommendations *with updates:*

- The committee recommends that the next commissioned art installation process be appropriately integrated with the Polar Passage and Central Plaza design.

*Update: The third major art commission for Melting Ice Bear by Edwin and Veronica Dam de Nogales of Ontario, Canada, was carefully sited adjacent to the Polar Passage interpretive building, and design of the work underscores Polar Passage's educational theme that global climate change is reducing polar bear habitat.*

- The committee recommends that the zoo document the new public art and develop an ongoing maintenance plan to support its commitment to this nonliving collection.

*Update: The collection documentation and maintenance plan are in process.*

### 2017 Findings and Recommendations:

- The committee commends the integrated effort with the art design and interpretive focus of Polar Passage and recommends the zoo consider this integration in future art investments.
- The committee carries forward its 2016 recommendation that the zoo document the new public art and develop an ongoing maintenance plan to support its commitment to this nonliving collection.
- The committee commends the zoo for being on track to meet Metro's 1 percent for art requirement and pooling art resources to enhance effectiveness in major visitor zones.
- The committee recommends that the zoo document the successful process of the Oregon Zoo Public Art Advisory Committee, as a reference for future art investments.

## **6. Electrical Infrastructure**

In March 2017 when the Metro Council reallocated the remaining bond funds, it created a new Electrical Infrastructure project to replace two outdated emergency power generators and associated electrical infrastructure critical to servicing animal areas and supporting animal and guest safety. It includes six subprojects – each with its own scope, schedule and budget – that are being managed by zoo Facilities Management and paid with zoo bond funds, per a signed Memorandum of Understanding with the zoo bond program:

1. Lower Service Road Feeders
2. Roundhouse Automatic Transfer Switch
3. AfriCafé Panel Replacement
4. Animal Nutrition Center Panel Replacement
5. Middle Service Road Feeders
6. Generator Replacement

As of December 31, 2017, the first four projects were substantially complete. The Middle Service Road Feeders and Generator Replacement are in progress and scheduled to be completed in 2018.

## REQUIRED REPORTING ITEM 1 | Assessment of Progress

## C. Completed bond projects

### 1. Education Center, 2017

The Education Center design offers a highly interactive, engaging facility that provides multiple avenues for learning about nature and conservation. Key features of the site include the Nature Exploration Station (NESt), the Backyard Habitat, Insect Zoo, a species recovery lab raising western pond turtles, classrooms, a flexible events space, a café and offices. More than 3,600 people in the metro region influenced key interpretive themes and potential activities at the Education Center via online and site surveys. Construction began in September 2015, with the grand opening on March 2, 2017.

The construction had a significant impact on the visitor experience, zoo classes and camps, and zoo operations. Access in and out of the project site onto busy Washington Park roadways was a safety challenge and concern. Close coordination between construction and facility operations was required. The Metro Council approved an alternative procurement for construction management by a general contractor, which helps address these risks, as well as encouraging more minority-owned, women-owned and emerging small business contractor participation. The design team and construction contractors worked closely with zoo staff and stakeholders to minimize the negative impacts to visitors and surrounding neighbors during construction.

The Education Center has received several awards, including the 2017 DJC TopProjects Energy Trust of Oregon High Performance Building for New Construction Award, 2017 DJC TopProjects People's Choice for Public New Construction, and the American Council of Engineering Companies of Oregon Engineering Excellence 2018 Grand Award.

**Animal Welfare** – In addition to new improved facilities for the invertebrate collection at the Insect Zoo and western pond turtles at the Species Conservation Lab, the NESt's message of taking small actions on behalf of wildlife will benefit the conservation of animals worldwide.

**Conservation Education** – The Education Center facilitates the development of Metro's environmental literacy framework and is a place where regional conservation education partners connect with each other and the community. Working with partners, the framework outcomes have been molded into the overarching themes for the Education Center, including the big idea that "Small Things Matter":

**Small animals matter.** While visitors to the zoo care about many larger animals such as elephants, orangutans and polar bears, Education Center exhibits and experiences – like the new, improved Insect Zoo – ensure they don't forget the smaller and often underappreciated inhabitants of our world including insects, turtles and microorganisms which are critical to a functioning and healthy natural system.

**Small habitats matter.** Small habitats found in gardens, stormwater basins, highway medians, parks, and natural areas all over the region are important to a well-functioning ecosystem.

**Small actions matter.** Small individual actions and choices can make a big difference. An exhibit in the Education Center's Nature Exploration Station highlights "wildlife heroes" – everyday people

who have taken action on behalf of wildlife and wild places. An adjacent "Take Action Now" exhibit encourages visitors to follow these heroes' example and pledge to do more to help.

The zoo developed partnerships with more than 30 conservation organizations to deliver collaborative educational programs and access to office space in the new facility. Key partners include the U.S. Fish and Wildlife Service, which has dedicated staff and resources to provide ongoing year-round programming; the Intertwine Alliance, which uses the space to convene and plan among regional conservation education organizations; and Metro's Property and Environmental Services and Parks and Nature divisions, which will provide content and resources for programs and exhibits on natural gardening, waste reduction and sustainability. Oregon State University Master Gardeners support the demonstration garden to foster awareness about backyard habitats. Dozens of additional partners participate in a partnership and programming advisory group. An update on the operation of the Education Center was provided to the Oversight Committee at the November 13, 2017, meeting.

**Infrastructure and Sustainability** – This project includes the completed demolition of the Tiger Plaza structures, a portion of infrastructure work identified in the Master Plan to address stormwater and site utilities, and visitor and revenue-generating amenities for Discovery Plaza. The Education Center is a "building that teaches" with sustainable elements prominently on display and interpreted through an interactive sustainability dashboard exhibit. The LEED-certified building features rain water reuse in restrooms, solar panels for energy production, bird-friendly glazing, Forest Stewardship Council-certified wood and efficient heating and cooling systems. The Oregon Zoo Foundation and zoo staff have developed a new partnership with SolarWorld, the largest U.S. manufacturer of solar panels and a leader in solar technology, to provide solar panels at cost. With the goal to produce as much energy that is consumed, the zoo aims to achieve a net-zero energy operations certification for the NEST building. Funding from Portland General Electric's Renewable Development Fund supported the expansion of the solar panel installation to help achieve this goal. Green Living signs and a sustainability dashboard will interpret the resource conservation efforts and outcomes of the new facility.

**Diversity in Contracting** – The zoo bond program greatly exceeded its 15 percent target for contract expenditures awarded to COBID firms. As of December 31, 2017, the project had a 29.5 percent COBID utilization rate, based on COBID-eligible construction contract spending, and represents \$4.26 million paid to COBID-certified firms.



## Education Center

### 2016 Findings and Recommendations *with updates:*

- To date, utilization of COBID-certified firms exceeded the 15 percent goal for the Education Center, and the committee recommends sharing final data in 2017.

*Update: The project is in the post-construction phase with minimal work remaining to be complete. The COBID utilization at the end of 2017 was 29.5 percent of all contract value, surpassing the aspirational goal.*

- The committee recommends that staff analyze and share lessons learned on the Education Center contracting of COBID-certified firms.

*Update: Staff reviewed the COBID contracting outcomes and determined that the use of CM/GC enhanced COBID outreach opportunities during the design process. Staff also noted that the expansion of solar panels with the PGE Renewable Development Fund increased COBID participation as the electrical subcontractor was a COBID-certified firm. The most significant lesson learned is that the Education Center was a more typical construction and not as specialized as other zoo construction projects given that the habitat space was a minor component of the project. Thus, more firms were available to provide services.*

### 2017 Findings and Recommendations:

- The committee recommends the Education Center continue to be operated in a way that optimizes net-zero energy goals while achieving other program goals.

## 2. Remote Elephant Center, deemed not feasible and cancelled February 2016

While a Remote Elephant Center was not included among the list of projects approved by voters when passing Measure 26-96, zoo and Metro staff conducted feasibility analyses of potential sites, operational plans and financials, per the Metro Council's direction as stated in Attachment A of Resolution No. 08-3945, approved in 2008.

In February 2016 the Metro Council unanimously approved a formal resolution to suspend pursuit of the Remote Elephant Center project due to lack of financial viability, difficulty securing suitable property and the ability to achieve the zoo's vision for elephants through the new onsite Elephant Lands. Metro informed the public by issuing a press release and posting the decision on the zoo and Metro websites, and it was covered by local media as well. In March 2017, the Metro Council reallocated the unspent Remote Elephant Center funds to the remaining bond projects, based on the recommendation from the committee.

### 3. Elephant Lands, 2015

In recognition that elephants are the Oregon Zoo's signature species, Metro prioritized the onsite Elephant Habitat (known as "Elephant Lands") project in terms of timing and the financial resources dedicated to it. The project was substantially complete in December 2015, within its approved schedule and budget. The grand opening to the public was held on December 15, 2015, with several hundred people attending.

As part of the elephant habitat expansion, a number of related subprojects were also completed. These include: 1) relocation of the train loop, 2) a new perimeter service road, 3) relocation of the Wild Life Live! program and 4) water and energy sustainability measures, including Leadership in Energy and Environmental Design (LEED) Gold certification for the elephant buildings and site, and a new campus geothermal loop to reduce the use of fossil fuels for heating and cooling. The Elephant Lands project was completed using a Construction Management/General Contractor (CM/GC) alternative procurement approach.

Of particular note, the low percentage of cost for change-order work for this large project is to be commended. A project of this size and scope would generally average change orders that increase costs by around 10 percent of the construction cost. The Elephant Lands number was particularly low, around 5 percent of the guaranteed maximum price, which shows one of the benefits of utilizing CM/GC.

Two totem poles were displaced in the construction of Elephant Lands, which created an opportunity for a complete restoration by the Lelooska tribe and artist Ray Losey prior to relocating the poles. With significant engagement of the Native American community, the zoo hosted a well-attended totem pole rededication event to celebrate the Native American culture, history and meaning of the poles.

Elephant Lands also includes the second art installation commissioned through the zoo bond 1 percent-for-art program, created by Catherine Widgery, whose artwork welcomes guests to Forest Hall, the elephants' new indoor habitat.

The Wild Life Live! facility was displaced due to the construction of Elephant Lands. The bond program renovated an under-utilized animal holding facility at the zoo and successfully relocated the Wild Life Live! program. The relocation resulted in improved living quarters for the program animals, and Wild Life Live! staff are pleased with the new headquarters.

Elephant Lands has been awarded 17 different awards for design, construction and sustainability, including the 2016 TopProject of the Year award from the Daily Journal of Commerce. In 2017, the Associated General Contractors selected it for its Skill, Integrity and Responsibility award, a top honor, and the Association of Zoos and Aquariums recognized it for its Excellence in Exhibit Design award, a significant recognition from zoo peers.

**Animal Welfare** – The Elephant Lands project significantly expands the elephant habitat, allowing for an evolution in the way the elephants use their space in support of the zoo's vision for elephants to live in family herds. The design of the habitat sought every opportunity to encourage natural behaviors and nurture family dynamics. The project elements include Forest Hall and the Elephant Barn, the North Meadow Habitat, Encounter Habitat and the South Habitat on a six-acre site.

Throughout the habitat, feeding stations, mud wallows, and water features including a 160,000-gallon pool provide many activity choices and encourage the elephants to be active 14 to 16 hours a day, just as they would in their natural environment. Deep sand groundcover blankets the entire habitat, including most of the indoor areas. State-of-the-art heating and ventilation systems with open doors allow the herd to move inside and out as they please.

In planning for Elephant Lands, the zoo hired a consultant team that included architects expert in the design of animal habitats who drew upon the best features of state-of-the-art elephant facilities around the world. Working with elephant care staff, the design team crafted Elephant Lands to meet the psychological and social requirements of the elephant herd as well as its physical needs.

The zoo's research staff has been monitoring the zoo's elephant herd for more than four years, from September 2012 to December 2016, to study the effect of Elephant Lands on the herd. Researchers started monitoring in the old habitat to establish baseline data on the herd's general health, hormone levels and behavior. They continued monitoring as the herd transitioned into the new Elephant Lands habitats. Their findings are expected to provide scientifically credible documentation of the effects of the new habitat on the elephants' welfare and quality of life, findings that will likely prove valuable to other elephant care facilities.

Samples collected measured the elephants' behavior diversity and how they spent their time (7,446 video clips totaling 250 hours), distance walked and recumbence (154 sessions with GPS bracelets), and stress and reproductive hormones (1,493 fecal samples). The zoo also has 20 prior years of hormone data. Dedicated zoo volunteers did most of the videotaping. Processing the data and samples will take an estimated 3,000 hours. Analysis of the data will look at standard welfare variables of housing features and management practices, as well as additional variables for this study: construction and moves, life events (births, deaths and transfers), and reproductive status and cycle phase.

Staff shared preliminary results of the elephant welfare study in November 2017. The researchers are observing some great changes as a result of Elephant Lands. Anecdotal observations show the elephants are using their resources – such as feeders and food delivery locations, habitat features and enrichment elements – more than they did before Elephant Lands. The animals are walking and foraging for food throughout the habitat by checking all the feeders, which are programmed to deliver food unpredictably. This is a change from the old habitat where keepers delivered the food on a schedule. The elephants are also showing a greater variability in social interactions since the new habitat allows them to choose where to be, who to be with, or whether to be alone. The new habitat complexity appears to be correlated with the elephants vocalizing more with each other when out of view of one another. Researchers noted that the elephants at the Oregon Zoo are utilizing the many new resources available to them. The committee looks forward to receiving the final results of the study in 2018.

**Conservation Education** – Art, interpretive signs and other displays installed with the project provide the public with many opportunities to understand the impacts of human activities on wild elephant habitat and to get an up-close experience with these amazing creatures. The Elephant Lands interpretive experience has three main themes:

- **Being an elephant: the mind, body and life of an elephant.** This natural history content helps enrich guests' understanding of elephants as remarkable, unique creatures.

- **Elephant Lands is the Oregon Zoo's vision for elephant care in practice.** These highlights show how elements in and around the habitat enrich the lives of the zoo's elephant herd.
- **Humans and elephants: a shared history.** This exploration of the long, complex history that elephants and humans have shared includes current conservation issues and celebrates more than 60 years of elephants at the Oregon Zoo.

A life-sized wall graphic of Packy, the former senior male elephant, allows visitors to appreciate the height and size of an elephant, while a model of an elephant trunk allows them to experience its feel and texture. The Elephant Lands interpretive experience also includes the zoo's first smart phone application. Features of the app, released in December 2015, provide visitors with tools for identifying individual elephants in the herd.

In 2017 staff shared the outcomes of the Elephant Lands interpretives evaluation (see page 27). Results of this summative evaluation demonstrate that the Oregon Zoo has effectively achieved its education goals for Elephant Lands.

Focus group participants and survey respondents perceived the overall design of the habitat as beneficial to elephant welfare and conducive to family fun. Elements throughout the habitat such as the feeding tower, the sand substrate, and the shift doors, intrigue visitors and impress upon them how much attention was given to detail during the construction phase. Ninety-eight percent agreed or strongly agreed that this exhibit shows that the Oregon Zoo is committed to the welfare of elephants. Public spaces that are designed to facilitate comfortable viewing and accommodate resting areas contribute to a positive visitor experience. The most engaging action for visitors to Elephant Lands was watching elephants as they moved, ate and interacted with each other, as measured by frequency of occurrence, duration and favorable comments throughout all of the studies.

Focus group participants who voted to support the bond measure that funded Elephant Lands are satisfied that their taxes were well-spent. Everyone agreed that Elephant Lands met or exceeded the expectations of the public. Whether comparing it to the old Oregon Zoo elephant habitat or exhibits at other zoos, there was consensus that Elephant Lands was superior. They are willing to continue making financial contributions to support additional habitat improvements.

**Infrastructure and Sustainability** – Completion of the six-acre Elephant Lands project exemplifies the zoo's commitment to sustainability through the incorporation of a variety of elements including energy efficiency, sustainable building materials, solar preheating hot water, use of daylighting, stormwater management and the first portion of a new geothermal "slinky" system that will redistribute heat created from cooling the polar bear exhibit and move it to Elephant Lands where it is needed to warm the elephants. The zoo received technical assistance and nearly \$150,000 in rebates and incentives from the Energy Trust of Oregon for energy efficiency investments at Elephant Lands. The zoo received LEED Gold certification for Elephant Lands.

In 2015 the Portland Business Journal staff nominated Elephant Lands for a PBJ Better Bricks award, primarily for the project's focus on sustainability and use of cross-laminated timber (CLT) for the roof of the Elephant Plaza restroom. This is the first commercial building in Oregon to use CLT, a new engineered wood product made of 2-by-6s glued together in huge sheets and crosshatched in three to nine layers. Made of a naturally renewable resource, CLT is considered a greener choice since it takes

less energy to produce than steel and concrete and can be made of smaller, lower-grade timber that avoids cutting old-growth trees.

Infrastructure improvements as part of Elephant Lands include a new service road, which provides a safer environment for visitors by removing most service and construction vehicles from pedestrian paths and by improving emergency vehicle access. In addition, the zoo train tracks were rerouted to provide more space for the elephants and offer better views of the animals.

**Diversity in Contracting** – Elephant Lands achieved a COBID utilization rate of 10 percent of the COBID-eligible contract value, with \$4.4 million going to COBID-certified firms. Due to the project's complexity, scale and specialization, the 15 percent COBID goal was harder to reach. Also, 25 percent of the subcontractors that bid on the project were COBID firms, but not all of them had the lowest bid, so some were not awarded the work. The scopes of work deemed ineligible for COBID firms, and deducted from the total construction contract amount to determine the base for the utilization rate calculation, include: elephant doors and gates, crane, elevators and specialty rock work.

## Elephant Lands

### 2016 Findings and Recommendations *with updates*:

- The committee recommends publicly sharing, when complete, the outcomes of the studies currently underway that are assessing the impact of the new habitat on the elephants' well-being and health. The committee would also like to be aware of the research dissemination strategy.

*Update: Staff shared preliminary results of the elephant welfare study in November 2017. Study period and data collection are complete and analysis is underway. Preliminary findings are positive, showing that the elephants have adapted well to their new habitat with an increase in exploratory behaviors, behavior diversity and resource use/choices; foot health has also improved.*

- The committee recommends publicly sharing the outcomes of summative evaluations of the interpretive exhibits and how a resulting change in public perception and behavior may help elephants in the wild.

*Update: Staff shared results from Elephant Lands summative evaluations in May 2017; the committee commends the positive results, which demonstrate that the zoo effectively achieved its education goals.*

### 2017 Findings and Recommendations:

- The committee commends the zoo for winning the Association of Zoos and Aquariums (AZA) Exhibit of the Year award for Elephant Lands. The project has received 17 awards to date.
- The committee carries forward its 2016 recommendation that staff share publicly the outcomes of the elephant welfare studies when data analysis is complete.

#### 4. Condors of the Columbia, 2014

Condors of the Columbia officially opened to the public in May 2014. Construction was completed on amended schedule and *under* budget by \$412,983. The construction completion date was later than the estimated schedule in the Comprehensive Capital Master Plan, but approved and updated due to the need for a longer design and construction period and the discovery of hidden underground challenges on site. Condors of the Columbia highlights the Oregon Zoo's successful condor breeding program and aims to inspire visitors to learn more about the conservation of these iconic birds.

The interpretative features at the Condors of the Columbia exhibit were designed to illustrate the zoo's role in California condor conservation and to inspire audiences to take conservation action. To validate the efficacy of the interpretive experience, an evaluator was contracted to analyze visitor tracking studies and intercept surveys. The evaluator concluded that Condors of the Columbia was highly successful in meeting the intended outcomes.

The exhibit was not a candidate for LEED certification because it did not meet minimum square-footage requirements.

**Diversity in Contracting** – The project accomplished a COBID utilization rate of 26 percent; 19 percent were emerging small businesses and 7 percent were minority-owned businesses. The specialty netting scope was deemed ineligible for COBID firms, and the value was deducted from the calculation.

#### 5. Veterinary Medical Center, 2012

The grand opening of the VMC was celebrated in January 2012. The Veterinary Medical Center replaced the substandard veterinary and quarantine buildings with a new facility that meets standards set by the Association of Zoos and Aquariums. The Veterinary Medical Center was prioritized as the first bond project for animal health and safety.

**Diversity in Contracting** – Of the total contract value, the project achieved a 10 percent<sup>5</sup> COBID utilization rate. Five percent were emerging small businesses, 4 percent were women-owned businesses, and 1 percent were minority-owned businesses.

#### 6. Penguin Life Support System Upgrade, 2012

The penguin water filtration project was completed in 2012. The goal of the upgrade was to conserve water and improve water quality. Zoo staff estimates that water use has decreased by more than 90 percent as the pool water is filtered versus frequently dumped.

---

<sup>5</sup>Metro's calculation methodology at the time of this project was to exclude the cost of prime contractor self-performed work. Out of the \$4,214,163 available in subcontracts (*i.e.*, work not performed directly by the prime contractor), 17 percent of the dollars went to contractors certified as a MBE, WBE or ESB. This number was previously reported in Metro's annual MWESB report.

**Diversity in Contracting** – The project accomplished an MWESB utilization rate of 6 percent; all 6 percent were emerging small businesses.

## **7. Comprehensive Capital Master Plan, 2011**

The Comprehensive Capital Master Plan was completed and approved by the Metro Council in September 2011. It addresses project sequencing, scope, programming and budgeting for bond projects.

## **8. Water Main Building, 2011**

The Water Main Building was completed in 2011 and prevents nonpotable water from entering the water system. It was a crucial upgrade to save water at the zoo, including the capture and reuse of rainwater at the Veterinary Medical Center.

## **9. Land Use, 2011**

Metro completed and received approval for three land use applications with the City of Portland: (1) an amendment to the existing Conditional Use Master Plan to allow work to proceed on the Elephant Lands project and the Condors of the Columbia project, (2) West Lot land use application and (3) an application for a new Conditional Use Master Plan for the next 10 years for the remainder of the specific bond projects and some of the overall master plan improvements.

Parking management responsibilities were turned over to Portland Parks & Recreation as part of the land use process. Impacted parties formed the Washington Park Transportation Management Association (WPTMA). Paid parking for the shared lot and throughout Washington Park was implemented in January 2014. In 2015 the WPTMA was renamed Explore Washington Park with a new website and branding.



## REQUIRED REPORTING ITEM 2 | Spending Considerations

Report on spending trends, current cost projections and independent financial auditors' report

## A. Overall program spending

### 1. Budget and Expenditures

The zoo bond program is divided into four main areas: construction projects, planning projects, land use processes and program administration. As of December 30, 2017, the allocated resources for all program activities total \$148,852,307. Forecasted revenues total \$151,122,161.

Figure 2

#### Oregon Zoo Bond Program Budgets and Expenditures

as of December 31, 2017

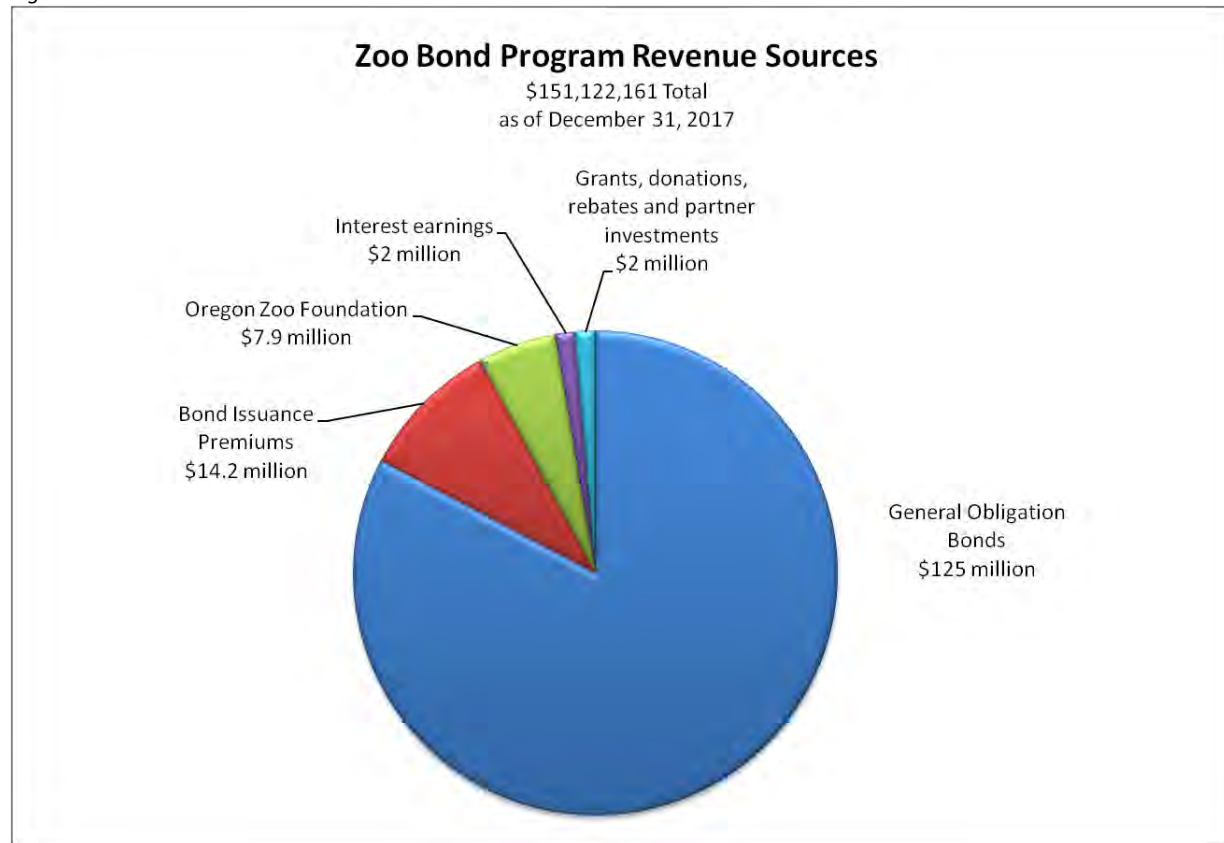
Project	Project Budget	Project Expenditures	Forecasted Expenditures	% Complete
Master Plan/Land Use Permits	\$ 3,304,011	\$ 3,197,675	\$ 3,197,675	100%
Veterinary Medical Center	\$ 9,464,299	\$ 8,840,329	\$ 8,840,329	100%
Penguin Life Support System	\$ 1,800,000	\$ 1,762,250	\$ 1,762,250	100%
Water Main Building	\$ 267,459	\$ 242,495	\$ 242,495	100%
Condors of the Columbia	\$ 2,628,592	\$ 2,215,609	\$ 2,215,609	100%
Elephant Lands	\$ 57,561,443	\$ 57,407,246	\$ 57,407,246	100%
Remote Elephant Center	\$ 117,864	\$ 117,864	\$ 117,864	100%
Education Center	\$ 17,699,157	\$ 17,392,986	\$ 17,482,791	99%
Interpretives/Wayfinding	\$ 2,766,640	\$ 2,501,240	\$ 2,766,640	90%
Percent-for-Art	\$ 843,154	\$ 672,470	\$ 843,154	80%
Program Administration	\$ 7,200,000	\$ 5,423,990	\$ 7,200,000	75%
Electrical Infrastructure	\$ 2,076,600	\$ 525,967	\$ 1,974,000	25%
Polar Passage/Primate/Rhino	\$ 43,802,256	\$ 1,812,179	\$ 43,802,256	4%
Close-out Contingency	\$ 1,000,000	\$ 5,010	\$ 1,000,000	1%
<b>Totals</b>		<b>\$ 102,117,307</b>	<b>\$ 148,852,307</b>	
Unallocated Program Contingency			\$ 2,269,854	
<b>Zoo Bond Program Forecasted Revenues</b>			<b>\$ 151,122,161</b>	

The Comprehensive Capital Master Plan process is complete, as well as construction of the Veterinary Medical Center, the Penguin Life Support System Upgrade project, the Water Main Building, Condors of the Columbia, Elephant Lands, Education Center and the major land use approval processes. These projects and expenditures on the remaining projects in process represent \$102.1 million (68 percent) of the \$151.1 million total resources. The completed projects were finished on time and within budget.

The planned projects for 2018-2020 include the design and construction of the new Polar Passage and related infrastructure, and the design and construction of the new Primate Forest and rhino habitat. In addition, the program will complete the final art installation, install the final wayfinding kiosk and upgrade campus electrical infrastructure.

Funding sources total approximately \$151.1 million and include \$125 million from general obligation bond measure proceeds, \$7.9 million from the Oregon Zoo Foundation, an expected \$2 million in grants, donations, and partner contributions, approximately \$2 million in anticipated investment earnings and \$14.2 million from bond sale premium proceeds.

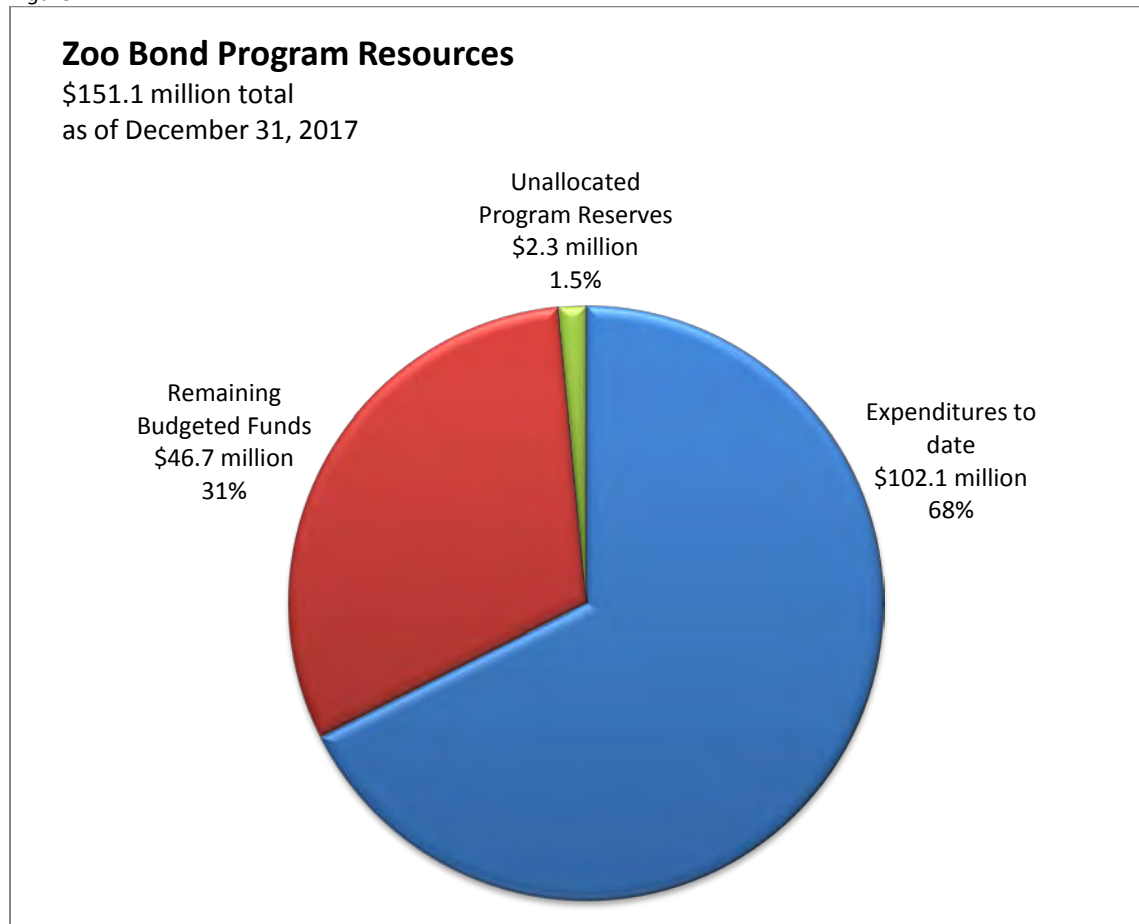
Figure 3



The remaining \$2.3 million that is not budgeted to a specific project as of year's end is considered additional program contingency. All of this program contingency is above and beyond the individual project contingencies, which are built into each project budget.

Metro's conservative fiscal policy and excellent AAA bond rating from S&P and Aaa from Moody's have resulted in premiums on the sale of the bonds. This has put the program in a solid position to complete the remaining projects, despite significant cost escalation in the region. Project budgets and scopes were first defined in 2011 and were analyzed and modified in 2017 to address cost escalation. Of principal concern to this committee is completion of all bond projects with the remaining funding without sacrificing bond program and animal welfare objectives.

Figure 4



The Oversight Committee charter outlines the committee's role to "consider and recommend project modifications if inflationary increases in construction costs exceed current budget estimates." In 2017, the committee set up a budget subcommittee to review construction cost escalation and project modifications. The subcommittee made the following recommendation to the full committee regarding the allocation of remaining bond funds, and the full Oversight Committee made a recommendation to the Metro Council:

Primate/Rhino cost escalation	\$2.6 million
Polar Passage cost escalation	\$1.0 million
Polar Passage OZF enhancements	\$1.3 million
Electrical infrastructure	\$1.5 million
Contingency for bond close out	\$1.0 million
Program administration	\$3.3 million

In March 2017, the Metro Council via Resolution 17-4780 reallocated bond program resources to the combined Polar Passage/Primate Forest/rhino habitat, program administration and two newly defined projects, Electrical Infrastructure and Close-out Contingency. Any funds remaining after this allocation are eligible for implementation of the master plan.

In December 2017 staff provided a memo summarizing the investments made in public art as part of the bond program. It showed that the bond program is on track to meet Metro's requirement to invest 1 percent of direct construction costs in public art. The eligible direct construction costs through the end of the bond program total \$84,955,960, making the 1 percent for art requirement \$849,560. At this time, the zoo bond program forecasts to spend \$991,691 on art commissions and relocation. The investments the zoo bond program will make exceed the public art requirement by \$142,131.

In addition to the zoo bond investments in art commissions and historic art relocation, the Oregon Cultural Trust, Oregon Zoo Foundation and zoo operations have invested \$62,841 in restoration of three sets of historic artwork that were moved to accommodate bond construction projects. These include the Willard Martin mosaic, two totem poles and the Warren Iliff sculpture garden. With restoration added, the total art expenditures are forecast to be \$1,054,532.

## Budget and Expenditures

### 2016 Findings and Recommendations, *with updates:*

- The Oversight Committee found that careful attention to allocation of remaining bond funds was needed, and launched a budget subcommittee in fall 2016 for this detailed analysis. The Oversight Committee asks the budget subcommittee to recommend in 2017 a prioritized strategy for allocation of the remaining bond and other funds for construction and improvements at the Oregon Zoo.

*Update: The committee's budget allocation recommendations were approved by the Metro Council in March 2017.*

- The committee congratulates and thanks the Oregon Zoo Foundation for its significant financial support of \$6 million to date, \$4 million of which supported the Education Center and Elephant Lands projects. The committee recommends that staff seek the Foundation's input on allocation of the remaining \$2 million.

*Update: The Oregon Zoo Foundation recommended the allocation of \$1.3 million to enhance the Polar Passage project, utilizing unallocated Foundation funds previously provided to the bond program. The Foundation will also provide an additional \$1,900,000 to support project enhancements at Polar Passage, Primate Forest, and the rhino habitat, for a total of \$3.2 million.*

- The committee recommends staff monitor code changes at the City of Portland, standards for animal welfare, and cost escalations that may have financial and other impacts on the program.

*Update: In November 2017, staff presented cost escalation data running 4.5 to 5 percent. Construction start on Polar Passage, Primate Forest, and rhino habitat was extended a month to mid-May 2018, mostly due to projected delays in permitting; staff will update estimated escalation due to this delay. Dr. Moore shared Manitoba Protocol staff discussions regarding saltwater being a future polar bear habitat requirement. Staff is working closely with Portland Bureau of Development Services to prepare for permit review and approval.*

(continued)

**Budget and Expenditures** (continued)**2017 Findings and Recommendations:**

- The committee congratulates and thanks the Oregon Zoo Foundation for its significant financial support of \$3.2 million for Polar Passage, Primate Forest and rhino habitat.
- The committee appreciates the work the budget subcommittee did on the recommended reallocation of remaining funds and appreciates Metro for approving the reallocation.
- The committee recommends that continued rising construction and infrastructure costs be monitored closely during the remaining projects.
- The committee commends zoo staff for the forethought and prudence of combining the three remaining projects to reduce construction costs and time. The committee also commends Metro for being open to and approving this innovative construction plan.
- The committee recommends that the zoo consider alternative ways to provide food choices for patrons while eateries are closed for construction.
- The committee recommends that the zoo have a plan to help offset any reduced cash flow during this final stage of construction.
- The committee recommends careful consideration of the Integrated Conservation Action Plan (ICAP) when completed and adopted to understand how costs will be influenced.
- The committee recommends evaluating options with remaining unallocated funds after the final bond issuance in 2018.

## 2. Contracting Methods

The program received Metro Council approval to use an alternative general contractor procurement method called the Construction Management by General Contractor approach for Elephant Lands, Education Center and Polar Passage/Primate Forest/rhino habitat. This approach worked well for the Elephant Lands and Education Center projects and, given the complexity of the zoo bond-funded projects and the possibility of simultaneous construction projects, the committee continues to support the consideration of alternative contracting methods such as this in order to reduce risk and achieve the most cost-effective and efficient use of the zoo bond funds.

### Contracting Methods

#### 2016 Findings and Recommendations *with updates*:

- The committee recommends that Zoo Bond staff continue to document cost savings and efficiencies through use of alternative contracting methods to inform future projects.

*Update: The use of CM/GC with Elephant Lands was evaluated and shared with the Metro Council (October 2017) and Oversight Committee (November 2017). The five-year, \$57 million project concluded at \$157,000 under budget, and those funds were added to the bond program's unallocated contingency. One of the main outcomes of using CM/GC was effective budget management. A similar evaluation will be conducted for the Education Center in 2018.*

#### 2017 Findings and Recommendations:

- The committee recommends that zoo bond staff continue to document cost savings and efficiencies through the use of alternative contracting methods through the completion of the remaining projects.

## REQUIRED REPORTING ITEM 2 | Spending Considerations

**B. Cost projections****1. Master Plan Implementation**

The Comprehensive Capital Master Plan describes the zoo's vision and goals, the purpose and intent for each facility, and includes a budget, sequence and timeline of construction projects that will bring the future vision to reality. This representation of the zoo's future is an essential tool to coordinate the development of the zoo's separate facilities into a coherent, effective and unique institution with a clear and recognizable theme and mission.

The Metro Council approved the master plan in 2011, which included the budgets for the bond-funded projects. The CCMP has been and will continue to be a crucial element to ensure efficient and effective use of bond proceeds. As part of the CCMP process, each project budget was developed with a contingency fund for both design and construction. Annual cost escalation due to inflation was also incorporated into each project budget. In addition, the overall program has a contingency fund.

The committee commends the economy and efficiency with which the program has been run, and recommends its continuance. Of principal concern to this committee is completion of all bond projects with the remaining funding without sacrificing bond program and animal welfare objectives.

In March 2017, Metro approved the committee's recommendation (as referenced in the table on page 43) that any remaining funds be available for capital improvements identified in the master plan. At the end of 2017, \$2.3 million remained unallocated.

## Master Plan Implementation: Cost Projections

### 2016 Findings and Recommendations *with updates*:

- The committee recommends staff continue to inform and update the Oversight Committee on cost trends in the construction industry, including materials costs.

*Update: In November 2017, staff presented cost escalation data running 4.5 to 5 percent.*

- The committee recommends staff continue to review and validate budgets and cost escalation and their implications on the remaining planned projects.

*Update: In 2017, the committee set up a budget subcommittee to review construction cost escalation and project modifications. The Oversight Committee provided a recommendation regarding the allocation of remaining bond funds to the Metro Council. Upon analyzing the committee's recommendation and staff analysis, the Metro Council approved budget and scope amendments to address cost escalation and project priorities.*

- The committee recommends the staff continue to monitor changes to animal welfare standards that could have an impact on current and future projects.

*Update: The zoo bond design team continuously monitors animal welfare standards to ensure compliance. In addition, zoo leaders are actively engaged in planning for future standards and advising the design process with future needs in mind.*

- The committee recommends staff assess and monitor the zoo's draft conservation priorities (to be finalized in the Integrated Conservation Action Plan (ICAP)) for any upcoming changes that could affect project designs, construction or operation.

*Update: Staff presented ICAP goals and principles to the committee in September 2017. Staff continues to track the ICAP development to ensure alignment in conservation focus and messaging. The interpretive messaging for Polar Passage and Primate Forest is aligned with the draft ICAP conservation action priorities.*

### 2017 Findings and Recommendations:

- The committee recommends staff continue to inform and update the Oversight Committee on cost trends in the construction industry, including materials costs.
- The committee recommends staff continue to review and validate budgets and cost escalation and their implications on the remaining planned projects.
- The committee recommends the staff continue to monitor changes to animal welfare standards that could have an impact on current and future projects.
- The committee recommends continued monitoring of the zoo's conservation priorities for any upcoming changes that could affect project designs, construction or operation.



## 2. Administrative Costs

Metro's central services support the zoo bond program with budget management, bond sales, legal support, procurement of goods and services, and information services.

Administration costs and the actual costs of issuing the bonds total \$5.4 million (5.3 percent) of the zoo bond program's total expenditures through December 31, 2017. This percentage is comparable to other local public bond-funded construction projects. An analysis of the Beaverton School District, Portland Public School District and Portland Community College bond programs resulted in a range of administrative costs between 3.8 percent and 7.2 percent of the total program budget.

Originally staff projected that total administrative overhead costs for the zoo bond program would be \$3.9 million, about 3 percent of total expenditures. Metro adopts a cost allocation plan in which costs for centralized services are allocated on a reasonable basis. The same methodology for allocation is applied and charged to all Metro programs. The Oregon Department of Transportation reviews Metro's cost allocation plan for compliance with federal rules.

In 2016 and 2017 the Oversight Committee received an update on the revised numbers and a detailed explanation about how Metro allocates resources for central services. These updates made it clear that Metro and zoo staff have taken steps to control these overhead costs to ensure voter-approved funds are spent efficiently to achieve the bond program objectives, while maintaining proper controls and providing needed administrative support.

In March 2017 when the Metro Council reallocated the remaining bond program funds, the administrative budget was increased to \$7.2 million based on expenditures to date and updated cost allocations.

### Administrative Costs: Cost Projections

#### 2016 Recommendation *with update*:

- The committee recommends staff continue to monitor the reasonable assessment of administrative costs and their implications on the overall program budget, and provide a report at least annually to the full Oversight Committee.

*Update: Staff reported to the committee on administrative costs in January 2017. The budget was amended to address revised administrative costs. Assumptions and updates will be provided in 2018 once the remaining construction schedule is set.*

#### 2017 Findings and Recommendations:

- The committee recommends staff continue to monitor the reasonable assessment of administrative costs and their implications on the overall program budget, and provide a report at least annually to the full Oversight Committee.

### 3. Operating Costs

The Oregon Zoo staff anticipates that some future operating costs of the zoo will increase upon completion of the bond-funded projects, but will be offset by additional revenue-generating opportunities and the enhancements and efficiencies gained through new technologies and the modernization of zoo infrastructure. The committee believes it is important that staff continue to monitor this assumption as project planning matures, to allow reasonable financial planning by zoo staff.

#### Operating Costs: Cost Projections

##### 2016 Findings and Recommendations *with updates*:

- The committee recommends staff provide the operating expense data and revenue from Elephant Lands by December 2017, following the completion of one fiscal year of operation ending June 30, 2017.

*Update: Staff compiled information regarding the operations of Elephant Lands in 2017 and will share with the committee in 2018.*

- The committee recommends staff provide by December 2017 a preliminary report on the impact of the Education Center on operating costs and revenue.

*Update: Staff provided a preliminary Education Center operating report in 2017. The report covered four of the Education Center goals, and showed that the new facility is fulfilling those goals. In 2018, staff will share a complete report.*

##### 2017 Findings and Recommendations:

- The committee believes it is important that staff continue to monitor future operating costs of the zoo assuming that as project planning matures, costs may change.
- The committee recommends staff provide the operating outcomes from completed bond projects.
- The committee recommends that the zoo prioritize preventative maintenance in the ongoing operation of the new facilities to maximize the lifespan of the equipment.

## C. Independent financial audit

Moss Adams issued the annual independent financial audit report of the zoo bond program on November 15, 2017. The auditors reported that nothing came to their attention that caused them to believe that Metro failed to comply with the provisions of the bond measure. No specific management letter comments were made. Notice of the audit report was published on December 13 and 20, 2017, in the Daily Journal of Commerce, and the audit report was posted on the zoo website.

**REQUIRED REPORTING ITEM 3 | Project modifications in excess of budget**

Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates

## **A. Project Modifications**

In September 2016, the Oversight Committee launched a budget subcommittee charged with recommending in spring 2017 a prioritized strategy for project modifications and allocation of the remaining bond funds. Several project modifications were proposed by staff, recommended by the committee and approved by the Metro Council in March 2017 (also see chart on page 43):

- Use saltwater in all pools in Polar Passage. Saltwater is beneficial for animal welfare and adheres to the standards of the Association of Zoos and Aquariums. Although saltwater is harder on equipment and could raise costs, it is an integral part of best practice worldwide polar bear conservation efforts.
- Due to cost escalation, allocate an additional \$3.6 million to the project budgets to address cost escalation on the three remaining projects: Polar Passage, Primate Forest and rhino habitat.
- Allocate \$1.3 million to enhance the Polar Passage project, utilizing unallocated Oregon Zoo Foundation funds previously provided to the bond program. The Foundation will also provide an additional \$900,000 to support project enhancements.
- Combine the final three projects – Polar Passage, Primate Forest and rhino habitat – to save an estimated \$1.3 million in construction costs and construction time.
- Tear down the existing primate structure as part of the Primate Forest project, and replace it with new habitats for the safety and welfare of primates.
- Add a \$1.5 million electrical infrastructure project to replace two outdated emergency power generators and associated electrical infrastructure critical to servicing animal areas and supporting animal and guest safety.
- Allocate \$1 million to support the close out of the bond program, address newly discovered needs on previously completed bond projects (e.g., changing animal welfare standards, facility challenges, etc.), and hold for program contingency. Any remaining contingency at the end of the program will be available for capital improvements identified in the master plan.
- Add \$3.3 million to the program administration budget. The additional funds will maintain appropriate staffing levels and pay for the necessary level of legal, accounting, procurement and other services provided by Metro shared services.

**How to learn more**

We encourage you to learn more about the Oregon Zoo's bond program by visiting [www.oregonzoo.org/newzoo](http://www.oregonzoo.org/newzoo).

We also welcome your feedback about what you would like to hear from us next year. Would you like us to focus on specific areas of concern or processes? Please contact us with any ideas, suggestions or questions.

**Email:** [zoobond@oregonzoo.org](mailto:zoobond@oregonzoo.org)

**Phone:** 503-914-6028

## Appendix A – Committee Membership

### **Ruth Shelly – Committee Chair**

Ruth Shelly, executive director of Portland Children's Museum, leads a learning complex that consists of a children's museum, private preschool, public K-5 charter school, and research center with a total staff of 35 full-time and 34 part-time employees; \$4.3 million annual budget; and almost 300,000 visitors annually. Shelly is a lifelong museum professional who started in exhibit design and moved to administration, serving in art, history, natural history, and science museums – as well as an aquarium – before entering the children's museum field. She has served on museum association boards at the state, regional and national level. In her present role, Shelly is at the nexus of informal, formal and professional learning, and she is particularly interested in the role that museums can play in shaping the future of educational systems in the United States. Prior to moving to Portland in 2013, Shelly served as executive director of the Madison Children's Museum during its move to a renovated historical building, which became the first LEED-certified museum in Wisconsin, and a 2011 recipient of the IMLS National Medal for Museum and Library Service.

### **Susan Hartnett – Committee Vice Chair**

Susan Hartnett has more than 26 years of experience in urban planning and development. Her career includes more than 21 years with City of Portland bureaus, including planning, transportation and water; she currently serves as the spectator venues program manager in the Office of Management and Finance. Hartnett has also worked for the City of Tigard, Oregon Health & Science University, the City of Chicago and several private sector companies. She earned her Bachelor of Science in criminalistics from the University of Illinois and her master's in urban and regional planning from Portland State University, and is an active member of the American Institute of Certified Planners.

### **Daniel Aja**

Daniel Aja is the senior vice president and chief medical officer at Banfield Pet Hospital, where he leads internal and external medicine initiatives at the world's largest veterinary practice. Prior to joining Banfield in 2014, Dr. Aja served as director of U.S. professional and veterinary affairs at Hill's Pet Nutrition. Previously, he owned and directed the Cherry Bend Animal Hospital in Traverse City, Michigan. Dr. Aja earned his veterinary medical degree from the college of Veterinary Medicine at Michigan State University, and has more than 33 years of experience, credibility and commitment to delivering the highest quality of veterinary medicine. He is a past president of the American Animal Hospital Association and served on the Michigan State Board of Veterinary Medicine. He is also the founding board member of Partners for Healthy Pets, a committee of the American Veterinary Medical Foundation created to ensure pets receive the preventative health care they deserve.

### **Noah Bishop**

Noah Bishop is an attorney and the proud father of two young zoo enthusiasts. A graduate of Lewis and Clark Law School, he has focused his practice on debtor-creditor law, and now runs his own law firm, Bishop Bankruptcy Law. He volunteers at The Bankruptcy Clinic, a free service provided by the lawyers of the Oregon State Bar.

## Appendix A – continued

### **Heidi Goertzen**

Heidi Goertzen is the chief compliance officer for Ferguson Wellman Capital Management, overseeing the company's regulatory and compliance matters. Prior to joining the firm, she worked for RVK, Inc. as an investment analyst for several years before serving as investment associate for seven years. She earned a B.S. in finance from Linfield College and holds a MBA with a concentration in finance from the University of Portland's Pamplin School of Business.

### **Deborah Herron**

Deborah Herron is the director of public affairs and government relations for Walmart in Oregon and several other Western states. Walmart has been a strong supporter of the Oregon Zoo, and Herron has been instrumental in ensuring this connection, including serving on the Oregon Zoo Foundation's Board of Trustees. Previous to her work at Walmart, she was a principal at Vox Public Relations in Portland. She is well known and connected in the public affairs community, bringing collaboration, curiosity, careful thinking, passion, enthusiasm and a solution-oriented approach to engage audiences.

### **Jill Mellen**

Jill Mellen is a research biologist whose areas of expertise include animals, animal welfare and enhancing guest experiences in informal learning settings such as zoos and aquariums. Dr. Mellen has worked in the zoo and aquarium field for more than three decades. Most recently she was the education and science director at Disney's Animal Kingdom, where she researched a range of topics from elephant welfare to inspiring children to conservation action. Within the Association and Zoos and Aquariums, Dr. Mellen has held many leadership positions. Her current projects include coordinating studies on marine animal welfare. Early in her career, Dr. Mellen worked at the Oregon Zoo, and has moved back to Portland after her retirement from the Disney Company.

### **Mickey Lee**

Mickey Lee is an energy advisor with NW Natural working with construction contractors and clients to ensure new service is effective and efficient, and utilizing her background in workforce equity, construction and relationship management. Prior to that, she was a project manager at MPower Oregon, where she oversaw the rehab development of energy and water efficiency in the multifamily affordable housing market across the state of Oregon. She has a background in project development and management, working with clients across the US to mitigate carbon emissions. Her work has a strong emphasis on environmental and social equity. She has been recognized nationally for helping to bridge the gap between private and public entities. She holds an MBA in sustainable development from Bainbridge Graduate Institute at Pinchot University and is accredited through the national Building Performance Institute.

## Appendix A – continued

### **Daniel Morris**

Dr. Daniel Morris is principal of Daniel Morris Research, LLC. He received his doctorate in public health from Saint Louis University and a master's degree in physics from the University of Michigan. As the research director for Our Oregon, Dr. Morris helped raise Oregon's minimum wage, win paid sick leave for hundreds of thousands of Oregon workers, advocate for funding for schools and public services, and create a state-run retirement savings plan. While working as an epidemiologist for the Oregon Public Health Division, he pioneered techniques for tracking obesity with driver license data, and blew the whistle on a multi-billion dollar tobacco tax evasion scheme. Dr. Morris lives in Portland with his family.

### **Robyn K. Pierce**

Robyn K. Pierce is a professional consultant with Pierce, Bonyhadi & Associates. She assists colleges, universities and school districts with planning, development, design and construction of academic, research, housing and student service facilities. She served eight years as the director of facilities and planning at Portland State University (PSU), where she managed a department of 160 staff and had an active role in more than 1.5 million square feet of campus growth and development, including nine LEED-certified buildings and three public-private and public-public partnership projects. She managed annual budgets exceeding \$100 million, including construction budgets. Pierce remains dedicated to supporting women and minority contractors in all facets of project development. She completed her undergraduate degree at the University of Oregon and master's degree at PSU.

### **Katherine A. Porras**

Katherine A. Porras is an investment associate at Meyer Memorial Trust, responsible for monitoring and analyzing the foundation's investments, while researching environmental, social and governance factors on portfolio holdings to inform the alignment of the investment strategy to the organization's mission. Ms. Porras has experience working in finance, legal services, and performing arts. She earned an MBA with a focus in finance from Willamette University's Atkinson Graduate School of Management. She looks forward to contributing to the zoo, its staff and the Oregonian community at large.

### **Kevin Spellman**

Kevin Spellman is a business consultant and trainer for construction contractors and industry professionals, following a 28-year career with commercial contractor Emerick Construction, including 18 years as president. In his Spellman Consulting, Inc. practice, he works with contractors on business strategies, development of contract management tools and techniques, and effective operational procedures. He has been an adjunct instructor in the Civil Engineering Department at Oregon State University, and at Portland Community College. He has served on several local boards, including Multnomah Education Service District, and currently chairs the Bond Accountability Committee for Portland Public Schools' bond program.

## Appendix A – continued

### **Dick Stenson**

Dick Stenson retired in 2014 after 22 years as Tuality Healthcare president and chief executive officer. He was previously administrator of Straub Clinic & Hospital and Straub Health Plan in Honolulu, after working in San Francisco as administrator of Harkness Community Hospital and Upjohn Medical Group. He has a BS degree from the University of California, Berkeley and master's degrees in healthcare and business administration from Tulane and Loyola Universities in New Orleans. Stenson is a Fellow of the American College of Healthcare Executives and the American College of Medical Practice Executives. He currently serves on the boards of the Portland Community College Foundation, Pacific University Oak Tree Foundation, Native American Rehab Association, SW Community Health Centers, Intel Community Advisory Panel, Vision Action Network of Washington County, Washington County Public Health Advisory Panel, Hillsboro Community Foundation, Tuality Healthcare Foundation and Tuality Health Alliance.

### **Christine L. Taylor**

Christine Taylor is an attorney with Miller Nash Graham & Dunn's business practice team and focuses on construction and general business law. She also has a particularly strong interest in energy law. In her construction practice, she assists clients through the process of building complex projects, including drafting and negotiating contracts for construction. In her general business practice, she assists clients with entity formation, contract drafting and review, corporate governance, and sales and acquisitions. Before transitioning to Miller Nash's business team, she spent three years practicing with the firm's commercial litigation group and focused on disputes involving construction claims and defects, corporate governance and insurance recovery. Ms. Taylor is also a huge polar bear fan!

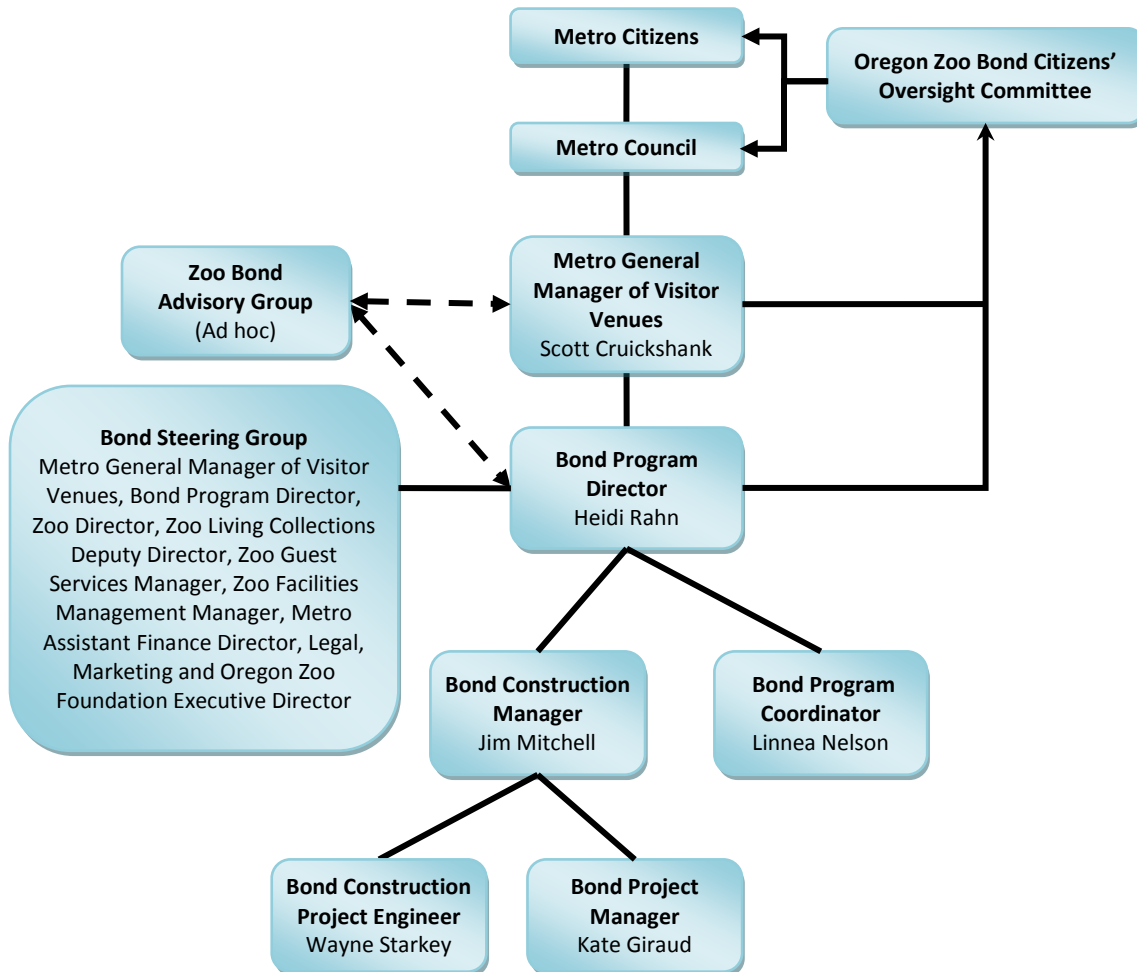
### **Karen Weylandt**

Karen Weylandt retired in March 2018 from Providence Health & Services after serving more than 25 years, most recently as the chief planning and design officer for the five-state health system. She has worked in the building, construction and improvement of Providence hospitals, outpatient clinics, surgery centers and educational facilities from Alaska to California. Her leadership for the planning and construction of Providence Newberg Medical Center resulted in the first hospital in the country to earn a LEED Gold designation. She also directed the planning and construction for the Providence Cancer Center in Portland. Weylandt's recent projects include a major expansion of services for Providence's downtown Seattle facilities, and a master plan for the south campus expansion at St. John's Hospital in Santa Monica, California. Weylandt earned a degree as a registered nurse and a master's degree in health care administration. For the past seven years she has served on the Oregon Facility Authority Board, and she also served several years on the Oregon Humane Society Board.



## Appendix B

### Zoo Bond Program Organization Structure



#### External Consultant and Contractor Contributions

Bond Construction Projects: Design consultants and construction contractors managed by bond construction and project managers.

#### Zoo Staff Contributions

Animal Welfare, Guest Experience, Facilities Impacts, Conservation Education, Grant Administration, Finance, Procurement, Marketing, and Public Relations and Involvement.

#### Oregon Zoo Foundation Contributions

Financial, Grant Administration, Donor Management and Communications.

#### Metro Contributions

Governance, Civil Engineering, Real Estate, Planning/Permitting, Program Delivery, Historical Investigations, Legal, Finance, Procurement, Human Resources, Sustainability, Diversity/Equity/Inclusion, and Risk Management.

Solid Lines = Primary responsibility for or relationship to

Dashed Lines = Secondary/support for or relationship to

Agenda Item No. 3.2

**Oregon Zoo's Polar Passage, Primate Forest, and Rhino Habitat  
Design and Construction Plans**

*Presentations*

Metro Council Meeting  
Thursday, April 12, 2018  
Metro Regional Center, Council Chamber

Agenda Item No. 4.1

**Resolution No. 18-4880**, For the Purpose of Confirming the Appointment of  
Members to the Oregon Zoo Bond Citizens' Oversight Committee

*Consent Agenda*

Metro Council Meeting  
Thursday, April 12, 2018  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 18-4880
APPOINTMENT OF MEMBERS TO THE	)	
OREGON ZOO BOND CITIZENS' OVERSIGHT	)	Introduced by Council President Tom Hughes
COMMITTEE		

WHEREAS, Metro Code Chapter 2.19 establishes the Oregon Zoo Bond Citizens' Oversight Committee whose members are to be appointed by the Metro Council President subject to confirmation by the Metro Council;

WHEREAS, the Metro Council President has appointed nine members of the Oregon Zoo Bond Citizens' Oversight Committee and designated existing member Susan Hartnett as chair of the committee as set forth in Exhibit "A" attached hereto;

WHEREAS, the Metro Council desires to confirm the appointments and chair designation; now therefore,

BE IT RESOLVED that the Metro Council confirms the appointments to the Oregon Zoo Bond Citizens' Oversight Committee as set forth in Exhibit "A" attached hereto.

ADOPTED by the Metro Council this 12th day of April 2018.

---

Tom Hughes, Council President

Approved as to Form:

---

Alison R. Kean, Metro Attorney

## **Biographies of Oregon Zoo Bond Citizens' Oversight Committee Members**

### **Exhibit A to Resolution No. 18-4880**

#### **Oregon Zoo Bond Citizens' Oversight Committee**

##### **Committee Member Appointments**

The following nine persons shall serve a two-year term starting May 10, 2018:

Naomi Bishop	Professor <i>emerita</i> of Anthropology, California State University, Northridge
Laurel Brown	Assistant Director for Zone Maintenance, Facilities and Property Management, Portland State University
Daniel C. Hauser	Policy Analyst, Oregon Center for Public Policy
Cynthia Johnson Haruyama	Deputy Director, Portland Japanese Garden
Nan Heim	Owner, Nan Heim Associates; OZF Board of Directors
Kate Jones	Chief Compliance Officer, Morley Capital Management
Chin See Ming	Partner, Construction and Development Attorney, Smith Freed & Eberhard
Javier Mena	Assistant Director, Portland Housing Bureau, City of Portland
Emma Stocker	Director of Emergency Management, Portland State University

Susan Hartnett, Spectator Venues Program Manager in the Office of Management and Finance at the City of Portland, served an initial member term of more than two years from April 9, 2015, to June 7, 2017, and is serving a second two-year term from June 8, 2017, to June 7, 2019. Effective April 13, 2018, she will serve as chair of the Committee through the remainder of her term.

#### **Biographies (in last-name alphabetical order after the chair)**

##### **Susan Hartnett (Committee Chair)**

Susan Hartnett has more than 26 years of experience in urban planning and development. Her career includes more than 21 years with City of Portland bureaus, including planning, transportation and water; she currently serves as the spectator venues program manager in the Office of Management and Finance. Hartnett has also worked for the City of Tigard, Oregon Health & Science University, the City of Chicago and several private sector companies. She earned her Bachelor of Science in criminalistics from the University of Illinois and her master's in urban and regional planning from Portland State University, and is an active member of the American Institute of Certified Planners.

##### **Naomi Bishop**

Naomi Bishop is a professor *emerita* of anthropology at California State University, Northridge. A physical anthropologist with a specialization in primate behavior and ecology, Bishop's research focuses on the behavior and adaptations of both langur monkeys and humans to the high altitude environment in the Nepal Himalaya. Zoo observation projects have been an essential element in her teaching. Bishop has been a department chair and interdisciplinary program leader at both the University of Massachusetts Boston and California State University, Northridge, and has written and directed multi-million dollar grant projects in teacher education. She received an American Council on Education Fellowship in academic leadership for 2003-4, which was spent at Portland State University. She has a Ph.D. in anthropology from the University of California, Berkeley.

## **Biographies of Oregon Zoo Bond Citizens' Oversight Committee Members**

### **Laurel Brown**

Laurel Brown has served as the assistant director of property management and zone maintenance at Portland State University since 2013, overseeing facility operations and maintenance of 29 buildings, including housing residences, a hotel, a student union and parking structures. She develops and administers 10 separate operational budgets totaling \$16 million and average annual capital expenditures of \$4.6 million. Previously she was a project manager with Ellis Ecological Services in Estacada, Oregon where she led environmental monitoring during construction activities for diverse clientele. Earlier, she was a front desk manager at Hart Road Animal Hospital in Beaverton and prior to that, managed her own property maintenance company in Portland for multiple property owners. She earned a B.A. in biology from Drury College in Springfield, Missouri.

### **Daniel C. Hauser**

Daniel C. Hauser is a policy analyst for the Oregon Center for Public Policy where his research and advocacy addresses tax and housing policies. Throughout his career, Hauser has often focused on how various revenue structures, from income taxes to bonds, can be designed to address efficiency, adequacy and progressivity. He was previously selected as a Hatfield Resident Fellow at Portland State University's Center for Public Service and has worked at the Association of Oregon Counties as a Transportation Policy Analyst. Hauser holds a master's degree in Public Policy from Oregon State University. He also serves as the vice chair of Washington County's Urban Roads Maintenance District Advisory Committee.

### **Cynthia Johnson Haruyama**

Cynthia Johnson Haruyama joined the Portland Japanese Garden in 2012 as Deputy Director, working with the CEO and Board of Trustees to plan and implement major strategic initiatives, including the Cultural Crossing project that opened in 2017 with five acres of new gardens and four buildings designed by world-renowned architect Kengo Kuma. Previously, Haruyama served as Executive Director of Lan Su Chinese Garden and Hoyt Arboretum. Prior to that, she practiced corporate and business law with Davis Wright Tremaine. She currently serves as Board President of Explore Washington Park and was a founding member of the Washington Park Alliance. She received her undergraduate degree from Princeton University and her law degree from Columbia University.

### **Nan Heim**

Nan Heim has more than thirty years of experience in association management and lobbying for a variety of clients. She has also managed several statewide ballot measure campaigns. Heim currently serves on the Oregon Zoo Foundation Board and the Oregon State Capitol Foundation Board.

### **Kate Jones**

Kate Jones is the chief compliance officer for Morley Capital Management and Principal Global Investors Trust Company, overseeing both companies' regulatory and compliance matters. Previously, Jones was a volunteer tax attorney at Legal Aid Services of Oregon where she assisted low-income clients with tax issues. She earned a B.A. in linguistics from the University of Washington and holds both a JD and MBA with a concentration in finance from the University of Oregon. Also a member of the Mazamas, Jones can be found outside hiking in the rain year-round.

## **Biographies of Oregon Zoo Bond Citizens' Oversight Committee Members**

### **Javier Mena**

Javier Mena serves as the assistant director of the Portland Housing Bureau at the City of Portland, where he has worked since 2010 in various roles, and is currently implementing a \$258 million affordable housing bond measure program. He works with the more than 40 nonprofits and service providers that partner with the housing bureau to ensure the city's housing and rent-assistance programs are fulfilling their mission. Mena also has an extensive record in the private sector. He worked for Wells Fargo until 2006 as an assistant vice president. He worked in the public sector to help close the minority home ownership gap, prior to transitioning to the housing bureau.

### **Chin See Ming**

Chin See Ming is a partner at the law firm of Smith Freed Eberhard where he practices in the areas of construction defect and general business litigation, and insurance coverage law. A long-time resident of Portland, Oregon, he is a graduate of the University of Oregon School of Law and has previously served as Vice Chair of the Oregon Board of Bar Examiners. As the father of two adult children, he knows from first-hand experience the central role the zoo plays in the lives of young children and their parents in the Metro area! Ming enjoys riding his bicycle on the weekends.

### **Emma Stocker**

Emma Stocker is an emergency management professional with more than 10 years of experience in multi-hazard emergency management, specializing in higher education and campus environments. She developed a background in natural hazards planning, public policy, public involvement and social research through consulting and public sector positions in Portland and Eugene, including one year as an interim policy coordinator in the Metro Council Office. Stocker currently serves as director of emergency management at Portland State University. She has a master's in public administration (University of Oregon) and a bachelor's in sociology (Reed College).

\*\*\*\*\*

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 18-4873 APPROVING THE FY 2018-19 BUDGET, SETTING PROPERTY TAX LEVIES AND TRANSMITTING THE APPROVED BUDGET TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION

**Date: May 3, 2018**

Presented by: Tim Collier  
Director, Finance and Regulatory Services

## BACKGROUND

On April 12, 2018, Martha Bennett, the Chief Operating Officer, presented the FY 2018-19 Proposed Budget to the Metro Council sitting as Budget Committee. A public hearing on the budget was held where the Council, sitting as Metro's Budget Committee, received testimony from interested members of the general public and Metro stakeholders.

The action taken by this resolution is the interim step between initial proposal of the budget and final adoption of the budget in June. Oregon Budget Law requires that Metro approve and transmit its budget to the Multnomah County Tax Supervising and Conservation Commission (TSCC). Members of the TSCC are appointed by the Governor to supervise local government budgeting and taxing activities in Multnomah County. The TSCC will hold a public hearing on Metro's budget scheduled for Thursday, June 7, 2018 at 12:30 p.m. in the Metro Council Chamber Annex. Following the meeting, the TSCC will provide a letter of certification for Metro's budget after which time the Council will formally adopt the final budget for FY 2018-19. The adoption of the budget is currently scheduled for Thursday, June 21, 2018.

Oregon Budget Law requires the Budget Committee of each local jurisdiction to set the property tax levies for the ensuing year at the time the budget is approved. Under budget law the Metro Council sits as the Budget Committee for this action. The tax levies must be summarized in the resolution that approves the budget and cannot be increased beyond this amount following approval. Metro's levy for general obligation debt reflects actual debt service levies for all outstanding general obligation bonds. The levy authorization for FY 2018-19 also includes year 1 of the renewed 5-year local option levy for Parks and Natural Areas support as well as the levy for Metro's permanent tax rate for general operations.

## ANALYSIS/INFORMATION

1. **Known Opposition** – None known at this time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Multnomah County Tax Supervising and Conservation Commission by May 15, 2018. The Commission will conduct a hearing on June 7, 2018 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.



3. **Anticipated Effects** – Adoption of this resolution will set the maximum tax levies for FY 2018-19 and authorize the transmittal of the approved budget to the Multnomah County Tax Supervising and Conservation Commission.
4. **Budget Impacts** – The total amount of the proposed FY 2018-19 annual budget is \$661,183,882. Any changes approved by the Council at the time of approval were incorporated into the budget prior to transmittal to the TSCC.

### **RECOMMENDED ACTION**

The Council President recommends adoption of Resolution No. 18-4873 approving the FY 2018-19 budget and authorizing the Chief Operating Officer to submit the approved budget to the Multnomah County Tax Supervising and Conservation Commission.

Agenda Item No. 4.2

**Resolution No. 18-4882**, For the Purpose of Authorizing a Technical Assistance  
Program Component to Support the 2040 Planning and Development Grant

*Consent Agenda*

Metro Council Meeting  
Thursday, April 12, 2018  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A	)	RESOLUTION NO. 18-4882
TECHNICAL ASSISTANCE COMPONENT FOR	)	
THE 2040 PLANNING AND DEVELOPMENT	)	Introduced by Chief Operating Officer Martha
GRANT PROGRAM	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, in 2006, Metro adopted Ordinance No. 06-1115, establishing a construction excise tax (CET) to generate revenue for providing grants to local governments for regional and local planning; and

WHEREAS, on recommendation of an advisory group and the Metro Chief Operating Officer (“COO”) regarding the continuing need for funding regional and local planning, on June 11, 2009 the Metro Council adopted Ordinance No. 09-1220, extending the CET for an additional five year period, with a sunset date of September 2014; and

WHEREAS, on recommendation of an advisory group and the Metro COO, in June 2014 the Metro Council adopted Ordinance No. 14-1328, extending the CET for an additional five year period, with a new sunset date of December 31, 2020; and

WHEREAS, the 2014 CET Ordinance directed the Metro COO to propose amendments to the existing administrative rules implementing the CET and CPDG programs under Metro Code Chapter 7.04 (“Administrative Rules”) and to return to the Metro Council for its approval of the revised Administrative Rules prior to promulgating them; and

WHEREAS, on March 19, 2015 the Metro Council adopted Resolution No. 15-4595, which approved the Metro COO’s proposed amendments to the Administrative Rules; and

WHEREAS, the Metro COO approved additional amendments to the Administrative Rules in March 2017, which renamed the program the “2040 Planning and Development Grant Program,” modified the program to consider proposals and award grants on an annual basis, and set the policy and investment framework for Cycle 5 of Metro’s 2040 Planning and Development Grants; and

WHEREAS, on April 13, 2017 the Metro Council adopted Resolution No. 17-4782, which directed the Metro COO and staff to initiate Cycle 5 of the 2040 Planning and Development Grants using the policy and investment targets set forth in the COO’s amended Administrative Rules; and

WHEREAS, the Metro COO approved additional amendments to the Administrative rules in January 2018, which clarified the types of projects that are eligible to be considered for grant funding, clarified the criteria for evaluating grant applications, and set the policy and investment framework for Cycle 6 of the 2040 Planning and Development Grant program; and

WHEREAS, on January 25, 2018 the Metro Council adopted Resolution No. 18-4863, which directed the Metro COO and staff to initiate Cycle 6 of the 2040 Planning and Development Grants using the policy and investment targets set forth in the COO's amended Administrative Rules; and

WHEREAS, in 2017 the 2040 Grant Screening Committee for Cycle 5 recommended that unallocated CET funds should be set aside to provide additional technical assistance to local government grantees in implementing their projects where additional expert assistance will help ensure that grant projects will achieve their stated goals; and

WHEREAS, the COO has approved new amendments to the Administrative Rules that allow for the creation of a technical assistance reserve fund that may be used to provide grant recipients with necessary technical assistance in completing their projects, up to a maximum amount of \$25,000 per grant recipient; now therefore

BE IT RESOLVED that:

1. The Metro Council hereby authorizes and directs the Metro COO and staff to develop and administer an additional technical assistance program component to support the 2040 Planning and Development grants in accordance with the revised administrative rules, approved by the COO and set forth in Exhibit A, attached hereto and incorporated herein.
2. The Metro Council hereby authorizes and directs the Metro COO to utilize discretion in determining which grant projects may require additional technical assistance.
3. The Metro Council hereby authorizes and directs the Metro COO and staff to continue to implement improvements to program policies and administration to ensure that the grants successfully support regional goals and policies set forth in the 2040 Growth Concept, the Urban Growth Management Functional Plan, and the six desired outcomes outlined in the Regional Framework Plan.

ADOPTED by the Metro Council this \_\_\_\_\_ day of April, 2018.

---

Tom Hughes, Council President

Approved as to Form:

---

Alison R. Kean, Metro Attorney

**ADMINISTRATIVE RULES: METRO CODE CHAPTER 7.04**  
**[REVISED MARCH 2018]**

Effective July 1, 2006, and extended through December 31, 2020, Metro has established as Metro Code Chapter 7.04 a Construction Excise Tax (“CET”) to fund Community Planning and Development Grants (“CPDG”). Effective April 1, 2017 the CPDG program shall be known as the 2040 Planning and Development Grant program (“2040 Grant” or “Grant”). These Administrative Rules establish the procedures for administering this tax as mandated in Metro Code Section 7.04.050 and Metro Code Section 7.04.060. These Administrative Rules also establish the procedures for administering the 2040 Grants. For ease of reference a copy of Metro Code Chapter 7.04 is attached to these administrative rules.

**I. Metro Administrative Matters.**

- A. Definitions. These administrative rules incorporate the definitions as set forth in Metro Code Section 7.04.030 of Chapter 7.04, Construction Excise Tax, and Chapter 3.07, the Urban Growth Management Functional Plan.
- B. Designated Representatives (Metro Code Section 7.04.060). The Metro Chief Operating Officer (“COO”) is responsible for the administration and enforcement of the Metro Code Chapter 7.04 and these administrative rules.
  - 1. The COO may delegate his authority in administration and enforcement of the Code chapter and these administrative rules as he determines and as set forth herein.
  - 2. The COO shall appoint a Hearings Officer(s), which appointment shall be confirmed by the Metro Council. The Hearings Officer(s) shall have the authority to order refunds or rebates of the Construction Excise Tax or waive penalties as a result of the hearings process. Upon appointing a Hearings Officer, the Chief Operating Officer shall delegate authority to the Hearings Officer to administer oaths, certify to all official acts, to subpoena and require attendance of witnesses at hearings to determine compliance with this chapter, rules and regulations, to require production of relevant documents at public hearings, to swear witnesses, to take testimony of any Person by deposition, and perform all other acts necessary to adjudicate appeals of Construction Excise Tax matters.
- C. Internal Flow of Funds. Funds will be accounted for in a Construction Excise Tax account that will be created by the effective date of Metro Code Chapter 7.04.
- D. Rate Stabilization Reserves. Metro Code Chapter 7.04.200 states that the Council will, each year, as part of the Budget process, create reserves from revenues generated by the CET. These reserves are to even out collections thereby stabilizing the funds needed to support the applicable programs despite industry building activity fluctuation. These reserves can only be drawn on to support the specific budgeted activities as discussed in Section I.E. of these administrative rules. Due to their restricted nature, these reserves shall be reported as designations of fund balance in Metro’s General Fund.
- E. Dedication of Revenues. Revenues derived from the imposition of this tax, netted after deduction of authorized local jurisdiction costs of collection and administration will be solely dedicated to grant funding of the regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary.
- F. Rule Amendment. The Chief Operating Officer retains the authority to amend these administrative rules as necessary for the administration of the Construction Excise Tax, after consultation with Metro Council.

**II. Construction Excise Tax Administration.**

**A. Imposition of Tax (Metro Code Section 7.04.070).**

1. The CET is imposed on every Person who engages in Construction within the Metro jurisdiction, unless an Exemption applies as set forth herein.
2. The tax shall be due and payable at the time of the issuance of any building permit, or installation permit in the case of a manufactured dwelling, by any building authority, unless an Exemption applies as set forth herein.
3. The CET shall be calculated and assessed as of the application date for the building permit. Persons obtaining building permits based on applications that were submitted prior to July 1, 2006 shall not be required to pay the CET, unless the building permit issuer normally imposes fees based on the date the building permit is issued.
4. If no permit is issued, then the CET is due at the time the first activity occurs that would require issuance of a building permit under the State of Oregon Building Code.

**B. Calculation of Tax (Metro Code Section 7.04.080).** The CET is calculated by multiplying the Value of New Construction by the tax rate of 0.12%

(0.0012 x Value of New Construction)

- a. In the case of a Manufactured Dwelling for which no Exemption is applicable, and for which there is no building code determination of valuation of the Manufactured Dwelling, the applicant's good faith estimate of the Value of New Construction for the Manufactured Dwelling shall be used.

**C. Exemptions (Metro Code Section 7.04.040).**

1. Eligibility for Exemption. No obligation to pay the CET is imposed upon any Person who establishes, as set forth below, that one or more of the following Exemptions apply:
  - a. The Value of New Construction is less than or equal to One Hundred Thousand Dollars (\$100,000); or
  - b. The Person who would be liable for the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes AND the property is restricted to being occupied by Persons with incomes less than fifty percent (50%) of the median income for a period of 30 years or longer; or
  - c. The Person who would be liable for the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) AND the Construction is dedicated for use for the purpose of providing charitable services to Persons with income less than fifty percent (50%) of the median income.

EXHIBIT A TO RESOLUTION NO. 18-4882

2. Procedures for Establishing and Obtaining an Exemption; Exemption Certificates:

- a. For exemption (a) above, the exemption will be established at the building permit counter where the Value of New Construction as determined in the building permit is less than or equal to One Hundred Thousand Dollars (\$100,000).
- b. For exemptions (b) and (c) above, prior to applying for a building permit a Person claiming an exemption may apply to Metro for a Metro CET Exemption Certificate, by presenting the appropriate documentation for the exemption as set forth herein, and upon receiving a Metro CET Exemption Certificate the Person may present the certificate to the building permit issuer to receive an exemption from paying the CET; or
- c. For exemptions (b) and (c) above, instead of going to Metro to obtain a Metro CET Exemption Certificate, a Person claiming an exemption from the CET when applying for a building permit may submit to the building permit issuer Metro's CET Exemption Certificate application form. Upon receiving a Person's Metro CET Exemption Certificate application, the building permit issuer shall preliminarily authorize the exemption and shall not collect the CET. The building permit issuer shall forward the Person's Metro CET Exemption Certificate application to Metro along with the quarterly CET report. It shall be Metro's responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the CET, as well as any other remedy Metro may have under law, if the Person was not entitled to the exemption;
- d. To receive a Metro CET Exemption Certificate from Metro, or to substantiate to Metro the validity of an exemption received from a local building permit issuer, an applicant must provide the following:
  - i. IRS tax status determination letter evidencing that the Person seeking the building permit is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3); and
  - ii. In the case of residential property, proof that the property is to be restricted to low income persons, as defined, for at least 30 years. Proof can be in the form of loan covenants; rental agreements or grant restrictions; a certification from the entity's corporate officer attesting that the exemption is applicable; or any other information that may allow the exemption determination to be made; and
  - iii. In the case of a qualified tax-exempt entity providing services to Persons with incomes less than 50 percent of the median income, the applicant must provide information that will allow such tax exempt status to be verified, and proof that the property will be restricted to such uses. Proof can be in the form of loan covenants; rental agreements or grant restrictions; certification from the entity's corporate officer attesting that the exemption is applicable; or any other information that may allow the exemption determination to be made; and
  - iv. In the case of a limited partnership with a tax-exempt sole general partner corporation, verification from the partnership's attorney of that status is required; and

## EXHIBIT A TO RESOLUTION NO. 18-4882

- v. Authorization to audit the records to verify the legal status and compliance with Metro qualifications of all entities claiming exempt status.

- e. Partial Applicability of Exemption. If an exemption is applicable to only part of the Construction, then only that portion shall be exempt from the CET, and CET shall be payable for the remainder of the Construction that is not eligible for an exemption, on a pro-rata basis. It shall be the responsibility of the Person seeking the partial exemption to fill out a Metro CET Exemption Certificate application for the partial exemption, declaring on that application the proportion of the Construction qualifies for the exemption. Upon receiving a Person's Metro CET Exemption Certificate application claiming a partial exemption, the building permit issuer shall preliminarily authorize the partial exemption and shall only collect the pro-rata CET as declared by the applicant. The building permit issuer shall forward the Person's Metro CET Exemption Certificate application to Metro along with the quarterly CET report. It shall be Metro's responsibility to determine the validity of the partial exemption and to institute collection procedures to obtain payment of the remainder of the CET, as well as any other remedy Metro may have under law, if the Person was not entitled to the partial exemption.

### D. Ceiling (Metro Code Section 7.04.045).

- 1. If the CET imposed would be greater than \$12,000.00 (Twelve Thousand Dollars) as measured by the Value of New Construction that would generate that amount of tax, then the CET imposed for that Construction is capped at a Ceiling of \$12,000.00 (Twelve Thousand Dollars).
- 2. The Ceiling applies on a single structure basis, and not necessarily on a single building permit basis. For example:
  - a. If a single building permit is issued where the Value of New Construction is greater than or equal to Ten Million Dollars (\$10,000,000), then the CET for that building permit is capped at Twelve Thousand Dollars (\$12,000.00).
  - b. If Construction in a single structure will require multiple building permits during the pendency of the CET program, and the total CET that would be imposed for those building permits would add up to more than Twelve Thousand Dollars (\$12,000.00), then the total CET for those building permits within the same structure during the pendency of the CET program is capped at Twelve Thousand Dollars (\$12,000.00). Once a total of \$12,000.00 has been paid in CET for a particular structure, then no additional CET will be collected for that structure during the pendency of the CET program.

### E. Rebates (Metro Code Section 7.04.120). If a CET has been collected and a CET Exemption or the CET Ceiling was applicable, a rebate for the CET may be obtained from Metro.

- 1. Procedures for obtaining rebate are:
  - a. Within thirty (30) days of paying the CET, the Person who believes that the CET was not applicable due to a CET exemption or CET Ceiling, shall apply for a rebate in writing to Metro and provide verification that the exemption eligibility provisions of Metro Code Section 7.04.040, or that the CET Ceiling provisions of Metro Code Section 7.04.045, have been met. Failure to seek a rebate within the thirty (30) day



EXHIBIT A TO RESOLUTION NO. 18-4882

time limit will terminate a Person's right to seek a rebate.

- b. Applicant shall provide proof that the CET was paid, in the form of a paid receipt from the building permit issuer showing the tax was paid. All supporting documentation for the exemption or ceiling shall be submitted at the time of the rebate claim. The rebate will only be made to the name that is listed on the receipt unless the applicant has a written assignment of rebate.
- c. A rebate or a letter of denial shall be issued by Metro within thirty (30) days of receipt of a written request for rebate provided that the request includes all required information. The rebate will be calculated based upon the paid receipt, less the five percent (5%) administrative fee already retained by the building permit issuer and the five percent (5%) Metro administration fee.

F. Refunds (Metro Code Section 7.04.150). If a CET has been collected and the Construction was not commenced and the building permit was cancelled, a refund for the CET may be obtained from Metro.

1. Eligibility is determined by the absence of Construction and cancellation of the building permit.
2. Procedures for obtaining refund:
  - a. Apply in writing to Metro within thirty (30) days of permit cancellation.
  - b. Provide copy of canceled permit.
  - c. Provide proof of payment of the tax in the form of the paid receipt.
  - d. A refund or a letter of denial shall be issued by Metro within thirty (30) days of receipt of the written request for refund provided that the request includes all required information. The refund will be calculated based upon the paid receipt, less the five percent (5%) administrative fee already retained by the building permit issuer and the five percent (5%) Metro administration fee.
  - e. Failure to seek a rebate within the thirty (30) day time limit will terminate a Person's right to receive a refund.

G. Appeals. The Hearings Officer shall conduct hearings related to enforcement or appeals of the CET. The appeal to the Hearings Officer must be:

1. In writing;
2. Made within ten (10) calendar days of denial of a refund, rebate, or exemption request. Notice of denial to the party denied, is deemed to have occurred three days after the mailing of the certified denial letter from Metro;
3. Tax must be paid prior to appeal;
4. Directed to the Office of Metro Attorney, who will contact the Hearings Officer to schedule a hearing upon receipt of a written appeal. The Hearings Officer will at that time provide further information as to what documentation to bring to the hearing.

## EXHIBIT A TO RESOLUTION NO. 18-4882

H. Review. Review of any action of the Chief Operating Officer or Hearings Officer, taken pursuant to the Construction Excise Tax Ordinance, or the rules and regulations adopted by the Chief Operating Officer, shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 through 34.100, provided, however, that any aggrieved Person may demand such relief by writ of review.

I. CET Sunset (Metro Code Section 7.04.230).

1. The CET shall not be imposed on and no person shall be liable to pay any tax for any Construction activity that is commenced pursuant to a building permit issued on or after December 31, 2020.
2. Local governments collecting CETs shall remit the CETs to Metro on a quarterly or monthly basis, based on the jurisdiction's CET Collection IGAs with Metro. Each quarter, within thirty days of receiving CET remittances from all collecting local jurisdictions, Metro will issue a written statement of the total CET that Metro has received that quarter and cumulatively.
3. CET remittance to Metro shall be net of the local government's administrative expenses in collecting the CET, up to five percent (5%) of the CET collected by the local government as set forth in the Metro CET Collection IGA. This net amount of CET remitted to Metro shall be the basis for Metro's calculations of CET cumulative totals.
4. The CET shall cease to be imposed by local governments on December 31, 2020, and shall be remitted by the local governments to Metro as soon thereafter as possible.

### III. **CET Collection Procedures.**

A. Local Government CET Collection and Remittance Via Intergovernmental Agreements (Metro Code Section 7.04.110). For those local governments collecting the CET pursuant to Intergovernmental Agreements with Metro, the following procedures shall apply:

1. CET Report; Information Required. Each quarter (unless a local government prefers to report monthly), along with its CET remittance to Metro, the local government shall prepare and submit to the Metro Chief Operating Officer a report of the CETs and building permits issued for the previous quarter's construction activities. The report shall include: the number of building permits issued that quarter; the aggregate value of construction; the number of building permits for which CET exemptions were given; the aggregate value of construction for the exempted construction; the aggregate amount of CET paid; and the amount of CET administrative fee retained by the local government pursuant to this CET Collection IGA.
2. CET Remittance to Metro. Local governments collecting CET via IGAs with Metro shall remit the collected CET to Metro. Remittance shall be quarterly, unless a jurisdiction prefers to remit the CET monthly, by the 30<sup>th</sup> of the month following the quarter (or month) ending. Quarters end on September 30, December 31, March 31 and June 30 of each year. CET remittance and the CET Report shall be sent to Metro, attn Construction Excise Tax Accounting Specialist, 600 NE Grand, Portland, Oregon 97232.
3. Remuneration to Local Government for Collecting CET. As consideration for collecting the CET, each local government collecting the CET shall retain no more than five percent (5%)

## EXHIBIT A TO RESOLUTION NO. 18-4882

of the tax collected by that local government. This payment is intended to be a reimbursement of costs incurred. Prior to submitting the CET to Metro, the local government shall deduct the remuneration agreed upon directly from the collected tax, and the amounts deducted and retained shall be identified on the report submitted to Metro.

4. Metro Administrative Fee. To partially reimburse Metro for its costs in implementing and administering the CET program, Metro will retain five percent (5%) of the net CET funds remitted by local governments to Metro.
  5. Audit and Control Features. Each local government shall allow the Chief Operating Officer, or any person authorized in writing by the Chief Operating Officer, to examine the books, papers, building permits, and accounting records relating to any collection and payment of the tax, during normal business hours, and may investigate the accuracy of reporting to ascertain and determine the amount of CET required to be paid.
  6. Failure to Pay. Upon a Person's refusal to or failure to pay the CET when due, the local government administering that Person's building permit shall notify Metro in writing within five (5) business days of such failure, with information adequate for Metro to begin collection procedures against that Person, including the Person's name, address, phone numbers, Value of New Construction, Construction Project, and building permit number. Upon a Person's refusal or failure to pay the CET, it shall be Metro's responsibility to institute collection procedures to obtain payment of the CET as well as any other remedy Metro may have under law.
- B. Metro Collection Procedures in Event of Non-payment. The CET is due and payable upon issuance of a building permit. It is unlawful for any Person to whom the CET is applicable to fail to pay all or any portion of the CET. If the tax is not paid when due, Metro will send a letter notifying the non-payer of his obligation to pay the CET along with the following information:
1. Penalty. In addition to any other fine or penalty provided by Chapter 7.04 of the Metro Code, penalty for non- payment will be added to the original tax outstanding. That penalty is equal to fifty dollars (\$50.00) or the amount of the tax owed, whichever is greater.
  2. Misdemeanor. In addition to any other civil enforcement, non- payment of the CET is a misdemeanor and shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00). This fine shall be charged to any officer, director, partner or other Person having direction or control over any Person not paying the tax as due.
  3. Enforcement by Civil Action. If the tax is not paid, Metro will proceed with collection procedures allowable by law to collect the unpaid tax, penalties assessed and fines due, including attorney fees.

**IV. Revenue Distribution (Metro Code Section 7.04.220).**

**A. Grant Cycles.**

1. The Cycle 1 fund distribution took place in March 2006, which allocated up to \$6.3 million in grants. Grant requests in this cycle were made for planning only in new areas that were brought into the Urban Growth Boundary (UGB) between 2002 and 2005.
2. The Cycle 2 grant allocation through the Community Planning and Development Grant program (CPDG) took place in June 2010, which allocated up to \$3.7 million in CET Grant revenue. Grant requests in this cycle were made for planning in all areas inside the UGB as of December 2009.
3. The Cycle 3 grant allocation through the CPDG program took place in August 2013, which allocated \$4.5 million in grants. Grant requests in this cycle were made for planning in all areas that are in the UGB as of December 2009, plus areas added to the UGB since 2009 and Urban Reserves. This cycle earmarked fifty percent (50%) of projected CET revenues for planning in areas added to the UGB since 2009 and Urban Reserves, and required that if the amount of qualified Grant Requests for areas added to the UGB since 2009 and Urban Reserves does not equal or exceed the earmarked amounts, the remainder of funds may be allocated to Grant Requests for planning in other areas.
4. The Cycle 4 grant allocation through the CPDG program took place in 2015-2016 for planning in all areas that are in the UGB and Urban Reserves. This cycle earmarked seventy percent to seventy five percent (70% to 75%) of projected revenue for planning within the existing UGB, and earmark twenty five percent to thirty percent (25% to 30%) of projected revenue for concept planning and comprehensive planning for urban reserves and new urban areas, and required that if the amount of qualified Grant Requests for areas added to the UGB since 2009 and Urban Reserves did not equal or exceed the earmarked amounts, the remainder of funds may be allocated to Grant Requests for planning in other areas. A total of approximately \$4.7 million in grants was awarded. In 2016-17 an additional cycle of grants was conducted to support Equitable Housing Planning and Development projects. A total of \$575,000 in funding was awarded.
5. The Cycle 5 grant allocation took place in 2017-2018 for planning in all areas that are in the UGB and Urban Reserves. This cycle earmarked fifty percent (50%) of funding for equitable development projects, twenty-five percent (25%) of projected revenue for planning within the existing UGB, and twenty five percent (25%) of projected revenue for concept planning and comprehensive planning for urban reserves and new urban areas. A total of approximately \$1.99 million in grants was awarded.
6. The Cycle 6 grant allocation shall take place in 2018-2019 for planning in all areas that are in the UGB and Urban Reserves. This grant cycle shall earmark fifty percent (50%) of projected revenue for equitable development projects, twenty-five percent (25%) of projected revenue for planning within the existing UGB, and twenty five percent (25%) of projected revenue for concept planning and comprehensive planning for urban reserves and new urban areas, and require that if the amount of qualified Grant Requests for such projects does not equal or exceed the earmarked amounts, the remainder of funds may be allocated to Grant Requests for planning in other areas.

EXHIBIT A TO RESOLUTION NO. 18-4882

7. The Cycle 7 grant allocation shall take place in 2019-2020 for planning in all areas that are in the UGB and Urban Reserves. The Metro Council shall determine in January 2019 how to best target program investments, but no less than twenty five percent (25%) of funding shall be earmarked for concept planning and comprehensive planning for urban reserves and new urban areas.
8. The Cycle 8 grant allocation shall take place in 2020-2021 for planning in all areas that are in the UGB and Urban Reserves. The Metro Council shall determine in January 2020 how to best target program investments, but no less than twenty five percent (25%) of funding shall be earmarked for concept planning and comprehensive planning for urban reserves and new urban areas.
9. These cycles may be delayed or amounts reduced if the actual CET receipts remitted by the local governments are not as high as projected, or if CET revenue projections are modified due to market conditions, or if required by Metro's spending cap limitations.
10. Metro may conduct additional allocation cycles if the Metro Chief Operating Officer finds that CET receipts are projected to exceed the grant amounts awarded in Cycles 5, 6, 7 and 8.

B. 2040 Grants Screening Committee.

1. Role. A 2040 Planning and Development Grants Screening Committee ("Committee") shall be created, which shall review Grant Requests submitted by local governments. The Committee shall advise and recommend to the Metro Chief Operating Officer ("COO") the ranking and recommended grant amounts, and whether to grant full, partial, or no awards, in accordance with the grant Evaluation Criteria set forth below.
2. Committee Members. The COO shall appoint six to nine members to the Committee, including the Committee Chair. A new Committee shall be established for Cycle 5, Cycle 6, Cycle 7 and Cycle 8 grants, but may include members from the previous Committees. Skill sets to be represented will be composed of the following expertise:
  - Economic development;
  - Urban planning;
  - Real estate and finance;
  - Infrastructure finance relating to development or redevelopment;
  - Local government;
  - Urban renewal and redevelopment;
  - Business and commerce;
  - Neighborhood Association or Community Planning Commission with an understanding of community livability issues; and
  - Environmental sustainability relating to development or redevelopment.
  - Social equity relating to community development and redevelopment planning

- C. Range of Eligible Grant Project Types. To be eligible for consideration, all projects must advance and complement regional goals and policies. Projects must help to advance established regional development policy goals and outcomes, expressed in the 2040 Growth Concept, the Urban Growth Management Functional Plan and in the following six Desired Outcomes stated in the Regional Framework Plan, adopted by the region to guide future planning:

## EXHIBIT A TO RESOLUTION NO. 18-4882

- People live and work in vibrant communities where their everyday needs are easily accessible;
  - Current and future residents benefit from the region's sustained economic competitiveness and prosperity;
  - People have safe and reliable transportation choices that enhance their quality of life;
  - The region is a leader in minimizing contributions to climate change;
  - Current and future generations enjoy clean air, clean water and healthy ecosystems;
  - The benefits and burdens of growth and change are distributed equitably.
1. Urban reserve concept planning. Concept planning for future development of new urban areas on land currently designated Urban Reserves (or in areas brought into the Urban Growth Boundary since 2009) to facilitate the future development of complete communities and comply with Title 11 of the Urban Growth Management Functional Plan.
  2. Strategy or policy development. Development and adoption of action plans, strategic initiatives, code refinements, incentives, streamlined review and other development related policy work that will meaningfully increase community readiness for development or identify and reduce barriers to development, redevelopment, and infill.
  3. Investment strategies and financial tools. Exploration and development of investment strategies and financial tools and incentives to facilitate development, redevelopment and infill, such as urban renewal districts, enterprise zones, tax abatements, or collaborative capital improvement plans.
  4. Area-specific redevelopment planning. Strategic planning, concept design and feasibility for redevelopment and infill of specific areas or districts.
  5. Site-specific development or redevelopment. Schematic design and feasibility analyses for site-specific development projects, equitable housing projects and public-private partnerships
  6. Equitable housing projects and policies. Any approach or combination of approaches outlined in sections 2-5 above that will facilitate the development of equitable housing throughout the metro region. Equitable housing is defined as diverse, quality, physically accessible, affordable housing choices with access to opportunities, services, and amenities.
  7. Future refinement of Project Types. The Metro COO has the authority to direct staff to refine and modify or expand the range of Eligible Project Types as needed to improve program effectiveness and clarity and continually improve the program's effectiveness in achieving regional goals.

### D. Grant Application Procedures

The Metro COO will direct the staff to organize a fair and efficient process for soliciting grant requests as follows:

1. Eligible Grant Applicants. Grant applicants shall be cities or counties within the Metro boundary. Other local governments, as defined in ORS 174.116, may apply for 2040 Grants only in partnership with a city or county within the Metro boundary.
2. Application guidelines and timelines. The guidelines and timeline for submitting grant applications will be publicized each year with sufficient time to provide eligible applicants with

## EXHIBIT A TO RESOLUTION NO. 18-4882

adequate time for planning, budgeting, preparation and submittal of all required application materials. The grant application process may include an option for applicants to receive feedback from Metro staff regarding their proposed projects prior to submission of the final application.

3. Application Endorsements and Matching Contributions. Applications should reflect commitment by county, city and/or relevant service providers to participate in the planning effort and describe how governance issues will be resolved through or prior to the planning process. All grant requests shall include an endorsement of support of the governing body and a minimum 10% matching contribution specifying allocation of local funding and/or staff resources for the proposed project. Metro may request that any jurisdiction that elects to submit more than one grant application per cycle shall submit a prioritized list clarifying the relative importance of each application to that jurisdiction.
4. Refinement of Application Procedures. The Metro COO has the authority to direct staff to refine and modify the general Grant Application Procedures outlined above as needed to ensure smooth, efficient administration and continual improvement of the grant program.

### E. Grant Request Evaluation Criteria

1. Clear development outcomes. Proposal presents a compelling project concept with specific, impactful outcomes to facilitate development. Performance measures are clearly articulated.
2. Advances and complements regional goals and policies. Proposed project will support Metro's established regional policy goal of advancing racial equity, in addition to the planning policies and desired outcomes described in section C above.
3. Aligns with local goals and/or maximizes community assets. Proposed project will help to realize community plans and goals, accommodate expected population and employment growth, and/or maximize existing community assets such as public transit, parks, natural features, historic districts, employment areas.
4. Likelihood of full implementation. Key stakeholders (property owners, policy makers, funding jurisdictions, service districts, etc.) have committed full support for the project goals and timelines, will be meaningfully involved in guiding the project, and have the capacity and authority to implement actions/investments as needed to bring the project to fruition. Opportunities and threats to project commitments are identified.
5. Public involvement. Proposal incorporates best practices for public involvement; strategies for meaningfully engaging neighbors, businesses, property owners, and key stakeholders, as well as historically marginalized communities including low income and minority populations are clearly articulated and well-conceived; proposal indicates how public input will be used to strengthen the project outcomes and/or increase the likelihood of successful implementation.
6. Team roles and capacity. Roles and responsibilities of the applicant county or city, as well as any additional partners have been clearly defined; proposed staff has skill set, experience and appropriate available time needed to successfully manage all aspect of the grant project and oversee the work of consultant team or teams on behalf of the project partners
7. Jurisdiction track record. Applicant has proven capability to successfully implement community development projects, especially past CPDG or 2040 Grant projects; prior grants have fully delivered expected products and outcomes according to the approved schedule of

## EXHIBIT A TO RESOLUTION NO. 18-4882

milestones; any CPDG or 2040 Grant projects still underway are on track and scheduled for completion prior to initiation of proposed project.

8. Grant leverage. Extent to which partners have committed additional in-kind or direct financial contributions to the project beyond the minimum ten percent match that is required;
9. Replicable best practices. Proposed project will develop best practices that could be replicated in other locations. (Note: this criterion may not be applied to all projects.)

### F. Review of Grant Requests.

1. Metro staff shall conduct an initial screening of all grant requests to confirm that they meet the minimum program and eligibility requirements. Staff shall forward the letters of intent and Grant Requests to the members of the Committee, along with a summary of the strengths and weaknesses of each request according to the grant evaluation criteria. Staff will provide assistance to the Committee as needed to support their review and deliberations.
2. The Committee shall review the Grant Requests and evaluate them based on the Grant Request Evaluation Criteria set forth above. The Committee shall use the criteria as guidelines for evaluating applications. The Committee may consult with the proponent of the Grant Request or any others in reviewing the request. After analyzing the Grant Requests, the Committee shall forward to the Metro COO the Committee's recommended ranking and grant amounts for each of the Grant Requests.
3. The Metro COO shall review the Committee's recommendations and shall forward her/his own grant recommendations, based on the Grant Requests Evaluation Criteria set forth above, along with the recommendations of the Screening Committee, to the Metro Council.
4. The Metro Council shall decide, in a public hearing, whether or not to approve funding of any grants, and the amount of each grant.

### G. General Procedures for Entering into Grant Agreements.

1. Grant Award Letter. Upon the award of a grant, the Metro COO shall issue a Grant Award Letter for the grant amount determined by the Metro Council.
2. Negotiation of the Intergovernmental Agreement ("IGA"). Metro and the Grantee shall negotiate the terms of the Grant Intergovernmental Agreement ("IGA") The scope of work in the grant application as modified by any condition in Metro Council grant award shall be the basis for Metro and the Grantee to negotiate the IGA. The IGA shall set forth the role of Metro's project liaison on the project advisory committee, an agreed-upon scope of work and budget, a draft request for proposals for any consultants needed to implement the project, matching funds and grant payment amounts, and any administrative penalties that may be imposed by Metro for amendments to the IGA or project timeline that may be requested by the applicant. The IGA shall retain the right of the Metro COO to terminate a Grant award if the milestones set forth in the IGA are not met within the timeframes set forth in the IGA. The governing body of the Grant applicant jurisdiction shall authorize the approval of the IGA. Following execution of the IGA by appropriate personnel on behalf of the local governing body, the COO shall execute the IGA. If the IGA has not been finalized and signed by Metro and



## EXHIBIT A TO RESOLUTION NO. 18-4882

grantee within six months of grant award, the COO ~~shall~~may exercise the authority to cancel the grant award.

3. Procurement of project consultants. Grantees shall work with Metro to select an appropriate consultant team as needed to complete all proposed work outlined in the grant application. Prior to execution of the Grant IGA, Metro shall have the opportunity to review and approve any requests for proposals to be issued by the Grantee. Metro shall be involved as an equal partner in the selection of all project consultants.
4. Contracting with project consultants. Following final selection of project consultants, applicant shall prepare draft contracts with all consultants that fully describe the project milestones, deliverables and timelines and provide maximum costs for consultant tasks. Metro shall have the opportunity to review and approve draft contracts with consultants who will perform work prior to the execution of such contracts.
5. Revision of IGA schedule of milestones. Once the contract terms, including required milestones, timelines, deliverables, and fees have been fully negotiated and agreed, the Grant IGA schedule of milestones shall be updated to fully reflect the final project approach and shall be incorporated into an amended IGA and also as an exhibit to any consultant contracts.
6. Refinement of Grant Agreement Procedures. The COO has the authority to direct staff to refine and modify the general Grant Agreement procedures outlined above as needed to ensure smooth, efficient administration and continual improvement of the grant program.

### H. General Procedures for Distribution of Grant Funds.

1. Grant Payments. Grant payments shall be made upon the completion of those milestones set forth in the IGA, as determined by Metro in accordance with the requirements of the Metro Code and the IGA. In general, a portion of the Grant funds may be distributed following execution of the IGA by Metro, with the remainder of the Grant being paid out as progress payments upon completion of the milestones in the IGA. Grantees shall submit progress reports to Metro documenting the milestone and the completed deliverables for grant payment.
2. Eligible Grant Expenses. The following expenses shall be considered eligible expenses for reimbursement with grant funds:
  - Materials directly related to project
  - Consultants' work and expenses on project
  - Grant applicant staff support directly related to project
  - Overhead directly attributable to project.
- ~~3. Ineligible Grant Expenses. Grant applications or requests to reimburse local governments for planning work contracted for or completed prior to execution of an approved Grant IGA shall not be considered.~~
3. Ineligible Grant Expenses. Local governments may not be reimbursed for expenses that are contracted for or initiated prior to the execution of an approved Grant IGA unless such expenses are expressly referenced in the IGA or amendments thereto.

I. Additional Technical Assistance

1. Technical Assistance Reserve Fund. At the discretion of the Metro COO, grant funds that are allocated but are not ultimately used for approved grants may be reserved as a separate fund designated for additional technical assistance to grantees. These may include grant funds that are not awarded in a prior grant cycle, declined by the grantee, canceled by Metro, or that are not expended due to grant costs being less than projected. The COO will determine an appropriate amount of funds to maintain in this reserve account in order to meet anticipated technical assistance needs of grantees.

2. Award of Additional Technical Assistance. Metro staff will make a recommendation to the Planning and Development Director and the COO when it appears that a particular project requires additional technical assistance funding in order to successfully achieve the intent of the grant award and implement the proposed project. The COO will have discretion to approve additional funds for the project, up to a cap of \$25,000 per project.

3. Contracting for Additional Technical Assistance. Unless specifically authorized by the COO, additional technical assistance funds will not be disbursed to the Grantee. Metro will identify and contract with professional consultants as needed to provide the necessary assistance and oversight to ensure successful implementation of the project.

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 18-4882, FOR THE PURPOSE OF AUTHORIZING A TECHNICAL ASSISTANCE COMPONENT FOR THE 2040 PLANNING AND DEVELOPMENT GRANT PROGRAM**

---

Date: March 30, 2018

Prepared by: Lisa Miles 503.797.1877  
Roger Alfred 503.797.1532

## **BACKGROUND**

In 2006, the Metro Council adopted new provisions in Chapter 7.04 of the Metro Code establishing a construction excise tax (CET) to generate revenue for providing grants to local governments for regional and local planning. Since that time, the Metro Council has adopted several ordinances that, among other things, extend the CET through December 2020 and rename the program as the 2040 Planning and Development Grant Program (the “Program”).

Specific details regarding how the Program is operated and implemented are set forth in Administrative Rules promulgated by the Metro Chief Operating Officer (COO). Although the Administrative Rules do not necessarily require review and approval by the Metro Council, the Council has historically reviewed amendments that involve major policy-based changes to the Program, including the recent shift to an annual grant cycle, the renaming of the Program, and revisions to the percentages of funds being targeted for specific types of projects in each new grant cycle.

In October of 2017, the Grant Screening Committee for the recent Cycle 5 grant awards recommended to the Metro COO that a balance of \$138,254 of unallocated CET funds that were not being recommended for award to grant applications should be utilized to “provide additional technical assistance at the Council’s discretion for scope development and additional support to local staff and project managers who will be overseeing the grant work and supervising consultant teams. Especially for some of the more complex projects and for jurisdictions that have limited available staff resources, the additional expert assistance will help ensure that the grant projects successfully achieve their stated goals.” However, the remaining balance of funds was ultimately reduced to only \$13,000 due to the award of a second grant to the City of Portland.

The need for additional technical assistance for some grant projects has also been recognized by the COO and Metro Council in prior grant rounds, particularly to support grants to smaller cities that lack full-time planning staff. In prior grant cycles, the Metro Council has approved additional grant funds at the time of the grant award to enable the grantee to hire a project manager to oversee implementation of the grant and direct the work of other technical consultants.

Resolution No. 18-4882 authorizes the COO’s amendments to the administrative rules in order to allow for the creation of a technical assistance reserve fund and new component of the Program allowing Metro to provide additional consultant expertise in order to support jurisdictions that may not have sufficient staff resources to adequately manage a grant.

Under the revised rules, the award of additional technical assistance will be at the discretion of the COO. Metro will directly contract with consultants for the additional expertise required, with a cap of \$25,000 of technical assistance funds per grant. A technical assistance reserve fund will be established to support technical assistance for future grants. Funds not allocated in any future round of grant awards, as well as any unspent grant funds, will be allocated to the reserve fund at the discretion of the COO.

The COO's amendments to the Administrative Rules also include two minor revisions that will provide Metro more flexibility regarding the management of grant awards. First, section IV.G.2 is amended to allow, rather than require, the COO to cancel a grant award if an IGA is not signed within six months of the award. Second, section IV.H.3 is amended to allow grant funds to be used for local government expenses that pre-date the execution of an IGA, so long as those expenses are specifically contemplated by the local government and Metro and are expressly referenced in the IGA.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

It is possible that there may be opposition to the proposed program adjustments, but the technical assistance proposed would help to successfully implement the grants and help achieve Metro's stated policies and goals.

### **2. Legal Antecedents**

- Metro Ordinance 06-1115 ("2006 CET Ordinance) established the construction excise tax
- Metro Ordinance 09-1220 extended the CET for an additional five year period (through September 2014).
- Metro Ordinance 14-1328 extended the CET for an additional five year period (through December 2020) and directed the Metro COO to propose amendments to the existing administrative rules.
- Metro resolution 15-4595 approved the Metro COO's proposed amendments to the administrative rules
- Metro resolution 15-4640 directed the Metro COO's to propose a possible use for unallocated funds in Cycle 4
- Metro resolution 17-4782 revised administrative rules and set the investment targets to promote equitable development
- Metro resolution 17-4846 awarded \$1.99 million in 2040 Planning and Development Grants, of which \$984,000 (49.5%) was awarded to equitable development projects.

### **3. Anticipated Effects**

Approval of the resolution will provide a clear policy and administrative framework for future technical assistance to support successful implementation of 2040 Planning and Development Grant projects.

### **4. Budget Impacts**

Exact funding levels for any grant cycle is subject to the projected excise tax revenues collected. Funding for technical assistance would be taken only from those portions of revenues that are allocated by the Council for a round of grants, but are either not awarded, or not used by the grantee.

## **5. Attachments**

Attachment 1: March 2018 Revised Administrative Rules (strikethrough version)

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of the resolution to authorize the creation of a technical assistance component for the 2040 Planning and Development Grants Program.

**ADMINISTRATIVE RULES: METRO CODE CHAPTER 7.04**  
**[REVISED ~~JANUARY~~ MARCH 2018]**

Effective July 1, 2006, and extended through December 31, 2020, Metro has established as Metro Code Chapter 7.04 a Construction Excise Tax (“CET”) to fund Community Planning and Development Grants (“CPDG”). Effective April 1, 2017 the CPDG program shall be known as the 2040 Planning and Development Grant program (“2040 Grant” or “Grant”). These Administrative Rules establish the procedures for administering this tax as mandated in Metro Code Section 7.04.050 and Metro Code Section 7.04.060. These Administrative Rules also establish the procedures for administering the 2040 Grants. For ease of reference a copy of Metro Code Chapter 7.04 is attached to these administrative rules.

**I. Metro Administrative Matters.**

- A. Definitions. These administrative rules incorporate the definitions as set forth in Metro Code Section 7.04.030 of Chapter 7.04, Construction Excise Tax, and Chapter 3.07, the Urban Growth Management Functional Plan.
- B. Designated Representatives (Metro Code Section 7.04.060). The Metro Chief Operating Officer (“COO”) is responsible for the administration and enforcement of the Metro Code Chapter 7.04 and these administrative rules.
  - 1. The COO may delegate his authority in administration and enforcement of the Code chapter and these administrative rules as he determines and as set forth herein.
  - 2. The COO shall appoint a Hearings Officer(s), which appointment shall be confirmed by the Metro Council. The Hearings Officer(s) shall have the authority to order refunds or rebates of the Construction Excise Tax or waive penalties as a result of the hearings process. Upon appointing a Hearings Officer, the Chief Operating Officer shall delegate authority to the Hearings Officer to administer oaths, certify to all official acts, to subpoena and require attendance of witnesses at hearings to determine compliance with this chapter, rules and regulations, to require production of relevant documents at public hearings, to swear witnesses, to take testimony of any Person by deposition, and perform all other acts necessary to adjudicate appeals of Construction Excise Tax matters.
- C. Internal Flow of Funds. Funds will be accounted for in a Construction Excise Tax account that will be created by the effective date of Metro Code Chapter 7.04.
- D. Rate Stabilization Reserves. Metro Code Chapter 7.04.200 states that the Council will, each year, as part of the Budget process, create reserves from revenues generated by the CET. These reserves are to even out collections thereby stabilizing the funds needed to support the applicable programs despite industry building activity fluctuation. These reserves can only be drawn on to support the specific budgeted activities as discussed in Section I.E. of these administrative rules. Due to their restricted nature, these reserves shall be reported as designations of fund balance in Metro’s General Fund.
- E. Dedication of Revenues. Revenues derived from the imposition of this tax, netted after deduction of authorized local jurisdiction costs of collection and administration will be solely dedicated to grant funding of the regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary.
- F. Rule Amendment. The Chief Operating Officer retains the authority to amend these administrative rules as necessary for the administration of the Construction Excise Tax, after consultation with Metro Council.

**II. Construction Excise Tax Administration.**

**A. Imposition of Tax (Metro Code Section 7.04.070).**

1. The CET is imposed on every Person who engages in Construction within the Metro jurisdiction, unless an Exemption applies as set forth herein.
2. The tax shall be due and payable at the time of the issuance of any building permit, or installation permit in the case of a manufactured dwelling, by any building authority, unless an Exemption applies as set forth herein.
3. The CET shall be calculated and assessed as of the application date for the building permit. Persons obtaining building permits based on applications that were submitted prior to July 1, 2006 shall not be required to pay the CET, unless the building permit issuer normally imposes fees based on the date the building permit is issued.
4. If no permit is issued, then the CET is due at the time the first activity occurs that would require issuance of a building permit under the State of Oregon Building Code.

**B. Calculation of Tax (Metro Code Section 7.04.080).** The CET is calculated by multiplying the Value of New Construction by the tax rate of 0.12%

(0.0012 x Value of New Construction)

- a. In the case of a Manufactured Dwelling for which no Exemption is applicable, and for which there is no building code determination of valuation of the Manufactured Dwelling, the applicant's good faith estimate of the Value of New Construction for the Manufactured Dwelling shall be used.

**C. Exemptions (Metro Code Section 7.04.040).**

1. Eligibility for Exemption. No obligation to pay the CET is imposed upon any Person who establishes, as set forth below, that one or more of the following Exemptions apply:
  - a. The Value of New Construction is less than or equal to One Hundred Thousand Dollars (\$100,000); or
  - b. The Person who would be liable for the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes AND the property is restricted to being occupied by Persons with incomes less than fifty percent (50%) of the median income for a period of 30 years or longer; or
  - c. The Person who would be liable for the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) AND the Construction is dedicated for use for the purpose of providing charitable services to Persons with income less than fifty percent (50%) of the median income.

## ATTACHMENT 2 TO STAFF REPORT

### 2. Procedures for Establishing and Obtaining an Exemption; Exemption Certificates:

- a. For exemption (a) above, the exemption will be established at the building permit counter where the Value of New Construction as determined in the building permit is less than or equal to One Hundred Thousand Dollars (\$100,000).
- b. For exemptions (b) and (c) above, prior to applying for a building permit a Person claiming an exemption may apply to Metro for a Metro CET Exemption Certificate, by presenting the appropriate documentation for the exemption as set forth herein, and upon receiving a Metro CET Exemption Certificate the Person may present the certificate to the building permit issuer to receive an exemption from paying the CET; or
- c. For exemptions (b) and (c) above, instead of going to Metro to obtain a Metro CET Exemption Certificate, a Person claiming an exemption from the CET when applying for a building permit may submit to the building permit issuer Metro's CET Exemption Certificate application form. Upon receiving a Person's Metro CET Exemption Certificate application, the building permit issuer shall preliminarily authorize the exemption and shall not collect the CET. The building permit issuer shall forward the Person's Metro CET Exemption Certificate application to Metro along with the quarterly CET report. It shall be Metro's responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the CET, as well as any other remedy Metro may have under law, if the Person was not entitled to the exemption;
- d. To receive a Metro CET Exemption Certificate from Metro, or to substantiate to Metro the validity of an exemption received from a local building permit issuer, an applicant must provide the following:
  - i. IRS tax status determination letter evidencing that the Person seeking the building permit is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3); and
  - ii. In the case of residential property, proof that the property is to be restricted to low income persons, as defined, for at least 30 years. Proof can be in the form of loan covenants; rental agreements or grant restrictions; a certification from the entity's corporate officer attesting that the exemption is applicable; or any other information that may allow the exemption determination to be made; and
  - iii. In the case of a qualified tax-exempt entity providing services to Persons with incomes less than 50 percent of the median income, the applicant must provide information that will allow such tax exempt status to be verified, and proof that the property will be restricted to such uses. Proof can be in the form of loan covenants; rental agreements or grant restrictions; certification from the entity's corporate officer attesting that the exemption is applicable; or any other information that may allow the exemption determination to be made; and
  - iv. In the case of a limited partnership with a tax-exempt sole general partner corporation, verification from the partnership's attorney of that status is required; and



## ATTACHMENT 2 TO STAFF REPORT

- v. Authorization to audit the records to verify the legal status and compliance with Metro qualifications of all entities claiming exempt status.

- e. Partial Applicability of Exemption. If an exemption is applicable to only part of the Construction, then only that portion shall be exempt from the CET, and CET shall be payable for the remainder of the Construction that is not eligible for an exemption, on a pro-rata basis. It shall be the responsibility of the Person seeking the partial exemption to fill out a Metro CET Exemption Certificate application for the partial exemption, declaring on that application the proportion of the Construction qualifies for the exemption. Upon receiving a Person's Metro CET Exemption Certificate application claiming a partial exemption, the building permit issuer shall preliminarily authorize the partial exemption and shall only collect the pro-rata CET as declared by the applicant. The building permit issuer shall forward the Person's Metro CET Exemption Certificate application to Metro along with the quarterly CET report. It shall be Metro's responsibility to determine the validity of the partial exemption and to institute collection procedures to obtain payment of the remainder of the CET, as well as any other remedy Metro may have under law, if the Person was not entitled to the partial exemption.

### D. Ceiling (Metro Code Section 7.04.045).

- 1. If the CET imposed would be greater than \$12,000.00 (Twelve Thousand Dollars) as measured by the Value of New Construction that would generate that amount of tax, then the CET imposed for that Construction is capped at a Ceiling of \$12,000.00 (Twelve Thousand Dollars).
- 2. The Ceiling applies on a single structure basis, and not necessarily on a single building permit basis. For example:
  - a. If a single building permit is issued where the Value of New Construction is greater than or equal to Ten Million Dollars (\$10,000,000), then the CET for that building permit is capped at Twelve Thousand Dollars (\$12,000.00).
  - b. If Construction in a single structure will require multiple building permits during the pendency of the CET program, and the total CET that would be imposed for those building permits would add up to more than Twelve Thousand Dollars (\$12,000.00), then the total CET for those building permits within the same structure during the pendency of the CET program is capped at Twelve Thousand Dollars (\$12,000.00). Once a total of \$12,000.00 has been paid in CET for a particular structure, then no additional CET will be collected for that structure during the pendency of the CET program.

### E. Rebates (Metro Code Section 7.04.120). If a CET has been collected and a CET Exemption or the CET Ceiling was applicable, a rebate for the CET may be obtained from Metro.

- 1. Procedures for obtaining rebate are:
  - a. Within thirty (30) days of paying the CET, the Person who believes that the CET was not applicable due to a CET exemption or CET Ceiling, shall apply for a rebate in writing to Metro and provide verification that the exemption eligibility provisions of Metro Code Section 7.04.040, or that the CET Ceiling provisions of Metro Code Section 7.04.045, have been met. Failure to seek a rebate within the thirty (30) day

## ATTACHMENT 2 TO STAFF REPORT

time limit will terminate a Person's right to seek a rebate.

- b. Applicant shall provide proof that the CET was paid, in the form of a paid receipt from the building permit issuer showing the tax was paid. All supporting documentation for the exemption or ceiling shall be submitted at the time of the rebate claim. The rebate will only be made to the name that is listed on the receipt unless the applicant has a written assignment of rebate.
- c. A rebate or a letter of denial shall be issued by Metro within thirty (30) days of receipt of a written request for rebate provided that the request includes all required information. The rebate will be calculated based upon the paid receipt, less the five percent (5%) administrative fee already retained by the building permit issuer and the five percent (5%) Metro administration fee.

F. Refunds (Metro Code Section 7.04.150). If a CET has been collected and the Construction was not commenced and the building permit was cancelled, a refund for the CET may be obtained from Metro.

- 1. Eligibility is determined by the absence of Construction and cancellation of the building permit.
- 2. Procedures for obtaining refund:
  - a. Apply in writing to Metro within thirty (30) days of permit cancellation.
  - b. Provide copy of canceled permit.
  - c. Provide proof of payment of the tax in the form of the paid receipt.
  - d. A refund or a letter of denial shall be issued by Metro within thirty (30) days of receipt of the written request for refund provided that the request includes all required information. The refund will be calculated based upon the paid receipt, less the five percent (5%) administrative fee already retained by the building permit issuer and the five percent (5%) Metro administration fee.
  - e. Failure to seek a rebate within the thirty (30) day time limit will terminate a Person's right to receive a refund.

G. Appeals. The Hearings Officer shall conduct hearings related to enforcement or appeals of the CET. The appeal to the Hearings Officer must be:

- 1. In writing;
- 2. Made within ten (10) calendar days of denial of a refund, rebate, or exemption request. Notice of denial to the party denied, is deemed to have occurred three days after the mailing of the certified denial letter from Metro;
- 3. Tax must be paid prior to appeal;
- 4. Directed to the Office of Metro Attorney, who will contact the Hearings Officer to schedule a hearing upon receipt of a written appeal. The Hearings Officer will at that time provide further information as to what documentation to bring to the hearing.

## ATTACHMENT 2 TO STAFF REPORT

H. Review. Review of any action of the Chief Operating Officer or Hearings Officer, taken pursuant to the Construction Excise Tax Ordinance, or the rules and regulations adopted by the Chief Operating Officer, shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 through 34.100, provided, however, that any aggrieved Person may demand such relief by writ of review.

I. CET Sunset (Metro Code Section 7.04.230).

1. The CET shall not be imposed on and no person shall be liable to pay any tax for any Construction activity that is commenced pursuant to a building permit issued on or after December 31, 2020.
2. Local governments collecting CETs shall remit the CETs to Metro on a quarterly or monthly basis, based on the jurisdiction's CET Collection IGAs with Metro. Each quarter, within thirty days of receiving CET remittances from all collecting local jurisdictions, Metro will issue a written statement of the total CET that Metro has received that quarter and cumulatively.
3. CET remittance to Metro shall be net of the local government's administrative expenses in collecting the CET, up to five percent (5%) of the CET collected by the local government as set forth in the Metro CET Collection IGA. This net amount of CET remitted to Metro shall be the basis for Metro's calculations of CET cumulative totals.
4. The CET shall cease to be imposed by local governments on December 31, 2020, and shall be remitted by the local governments to Metro as soon thereafter as possible.

### III. **CET Collection Procedures.**

A. Local Government CET Collection and Remittance Via Intergovernmental Agreements (Metro Code Section 7.04.110). For those local governments collecting the CET pursuant to Intergovernmental Agreements with Metro, the following procedures shall apply:

1. CET Report; Information Required. Each quarter (unless a local government prefers to report monthly), along with its CET remittance to Metro, the local government shall prepare and submit to the Metro Chief Operating Officer a report of the CETs and building permits issued for the previous quarter's construction activities. The report shall include: the number of building permits issued that quarter; the aggregate value of construction; the number of building permits for which CET exemptions were given; the aggregate value of construction for the exempted construction; the aggregate amount of CET paid; and the amount of CET administrative fee retained by the local government pursuant to this CET Collection IGA.
2. CET Remittance to Metro. Local governments collecting CET via IGAs with Metro shall remit the collected CET to Metro. Remittance shall be quarterly, unless a jurisdiction prefers to remit the CET monthly, by the 30<sup>th</sup> of the month following the quarter (or month) ending. Quarters end on September 30, December 31, March 31 and June 30 of each year. CET remittance and the CET Report shall be sent to Metro, attn Construction Excise Tax Accounting Specialist, 600 NE Grand, Portland, Oregon 97232.
3. Remuneration to Local Government for Collecting CET. As consideration for collecting the CET, each local government collecting the CET shall retain no more than five percent (5%)

## ATTACHMENT 2 TO STAFF REPORT

of the tax collected by that local government. This payment is intended to be a reimbursement of costs incurred. Prior to submitting the CET to Metro, the local government shall deduct the remuneration agreed upon directly from the collected tax, and the amounts deducted and retained shall be identified on the report submitted to Metro.

4. Metro Administrative Fee. To partially reimburse Metro for its costs in implementing and administering the CET program, Metro will retain five percent (5%) of the net CET funds remitted by local governments to Metro.
  5. Audit and Control Features. Each local government shall allow the Chief Operating Officer, or any person authorized in writing by the Chief Operating Officer, to examine the books, papers, building permits, and accounting records relating to any collection and payment of the tax, during normal business hours, and may investigate the accuracy of reporting to ascertain and determine the amount of CET required to be paid.
  6. Failure to Pay. Upon a Person's refusal to or failure to pay the CET when due, the local government administering that Person's building permit shall notify Metro in writing within five (5) business days of such failure, with information adequate for Metro to begin collection procedures against that Person, including the Person's name, address, phone numbers, Value of New Construction, Construction Project, and building permit number. Upon a Person's refusal or failure to pay the CET, it shall be Metro's responsibility to institute collection procedures to obtain payment of the CET as well as any other remedy Metro may have under law.
- B. Metro Collection Procedures in Event of Non-payment. The CET is due and payable upon issuance of a building permit. It is unlawful for any Person to whom the CET is applicable to fail to pay all or any portion of the CET. If the tax is not paid when due, Metro will send a letter notifying the non-payer of his obligation to pay the CET along with the following information:
1. Penalty. In addition to any other fine or penalty provided by Chapter 7.04 of the Metro Code, penalty for non- payment will be added to the original tax outstanding. That penalty is equal to fifty dollars (\$50.00) or the amount of the tax owed, whichever is greater.
  2. Misdemeanor. In addition to any other civil enforcement, non- payment of the CET is a misdemeanor and shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00). This fine shall be charged to any officer, director, partner or other Person having direction or control over any Person not paying the tax as due.
  3. Enforcement by Civil Action. If the tax is not paid, Metro will proceed with collection procedures allowable by law to collect the unpaid tax, penalties assessed and fines due, including attorney fees.

**IV. Revenue Distribution (Metro Code Section 7.04.220).**

**A. Grant Cycles.**

1. The Cycle 1 fund distribution took place in March 2006, which allocated up to \$6.3 million in grants. Grant requests in this cycle were made for planning only in new areas that were brought into the Urban Growth Boundary (UGB) between 2002 and 2005.
2. The Cycle 2 grant allocation through the Community Planning and Development Grant program (CPDG) took place in June 2010, which allocated up to \$3.7 million in CET Grant revenue. Grant requests in this cycle were made for planning in all areas inside the UGB as of December 2009.
3. The Cycle 3 grant allocation through the CPDG program took place in August 2013, which allocated \$4.5 million in grants. Grant requests in this cycle were made for planning in all areas that are in the UGB as of December 2009, plus areas added to the UGB since 2009 and Urban Reserves. This cycle earmarked fifty percent (50%) of projected CET revenues for planning in areas added to the UGB since 2009 and Urban Reserves, and required that if the amount of qualified Grant Requests for areas added to the UGB since 2009 and Urban Reserves does not equal or exceed the earmarked amounts, the remainder of funds may be allocated to Grant Requests for planning in other areas.
4. The Cycle 4 grant allocation through the CPDG program took place in 2015-2016 for planning in all areas that are in the UGB and Urban Reserves. This cycle earmarked seventy percent to seventy five percent (70% to 75%) of projected revenue for planning within the existing UGB, and earmark twenty five percent to thirty percent (25% to 30%) of projected revenue for concept planning and comprehensive planning for urban reserves and new urban areas, and required that if the amount of qualified Grant Requests for areas added to the UGB since 2009 and Urban Reserves did not equal or exceed the earmarked amounts, the remainder of funds may be allocated to Grant Requests for planning in other areas. A total of approximately \$4.7 million in grants was awarded. In 2016-17 an additional cycle of grants was conducted to support Equitable Housing Planning and Development projects. A total of \$575,000 in funding was awarded.
5. The Cycle 5 grant allocation took place in 2017-2018 for planning in all areas that are in the UGB and Urban Reserves. This cycle earmarked fifty percent (50%) of funding for equitable development projects, twenty-five percent (25%) of projected revenue for planning within the existing UGB, and twenty five percent (25%) of projected revenue for concept planning and comprehensive planning for urban reserves and new urban areas. A total of approximately \$1.99 million in grants was awarded.
6. The Cycle 6 grant allocation shall take place in 2018-2019 for planning in all areas that are in the UGB and Urban Reserves. This grant cycle shall earmark fifty percent (50%) of projected revenue for equitable development projects, twenty-five percent (25%) of projected revenue for planning within the existing UGB, and twenty five percent (25%) of projected revenue for concept planning and comprehensive planning for urban reserves and new urban areas, and require that if the amount of qualified Grant Requests for such projects does not equal or exceed the earmarked amounts, the remainder of funds may be allocated to Grant Requests for planning in other areas.

## ATTACHMENT 2 TO STAFF REPORT

7. The Cycle 7 grant allocation shall take place in 2019-2020 for planning in all areas that are in the UGB and Urban Reserves. The Metro Council shall determine in January 2019 how to best target program investments, but no less than twenty five percent (25%) of funding shall be earmarked for concept planning and comprehensive planning for urban reserves and new urban areas.
8. The Cycle 8 grant allocation shall take place in 2020-2021 for planning in all areas that are in the UGB and Urban Reserves. The Metro Council shall determine in January 2020 how to best target program investments, but no less than twenty five percent (25%) of funding shall be earmarked for concept planning and comprehensive planning for urban reserves and new urban areas.
9. These cycles may be delayed or amounts reduced if the actual CET receipts remitted by the local governments are not as high as projected, or if CET revenue projections are modified due to market conditions, or if required by Metro's spending cap limitations.
10. Metro may conduct additional allocation cycles if the Metro Chief Operating Officer finds that CET receipts are projected to exceed the grant amounts awarded in Cycles 5, 6, 7 and 8.

### B. 2040 Grants Screening Committee.

1. Role. A 2040 Planning and Development Grants Screening Committee ("Committee") shall be created, which shall review Grant Requests submitted by local governments. The Committee shall advise and recommend to the Metro Chief Operating Officer ("COO") the ranking and recommended grant amounts, and whether to grant full, partial, or no awards, in accordance with the grant Evaluation Criteria set forth below.
2. Committee Members. The COO shall appoint six to nine members to the Committee, including the Committee Chair. A new Committee shall be established for Cycle 5, Cycle 6, Cycle 7 and Cycle 8 grants, but may include members from the previous Committees. Skill sets to be represented will be composed of the following expertise:
  - Economic development;
  - Urban planning;
  - Real estate and finance;
  - Infrastructure finance relating to development or redevelopment;
  - Local government;
  - Urban renewal and redevelopment;
  - Business and commerce;
  - Neighborhood Association or Community Planning Commission with an understanding of community livability issues; and
  - Environmental sustainability relating to development or redevelopment.
  - Social equity relating to community development and redevelopment planning

- C. Range of Eligible Grant Project Types. To be eligible for consideration, all projects must advance and complement regional goals and policies. Projects must help to advance established regional development policy goals and outcomes, expressed in the 2040 Growth Concept, the Urban Growth Management Functional Plan and in the following six Desired Outcomes stated in the Regional Framework Plan, adopted by the region to guide future planning:

## ATTACHMENT 2 TO STAFF REPORT

- People live and work in vibrant communities where their everyday needs are easily accessible;
  - Current and future residents benefit from the region's sustained economic competitiveness and prosperity;
  - People have safe and reliable transportation choices that enhance their quality of life;
  - The region is a leader in minimizing contributions to climate change;
  - Current and future generations enjoy clean air, clean water and healthy ecosystems;
  - The benefits and burdens of growth and change are distributed equitably.
1. Urban reserve concept planning. Concept planning for future development of new urban areas on land currently designated Urban Reserves (or in areas brought into the Urban Growth Boundary since 2009) to facilitate the future development of complete communities and comply with Title 11 of the Urban Growth Management Functional Plan.
  2. Strategy or policy development. Development and adoption of action plans, strategic initiatives, code refinements, incentives, streamlined review and other development related policy work that will meaningfully increase community readiness for development or identify and reduce barriers to development, redevelopment, and infill.
  3. Investment strategies and financial tools. Exploration and development of investment strategies and financial tools and incentives to facilitate development, redevelopment and infill, such as urban renewal districts, enterprise zones, tax abatements, or collaborative capital improvement plans.
  4. Area-specific redevelopment planning. Strategic planning, concept design and feasibility for redevelopment and infill of specific areas or districts.
  5. Site-specific development or redevelopment. Schematic design and feasibility analyses for site-specific development projects, equitable housing projects and public-private partnerships
  6. Equitable housing projects and policies. Any approach or combination of approaches outlined in sections 2-5 above that will facilitate the development of equitable housing throughout the metro region. Equitable housing is defined as diverse, quality, physically accessible, affordable housing choices with access to opportunities, services, and amenities.
  7. Future refinement of Project Types. The Metro COO has the authority to direct staff to refine and modify or expand the range of Eligible Project Types as needed to improve program effectiveness and clarity and continually improve the program's effectiveness in achieving regional goals.

### D. Grant Application Procedures

The Metro COO will direct the staff to organize a fair and efficient process for soliciting grant requests as follows:

1. Eligible Grant Applicants. Grant applicants shall be cities or counties within the Metro boundary. Other local governments, as defined in ORS 174.116, may apply for 2040 Grants only in partnership with a city or county within the Metro boundary.
2. Application guidelines and timelines. The guidelines and timeline for submitting grant applications will be publicized each year with sufficient time to provide eligible applicants with

## ATTACHMENT 2 TO STAFF REPORT

adequate time for planning, budgeting, preparation and submittal of all required application materials. The grant application process may include an option for applicants to receive feedback from Metro staff regarding their proposed projects prior to submission of the final application.

3. Application Endorsements and Matching Contributions. Applications should reflect commitment by county, city and/or relevant service providers to participate in the planning effort and describe how governance issues will be resolved through or prior to the planning process. All grant requests shall include an endorsement of support of the governing body and a minimum 10% matching contribution specifying allocation of local funding and/or staff resources for the proposed project. Metro may request that any jurisdiction that elects to submit more than one grant application per cycle shall submit a prioritized list clarifying the relative importance of each application to that jurisdiction.
4. Refinement of Application Procedures. The Metro COO has the authority to direct staff to refine and modify the general Grant Application Procedures outlined above as needed to ensure smooth, efficient administration and continual improvement of the grant program.

### E. Grant Request Evaluation Criteria

1. Clear development outcomes. Proposal presents a compelling project concept with specific, impactful outcomes to facilitate development. Performance measures are clearly articulated.
2. Advances and complements regional goals and policies. Proposed project will support Metro's established regional policy goal of advancing racial equity, in addition to the planning policies and desired outcomes described in section C above.
3. Aligns with local goals and/or maximizes community assets. Proposed project will help to realize community plans and goals, accommodate expected population and employment growth, and/or maximize existing community assets such as public transit, parks, natural features, historic districts, employment areas.
4. Likelihood of full implementation. Key stakeholders (property owners, policy makers, funding jurisdictions, service districts, etc.) have committed full support for the project goals and timelines, will be meaningfully involved in guiding the project, and have the capacity and authority to implement actions/investments as needed to bring the project to fruition. Opportunities and threats to project commitments are identified.
5. Public involvement. Proposal incorporates best practices for public involvement; strategies for meaningfully engaging neighbors, businesses, property owners, and key stakeholders, as well as historically marginalized communities including low income and minority populations are clearly articulated and well-conceived; proposal indicates how public input will be used to strengthen the project outcomes and/or increase the likelihood of successful implementation.
6. Team roles and capacity. Roles and responsibilities of the applicant county or city, as well as any additional partners have been clearly defined; proposed staff has skill set, experience and appropriate available time needed to successfully manage all aspect of the grant project and oversee the work of consultant team or teams on behalf of the project partners
7. Jurisdiction track record. Applicant has proven capability to successfully implement community development projects, especially past CPDG or 2040 Grant projects; prior grants have fully delivered expected products and outcomes according to the approved schedule of



## ATTACHMENT 2 TO STAFF REPORT

milestones; any CPDG or 2040 Grant projects still underway are on track and scheduled for completion prior to initiation of proposed project.

8. Grant leverage. Extent to which partners have committed additional in-kind or direct financial contributions to the project beyond the minimum ten percent match that is required;
9. Replicable best practices. Proposed project will develop best practices that could be replicated in other locations. (Note: this criterion may not be applied to all projects.)

### F. Review of Grant Requests.

1. Metro staff shall conduct an initial screening of all grant requests to confirm that they meet the minimum program and eligibility requirements. Staff shall forward the letters of intent and Grant Requests to the members of the Committee, along with a summary of the strengths and weaknesses of each request according to the grant evaluation criteria. Staff will provide assistance to the Committee as needed to support their review and deliberations.
2. The Committee shall review the Grant Requests and evaluate them based on the Grant Request Evaluation Criteria set forth above. The Committee shall use the criteria as guidelines for evaluating applications. The Committee may consult with the proponent of the Grant Request or any others in reviewing the request. After analyzing the Grant Requests, the Committee shall forward to the Metro COO the Committee's recommended ranking and grant amounts for each of the Grant Requests.
3. The Metro COO shall review the Committee's recommendations and shall forward her/his own grant recommendations, based on the Grant Requests Evaluation Criteria set forth above, along with the recommendations of the Screening Committee, to the Metro Council.
4. The Metro Council shall decide, in a public hearing, whether or not to approve funding of any grants, and the amount of each grant.

### G. General Procedures for Entering into Grant Agreements.

1. Grant Award Letter. Upon the award of a grant, the Metro COO shall issue a Grant Award Letter for the grant amount determined by the Metro Council.
2. Negotiation of the Intergovernmental Agreement ("IGA"). Metro and the Grantee shall negotiate the terms of the Grant Intergovernmental Agreement ("IGA") The scope of work in the grant application as modified by any condition in Metro Council grant award shall be the basis for Metro and the Grantee to negotiate the IGA. The IGA shall set forth the role of Metro's project liaison on the project advisory committee, an agreed-upon scope of work and budget, a draft request for proposals for any consultants needed to implement the project, matching funds and grant payment amounts, and any administrative penalties that may be imposed by Metro for amendments to the IGA or project timeline that may be requested by the applicant. The IGA shall retain the right of the Metro COO to terminate a Grant award if the milestones set forth in the IGA are not met within the timeframes set forth in the IGA. The governing body of the Grant applicant jurisdiction shall authorize the approval of the IGA. Following execution of the IGA by appropriate personnel on behalf of the local governing body, the COO shall execute the IGA. If the IGA has not been finalized and signed by Metro and

## ATTACHMENT 2 TO STAFF REPORT

grantee within six months of grant award, the COO ~~shall~~may exercise the authority to cancel the grant award.

3. Procurement of project consultants. Grantees shall work with Metro to select an appropriate consultant team as needed to complete all proposed work outlined in the grant application. Prior to execution of the Grant IGA, Metro shall have the opportunity to review and approve any requests for proposals to be issued by the Grantee. Metro shall be involved as an equal partner in the selection of all project consultants.
4. Contracting with project consultants. Following final selection of project consultants, applicant shall prepare draft contracts with all consultants that fully describe the project milestones, deliverables and timelines and provide maximum costs for consultant tasks. Metro shall have the opportunity to review and approve draft contracts with consultants who will perform work prior to the execution of such contracts.
5. Revision of IGA schedule of milestones. Once the contract terms, including required milestones, timelines, deliverables, and fees have been fully negotiated and agreed, the Grant IGA schedule of milestones shall be updated to fully reflect the final project approach and shall be incorporated into an amended IGA and also as an exhibit to any consultant contracts.
6. Refinement of Grant Agreement Procedures. The COO has the authority to direct staff to refine and modify the general Grant Agreement procedures outlined above as needed to ensure smooth, efficient administration and continual improvement of the grant program.

### H. General Procedures for Distribution of Grant Funds.

1. Grant Payments. Grant payments shall be made upon the completion of those milestones set forth in the IGA, as determined by Metro in accordance with the requirements of the Metro Code and the IGA. In general, a portion of the Grant funds may be distributed following execution of the IGA by Metro, with the remainder of the Grant being paid out as progress payments upon completion of the milestones in the IGA. Grantees shall submit progress reports to Metro documenting the milestone and the completed deliverables for grant payment.
2. Eligible Grant Expenses. The following expenses shall be considered eligible expenses for reimbursement with grant funds:
  - Materials directly related to project
  - Consultants' work and expenses on project
  - Grant applicant staff support directly related to project
  - Overhead directly attributable to project.
- ~~3. Ineligible Grant Expenses. Grant applications or requests to reimburse local governments for planning work contracted for or completed prior to execution of an approved Grant IGA shall not be considered.~~
3. Ineligible Grant Expenses. Requests to reimburse local government expenses for planning work contracted for or initiated prior to execution of an approved Grant IGA is not eligible for reimbursement unless such expenses are expressly referenced in the IGA or amendments thereto.

I. Additional Technical Assistance

1. Technical Assistance Reserve Fund. At the discretion of the Metro COO, grant funds that are allocated but are not ultimately used for approved grants may be reserved as a separate fund designated for additional technical assistance to grantees. These may include grant funds that are not awarded in a prior grant cycle, declined by the grantee, canceled by Metro, or that are not expended due to grant costs being less than projected. The COO will determine an appropriate amount of funds to maintain in this reserve account in order to meet anticipated technical assistance needs of grantees.

2. Award of Additional Technical Assistance. Metro staff will make a recommendation to the Planning and Development Director and the COO when it appears that a particular project requires additional technical assistance funding in order to successfully achieve the intent of the grant award and implement the proposed project. The COO will have discretion to approve additional funds for the project, up to a cap of \$25,000 per project.

3. Contracting for Additional Technical Assistance. Unless specifically authorized by the COO, additional technical assistance funds will not be disbursed to the Grantee. Metro will identify and contract with professional consultants as needed to provide the necessary assistance and oversight to ensure successful implementation of the project.

Agenda Item No. 4.3

**Consideration of the Council Meeting Minutes for April 5, 2018**

*Consent Agenda*

Metro Council Meeting  
Thursday, April 12, 2018  
Metro Regional Center, Council Chamber

Agenda Item No. 5.1.1

**Resolution No. 18-4873**, For the Purpose of Approving the FY 2018-19 Budget, Setting Property Tax Levies and Transmitting the Approved Budget to the Multnomah County Tax Supervising and Conservations Commission

*Resolutions*

Metro Council Meeting  
Thursday, April 12, 2018  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE FY 2018-  
19 BUDGET, SETTING PROPERTY TAX LEVIES  
AND TRANSMITTING THE APPROVED BUDGET  
TO THE MULTNOMAH COUNTY TAX  
SUPERVISING AND CONSERVATION  
COMMISSION

RESOLUTION NO 18-4873

Introduced by  
Tom Hughes, Council President

WHEREAS, the Metro Council, convened as the Budget Committee, has reviewed the FY 2018-19 Proposed Budget; and

WHEREAS, the Council, convened as the Budget Committee, has conducted a public hearing on the FY 2018-19 Proposed Budget; and

WHEREAS, pursuant to Oregon Budget Law, the Council, convened as the Budget Committee, must approve the FY 2018-19 Budget, and said approved budget must be transmitted to the Multnomah County Tax Supervising and Conservation Commission for public hearing and review; now, therefore,

BE IT RESOLVED,

1. That the Proposed FY 2018-19 Budget as amended by the Metro Council, convened as the Budget Committee, which is on file at the Metro offices, is hereby approved.

2. That property tax levies for FY 2018-19 are approved as follows:

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from <u>the Limitation</u>
Permanent Tax Rate	\$0.0966/\$1,000	
Local Option Tax Rate	\$0.0960/\$1,000	
General Obligation Bond Levy		\$48,277,833

3. That the Chief Operating Officer is hereby directed to submit the Approved FY 2018-19 Budget and Appropriations Schedule to the Multnomah County Tax Supervising and Conservation Commission for public hearing and review.

ADOPTED by the Metro Council this 3<sup>rd</sup> day of May, 2018.

---

Tom Hughes, Council President

APPROVED AS TO FORM:

---

Alison Kean, Metro Attorney

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 18-4873 APPROVING THE FY 2018-19 BUDGET, SETTING PROPERTY TAX LEVIES AND TRANSMITTING THE APPROVED BUDGET TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION

**Date: May 3, 2018**

Presented by: Tim Collier  
Director, Finance and Regulatory Services

## BACKGROUND

On April 12, 2018, Martha Bennett, the Chief Operating Officer, presented the FY 2018-19 Proposed Budget to the Metro Council sitting as Budget Committee. A public hearing on the budget was held where the Council, sitting as Metro's Budget Committee, received testimony from interested members of the general public and Metro stakeholders.

The action taken by this resolution is the interim step between initial proposal of the budget and final adoption of the budget in June. Oregon Budget Law requires that Metro approve and transmit its budget to the Multnomah County Tax Supervising and Conservation Commission (TSCC). Members of the TSCC are appointed by the Governor to supervise local government budgeting and taxing activities in Multnomah County. The TSCC will hold a public hearing on Metro's budget scheduled for Thursday, June 7, 2018 at 12:30 p.m. in the Metro Council Chamber Annex. Following the meeting, the TSCC will provide a letter of certification for Metro's budget after which time the Council will formally adopt the final budget for FY 2018-19. The adoption of the budget is currently scheduled for Thursday, June 21, 2018.

Oregon Budget Law requires the Budget Committee of each local jurisdiction to set the property tax levies for the ensuing year at the time the budget is approved. Under budget law the Metro Council sits as the Budget Committee for this action. The tax levies must be summarized in the resolution that approves the budget and cannot be increased beyond this amount following approval. Metro's levy for general obligation debt reflects actual debt service levies for all outstanding general obligation bonds. The levy authorization for FY 2018-19 also includes year 1 of the renewed 5-year local option levy for Parks and Natural Areas support as well as the levy for Metro's permanent tax rate for general operations.

## ANALYSIS/INFORMATION

1. **Known Opposition** – None known at this time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Multnomah County Tax Supervising and Conservation Commission by May 15, 2018. The Commission will conduct a hearing on June 7, 2018 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.

3. **Anticipated Effects** – Adoption of this resolution will set the maximum tax levies for FY 2018-19 and authorize the transmittal of the approved budget to the Multnomah County Tax Supervising and Conservation Commission.
4. **Budget Impacts** – The total amount of the proposed FY 2018-19 annual budget is \$661,183,882. Any changes approved by the Council at the time of approval were incorporated into the budget prior to transmittal to the TSCC.

### **RECOMMENDED ACTION**

The Council President recommends adoption of Resolution No. 18-4873 approving the FY 2018-19 budget and authorizing the Chief Operating Officer to submit the approved budget to the Multnomah County Tax Supervising and Conservation Commission.



Agenda Item No. 6.1

**Ordinance No. 18-1419**, For the Purpose of Amending Metro Code Title 10 to Update the  
Parks, Cemeteries and Natural Areas Rules and Regulations

*Ordinances (Second Read)*

Metro Council Meeting  
Thursday, April 12, 2018  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO )  
CODE TITLE 10 TO UPDATE THE PARKS, )  
CEMETERIES AND NATURAL AREAS RULES )  
AND REGULATIONS

ORDINANCE NO. 18-1419

Introduced by Chief Operating Officer Martha  
Bennett in concurrence with Council  
President Tom Hughes

WHEREAS, rules and regulations governing use of Metro parks, cemeteries and natural areas are set forth in Title 10 of the Metro Code; and

WHEREAS, Metro Code Title 10 has not been comprehensively reviewed and updated since its initial adoption in 1996, it contains provisions are no longer relevant or necessary, and in some places it contains duplicative and contradictory provisions; and

WHEREAS, since the adoption of Title 10, Metro's portfolio of parks and natural areas has significantly expanded, and the Parks and Nature department has reorganized, resulting in changes in the operation and management of Metro's parks, cemeteries, and natural areas; and

WHEREAS, there is a need for regulations governing use of Metro's parks, cemeteries, and natural areas to address new and emerging uses of Metro properties that were not contemplated at the time Title 10 was drafted, nor in subsequent amendments; and

WHEREAS, the Metro Council adopted the Parks and Nature System Plan in 2016, which formally established and clarified Metro's role in the region and its mission of protecting water quality, fish and wildlife habitat, and creating opportunities for the public to enjoy nature close to home through a connected system of parks, trails and natural areas; and

WHEREAS, there is public interest in allowing new uses or expanded certain uses of parks and natural area properties owned or operated by Metro, such as allowing hunting, dogs and other domestic animals, or operation of unmanned aircraft (i.e., drones) at Metro owned or operated parks and natural areas; and

WHEREAS, Metro must balance its commitment to both protecting natural resources and providing for public use of its properties; and

WHEREAS, smoking at Metro parks and natural areas poses health risks to all users through secondhand smoke (especially children and pregnant women), smoking waste products produce significant litter and pollutants that can be consumed by wildlife and affect water quality, and cigarettes and other smoking materials present serious fire risks; and

WHEREAS, the Metro Council adopted Resolution No. 11-4262 adopting a tobacco-free grounds policy, and the Parks and Nature department has not yet implemented this policy at its parks, cemeteries, natural areas; and

WHEREAS, in order to provide notice to the public to transition to a smoke-free environment at Metro's parks, cemeteries, and natural areas, it is prudent to allow flexibility and time for the proposed rule to take effect; and

WHEREAS, Metro Code Title 10 sets forth fees that apply to certain properties or activities, requiring an amendment to the Metro Code for any fee adjustment, which is unnecessarily burdensome and inconsistent with how other Metro departments set and adjust fees; and

WHEREAS, proposed substantive amendments to Title 10 include allowing domestic animals on regional trails traversing Metro properties and at most Metro boat ramps; prohibiting operation of unmanned aircraft (i.e., drones); prohibiting smoking at Metro parks and natural areas after a one-year policy implementation period; delegating the authority to set and adjust fees to the Chief Operating Officer; and limiting the periods for exclusions from parks, cemeteries, and natural areas to no more than one year; and

WHEREAS, the proposed amendments preserve the ability of Metro to approve uses that are prohibited by Title 10 on a case-by-case basis by special use permit; and

WHEREAS, the proposed updates to Metro Code Title 10 reorganizes and renumbers most of the chapters and provisions within them, which will improve ease of reference for Metro staff, local government partners (especially those involved in helping to enforce Metro rules), and the public at large, improving Metro's transparency; and

WHEREAS, staff engaged in thoughtful outreach regarding proposed amendments to Title 10, including hiring an outside consultant to convene a "Sounding Board," which represented diverse perspectives on these issues; the Sounding Board volunteers looked closely at existing parks, cemetery and natural area rules to provide input to staff on current policies and potential adjustments; and

WHEREAS, the Metro Council finds that the amendments to Metro Code Title 10 further the public good and the needs of Metro; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Title 10 is amended as set forth in Exhibit A, B, and C attached to this Ordinance.
2. The Chief Operating Officer is directed to begin enforcement of the smoking prohibition set forth in the revised Metro Code Section 10.03.200 after April 12, 2019.

ADOPTED by the Metro Council this 12th day of April, 2018.

---

Tom Hughes, Council President

Attest:

Approved as to Form:

---

Nellie Papsdorf, Recording Secretary

---

Alison R. Kean, Metro Attorney

EXHIBIT A TO ORDINANCE NO. 18-1419

TITLE X

METRO PARKS, CEMETERIES AND NATURAL AREAS

CHAPTERS	TITLE
<u>10.01</u>	<u>Definitions</u>
<u>10.02</u>	<u>Permits, Enforcement and Appeals</u>
<u>10.0103</u>	<del>Metro Parks</del> <u>Rules</u> and <del>Nature</del> Regulations
<u>10.0204</u>	<del>Park</del> Fees
<u>10.03</u>	<del>Conservation Easements</del>
<u>10.0405</u>	<del>Pioneer</del> <u>Historic</u> Cemeteries <del>Properties</del>

## CHAPTER 10.01

### DEFINITIONS

#### 10.01.0210 Definitions

~~As used in this chapter,~~ For the purposes of Title X Metro Parks, Cemeteries and Natural Areas, unless the context requires otherwise, the following terms have the meanings given to them in this Chapter:

**Cemetery, Historic Cemeteries, and Cemeteries** means the places identified in Section 10.05.040 that are designated, owned and operated by Metro for the disposition of Human Remains (as defined in Section 10.05.030).

~~(b) —~~ "Director" means the person or persons designated by the Chief Operating Officer to serve as the Director of the Metro's Parks and Nature Department, or the Director's designee.

~~(i) —~~ "Parks and Nature Department eEmployee" means any paid employees of the Parks and Nature Department, any other paid employees of Metro performing tasks or functions at any Property park at the request or direction of either the Chief Operating Officer or his or her designee, Director or the Metro Council, volunteers performing functions and duties assigned or authorized by the Director, and any contractors or agents of the Parks and Nature Department carrying out their duties or obligations to the Parks and Nature Department.

**Natural Area(s)** means any Property managed for purposes of habitat conservation and restoration, including Properties used seasonally for agricultural use complementary to habitat conservation.

**Noise disturbance** means any sound which injures or endangers the safety or health of humans, annoys or disturbs a reasonable person of typical sensitivities, or harms wildlife.

~~(d) —~~ "Park(s)" means any Property improved for purposes of recreation, including forest, reservation, playground, beach, natural area, recreation center, cemetery, or any other similar area owned, operated or managed by Metro, through its Parks and Nature Department, and devoted to active or passive recreation, and open for public use, including regional recreation areas, regional nature parks, and motorized and non-motorized boat launches or ramps.

**Parks and Nature Department** means Metro's Parks and Nature Department, as the department may be renamed or reorganized from time to time.

**Permit** means any type of special event, use, camping, or reservation permit issued by Metro.

~~(f) —~~ "Person" shall have the meaning assigned thereto set forth in Metro Code Section 1.01.040(fh).

**Property** means land or interests in land owned by Metro and managed by the Parks and Nature Department, including Cemeteries, Parks, and Natural Areas.

**Property Rules or Property-Specific Rules** means a Rule established by the Director for a specific Property.

~~(g)~~ — **"Public"** means any person other than a ~~Parks and Nature Department~~ Metro elected official, officer, ~~e~~Employee, volunteer, contractor or other agent while on duty.

**Regional Trail** means a pedestrian off-street trail identified on Metro's Regional Trails and Greenways map and found on Metro's website as a Regional Trail.

~~(e)~~ — **"Park r**~~ule(s)~~**"** means rules and regulations adopted by the Director pursuant to Metro Code Title X~~Section 10.01.040 of this chapter.~~

**Title X** refers to this Title X of the Metro Code (Metro Parks, Cemeteries and Natural Areas).

~~(h)~~ — **"Vehicle"** means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled, including a bicycle, and includes any trailer in tow of any size, kind or description, but does not include ~~(a) baby carriages or strollers, (b) vehicles in the service of the Metro Parks and Nature Department, or (c) manually operated or power-driven devices used for locomotion by an individual with a mobility disability.~~

(Ordinance 96-659A, Sec. 1.; Ordinance 02-978, Sec. 1.; Ordinance 15-1366.)

## CHAPTER 10.02

### PERMITS, ENFORCEMENT AND APPEALS

<del>10.01.2.010</del>	<del>Purpose</del>
<del>10.01.030</del> <del>02.020</del>	<del>Policy</del>
<del>10.01.040</del> <del>02.030</del>	<del>Enforcement Authority/Park Rules</del>
<del>10.02.040</del>	<del>Exceptions; Authorized Acts by Permit</del>
<del>10.01.360</del> <del>02.050</del>	<del>Special Use Permits Required</del>
<del>10.01.370</del> <del>02.060</del>	<del>Permit Revocation</del>
<del>10.01.270</del> <del>02.070</del>	<del>Exhibiting</del> <del>Display of</del> Permits Required
<del>10.01.280</del> <del>02.080</del>	<del>Interference with Permittees Prohibited</del>
<del>10.01.320</del> <del>02.090</del>	<del>Posting of Park Rules</del>
<del>10.01.390</del> <del>02.100</del>	<del>Enforcement Personnel</del>
<del>10.01.400</del> <del>02.110</del>	<del>Citation, Ejectment and Exclusion, Hearing</del>
<del>10.01.410</del> <del>02.120</del>	<del>Seizure of Property</del>
<del>10.01.420</del> <del>02.130</del>	<del>Hearing Regarding Seized Property</del>
<del>10.01.430</del> <del>02.140</del>	<del>Other Laws Applicable</del>
<del>10.01.440</del> <del>02.150</del>	<del>Severability</del>

#### ~~10.01.2.010~~ Purpose

~~The purpose of this chapter~~Title X is to provide ~~for~~rules and regulations governing the use of Metro's owned or operated Parks, Cemeteries and Natural Areas facilities by members of the public, in order to provide protection for lands, habitat, wildlife, plants and property improvements, and to protect the safety and to provide for the safety of employees and visitors, and to further the enjoyment of any person visiting these facilities. Additional rules and regulations governing Cemeteries are set forth in Chapter 10.05.

~~.(Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

#### ~~10.01.030~~~~02.020~~ Policy

~~The~~ Metro Council has determined that it is necessary to adopt these Code provisions in order to ~~insure~~further the safe and efficient operation, protection and maintenance of Metro's Parks, Cemeteries and Natural Areas and to protect the health, safety and welfare of the public and Metro's employees; therefore, ~~this chapter~~Title X shall ~~shall~~will be liberally construed to effectuate this purpose.

~~.(Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

#### ~~10.01.040~~~~02.030~~ Enforcement Authority/Park Rules

(a) ~~The Director shall have the authority to enforce all of the provisions of this chapter~~Title X, including but not limited to the authority to enforce any park r~~Rules adopted pursuant to this chapter~~Section.

(b) ~~The Director shall have the authority to adopt park~~establish r~~Rules which that are not inconsistent with the provisions of this chapter~~Title X, including but not limited

to, ~~park rules governing fees and penalties, Property-Specific Rules, and rules governing Interment and Inurnment, as defined in Chapter 10.05. Park~~Said rules shall ~~must~~ be in writing, shall be posted on Metro's website as otherwise required by this chapter, and shall be filed with the Metro Council.

(c) No person shall ~~may~~ violate any ~~park r~~Rule established which has been adopted by the Director pursuant to this chapter.  
(Ordinance 96-659A, Sec. 1.)

#### **10.02.040 Exceptions; Authorized Acts by Permit**

Notwithstanding anything to the contrary in Title X, the following are not violations of Title X or of any Rules:

- (a) The acts of Metro elected officials and Employees constituting official duties.
- (b) The authorized acts of Metro-approved volunteers.
- (c) The acts of agents and contractors authorized by agreement with Metro.
- (d) Acts of third parties or the public officially authorized by agreement with Metro, or by Permit.

#### **10.01.360~~02.050~~ Special Use Permits Required**

No person may, within the boundary of any Property, conduct or participate in any activity for which a Permit is required, unless Metro has issued a Permit for the activity. A ~~special use permit shall be obtained prior to pursuing~~is required under the following circumstances and for the following activities in any park:

- (a) ~~Movie, commercial~~Film or television filming, ~~photography and production, or commercial photography.~~
- (b) Any organized sporting event or competition, including but not limited to team sports, ~~F~~fishing, water-skiing, disc golf, wakeboarding, track and field, triathlon or duathlon~~any other organized sporting event.~~
- (c) Special educational events or festivals, except those specifically hosted by Metro.
- (d) Amplified sound, pony rides, dunk tanks, ~~use of alcohol with a reservation permit or any other type of special use~~or carnival games.
- (e) Consumption of alcohol in designated locations.
- (f) Landing of helicopters, small planes, sea planes, float planes or similar.
- (g) Camping overnight or longer.
- (eh) ~~Any other~~organized event or activity involving 25 persons or more, except for picnics where a reservation has been secured.
- (i) Any event where the person or persons engaged in the activity seek to exclude, or to have the right to exclude, any member of the public from the activity or from any area of any Property. For example, a reservation is required for a picnic shelter if the



person making the reservation seeks to exclude other members of the public from the shelter during the period of the reservation.

(j) Any activity which is otherwise prohibited by this Metro Code Chapter 10.02.

(k) Any use of Historic Cemeteries other than as described in Metro Code Section 10.05.070.

(Ordinance 96-659A, Sec. 1.)

#### ~~10.01.370~~10.02.060 -Permit Revocation

Any Permit granted hereunder may be revoked at the discretion of the Director or his/her designee, with a full refund. TheIf the Director or his/her designee shall have the authority to revoke a pPermit under this Section upon a finding of violation of Title X, or any rRule, ordinance, statute, or any special use or reservation permit provisionconditions of the Permit, no refund may be given.

(Ordinance 96-659A, Sec. 1.)

#### ~~10.01.270~~10.02.070- ExhibitingDisplay of Permits Required

NoIt is unlawful for any person shallto:

(a) Fail to produce and exhibitdisplay any required Metro pPermit or receipt, from the Director the person claims to have, upon request of any authorized enforcement personnel or park eEmployee or agent of Metrowho shall desire to inspect the permit for purpose of enforcing compliance with any ordinance or rule.

(b) Fail to clearly display at all times, while within the boundaries of any Propertypark, any required proof of entrance and /or parking fee payment or waiver on the dashboard of the person's vehicle so that such proof is plainly visible from the exterior of the vehicle.

(Ordinance 96-659A, Sec. 1.)

#### ~~10.01.280~~10.02.080 -Interference with Permittees Prohibited

No person shallmay disturb or interfere unreasonably with any person or party occupying any park area or participating in any activity in a Property park under the authority of a pPermit. Unreasonable interference includes, but is not limited to, conduct that substantially prevents any person from viewing or hearing the permitted activity, or substantially preventing the free passage, ingress and egress of event participants or attendees.

(Ordinance 96-659A, Sec. 1.)

#### ~~10.01.320~~10.02.090 -Posting of Park Rules

The Rules and provisions for use and administration of pParks, Cemeteries and Natural Areas, must be in writing, and made reasonably available to the public by, for example and in the discretion of the Director, posting on Metro's website, keeping a copy at each Property office for inspection, posting signage, or by displaying as otherwise required by this Chapter. notice of those rules or summaries of those Rules shall be kept posted within

the main entrance of each park or at suitable other locations.  
(Ordinance 96-659A, Sec. 1.)

#### **10.01.3902.100- Enforcement Personnel**

(a) The Director and the Director's authorized representatives shall~~must~~, in connection with their duties imposed by law, diligently enforce the provisions of this chapter~~Title X and any Rules.~~

(b) It is unlawful for any~~No person shall~~to harass, obstruct, interfere with or disobey the direction of any authorized enforcement personnel or park Metro employee or agent carrying out the enforcement of this chapter~~Title X or any Rules adopted under this chapter.~~ (Ordinance 96-659A, Sec. 1.)

#### **10.01.4002.110 -Citation, Ejectment and Exclusion, Hearing**

The Director and authorized enforcement personnel shall:

(a) The Director and the Director's authorized enforcement personnel~~H~~have the authority to: arrest, cite in lieu of arrest, cite for civil penalties or eject from the park~~any Property~~ any person acting in violation of Title X, any Rules, this chapter or the laws of the State of Oregon.

(b) Exclude from the park any person acting in violation of this chapter or the laws of the State of Oregon.Written notice must be given to any person excluded from Metro Property. The notice must specify the violation of Title X, the Rule violated, or the law of the State of Oregon that is the basis for the exclusion and must specify the dates covered by the exclusion. The notice must contain a statement of the person's right to request a hearing and to be represented by legal counsel. The notice must be signed by the issuing party. The consequences of failing to comply with the exclusion notice must be prominently displayed on the notice.

(c) Exclusions exceeding one (1) year shall be approved by the Director.A person receiving an exclusion notice may request a hearing to appeal the exclusion by sending a written request for a hearing to the Director by registered or certified mail.

(d) At any time during the period of the exclusion, a person receiving an exclusion notice may apply in writing to the Director for a temporary waiver from the exclusion. The Director may grant a temporary waiver of an exclusion based upon a showing of good cause for said waiver.

(Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)

#### **10.01.4102.120- Seizure of Property**

The Director and any authorized enforcement personnel shall~~hasve~~ the authority to seize and confiscate any property, thing or device held, kept or used ~~including but not limited to motor vehicles and chain saws, used in violation of this chapter~~Title X or any Rule.

(Ordinance 96-659A, Sec. 1.)

**10.01.4202.130- Hearing Regarding Seized Property**

(a) Persons who have had any personal property, thing or device confiscated under [this Chapter Section 10.01.410](#) may request a hearing to appeal the confiscation by sending a written request for hearing to the Director by registered or certified mail.

(b) The hearing shall be conducted in accord with the applicable contested case procedures set forth in the Metro Code [Chapter 2.05](#).

(c) Any property, thing or device which was not wrongfully confiscated ~~shall~~[will](#) become the property of Metro and ~~shall~~[may](#) be disposed of in a manner to be determined by the Director. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)

**10.01.4302.140- Other Laws Applicable**

[Title X and the Rules adopted in its authority are](#)~~This chapter shall~~ in no way be a substitute for [and do not](#) ~~or~~ eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in ~~this chapter~~[Title X](#), including but not limited to City or County ordinances containing regulations and prohibitions pertaining to firearms and dangerous or deadly weapons. (Ordinance 96-659A, Sec. 1.; Ordinance 10-1230, Sec. 4)

**10.01.4402.150- Severability**

If any section, subsection, sentence, clause, phrase or portion of ~~this chapter~~[Title X](#) is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be considered a separate, distinct and independent provision, and the holding ~~shall~~[will](#) not affect the validity of the remaining portion of ~~this chapter~~[Title X](#). (Ordinance 96-659A, Sec. 1.)

## CHAPTER 10.013

### METRO PARKS RULES AND NATURE REGULATIONS

Section	Title
<del>10.01.010</del>	<del>Purpose</del>
<del>10.01.020</del>	<del>Definitions</del>
<del>10.01.030</del>	<del>Policy</del>
<del>10.01.040</del>	<del>Enforcement Authority/Park Rules</del>
<del>10.01.050</del> <a href="#">03.010</a>	<del>Park</del> Property Destruction and Other Property Prohibitions
<del>10.01.060</del> <a href="#">03.020</a>	<del>Trees, Shrubbery and Lawns</del> <a href="#">and Plant</a> Prohibitions
<del>10.01.070</del> <a href="#">03.030</a>	<del>Animals, Birds</del> and Fish Prohibitions
<del>10.01.080</del> <a href="#">03.040</a>	<del>Pollution of Waters and Soils</del> Prohibited
<del>10.01.090</del> <a href="#">03.050</a>	<del>Refuse and Trash</del> Prohibitions
<del>10.01.100</del> <a href="#">03.060</a>	<del>Traffic</del> Prohibitions
<del>10.01.110</del> <a href="#">03.070</a>	<del>Parking</del> Prohibitions
<del>10.01.120</del> <a href="#">03.080</a>	<del>Bicycle</del> Restrictions
<del>10.01.190</del> <a href="#">03.090</a>	<del>Horseback Riding</del> Restrictions
<del>10.01.220</del> <a href="#">03.100</a>	<del>Domestic Animals</del> Restricted
<del>10.01.130</del> <a href="#">03.110</a>	<del>Bathing and Swimming</del> Restrictions
<del>10.01.380</del> <a href="#">03.120</a>	<del>Boats and Moorages</del>
<del>10.01.140</del> <a href="#">03.130</a>	<del>Blue Lake Boating</del> Restrictions
<del>10.01.210</del> <a href="#">03.140</a>	<del>Fireworks and Explosives</del> Prohibited
<del>10.01.240</del> <a href="#">03.150</a>	<del>Fires Limited</del> <a href="#">Restricted</a>
<a href="#">10.03.160</a>	<a href="#">Firearms</a> Restrictions
<a href="#">10.03.170</a>	<a href="#">Dangerous Weapon</a> Prohibitions
<del>10.01.180</del> <a href="#">03.180</a>	<del>Prohibited Games</del>
<a href="#">10.03.190</a>	<a href="#">Scale Model Equipment, Drones</a> Prohibited
<a href="#">10.03.200</a>	<a href="#">Smoking</a> Prohibitions
<del>10.01.200</del> <a href="#">03.210</a>	<del>Consumption of Alcoholic Beverages Limited, Controlled Substances</del>
<a href="#">10.03.220</a>	<a href="#">Public Intoxication</a> Prohibited
<a href="#">10.03.230</a>	<a href="#">Improper Exposure; Sexual Activity</a>
<del>10.01.260</del> <a href="#">03.240</a>	<del>Violent and Excessively Loud Conduct</del> Prohibited
<del>10.01.300</del> <a href="#">03.250</a>	<del>Signs</del> Restricted
<del>10.01.290</del> <a href="#">03.260</a>	<del>Concessions, Vending and Peddling</del> Restricted
<del>10.01.310</del> <a href="#">03.270</a>	<del>Park</del> <a href="#">Posted Hours of Operation</a>
<del>10.01.150</del>	<del>Fishing Prohibited in Swimming Areas</del>
<del>10.01.160</del>	<del>Hunting</del> Prohibited
<del>10.01.170</del> <a href="#">03.280</a>	<del>Camping Prohibitions</del> <a href="#">Permits and Restrictions</a>
<del>10.01.180</del>	<del>Prohibited Games</del>
<del>10.01.190</del>	<del>Horseback Riding</del> Restrictions
<del>10.01.200</del>	<del>Consumption of Alcoholic Beverages Limited</del>
<del>10.01.210</del>	<del>Fireworks and Explosives</del> Prohibited
<del>10.01.220</del>	<del>Domestic Animals</del> Restricted
<del>10.01.230</del>	<del>Soliciting</del> Prohibited

~~10.01.240 Fires Limited~~  
~~10.01.250 Game of Chance Prohibited~~  
~~10.01.260 Violent and Excessively Loud Conduct Prohibited~~  
~~10.01.270 Exhibiting Permits Required~~  
~~10.01.280 Interference with Permittees Prohibited~~  
~~10.01.290 Vending and Peddling Restricted~~  
~~10.01.300 Signs Restricted~~  
~~10.01.310 Park Hours~~  
~~10.01.320 Posting of Park Rules~~  
~~10.01.330~~ [03.290](#) Closed Areas  
~~10.01.340 Lost and Found Articles~~  
~~10.01.350 Permits for Camping, Group Picnics and Vending~~  
~~10.01.360 Special Use Permit~~  
~~10.01.370 Permit Revocation~~  
~~10.01.380 Boats and Moorages~~  
~~10.01.390 Enforcement Personnel~~  
~~10.01.400 Citation, Ejectment and Exclusion, Hearing~~  
~~10.01.410 Seizure of Property~~  
~~10.01.420 Hearing Regarding Seized Property~~  
~~10.01.430 Other Laws Applicable~~  
~~10.01.440 Severability~~

### **Repealed**

10.01.600 Penalties  
(Repealed Ordinance 15-1366.)  
10.01.610 Bail and Fine Collection  
(Repealed Ordinance 15-1366.)

#### **~~10.01.010 Purpose~~**

~~The purpose of this chapter is to provide for regulations governing the use of Metro owned or operated Parks and Nature facilities by members of the public in order to provide protection for wildlife, plants and property, and to protect the safety and enjoyment of any person visiting these facilities. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

#### **~~10.01.020 Definitions~~**

~~As used in this chapter, unless the context requires otherwise:~~

~~(a) "Council" shall have the meaning assigned thereto in Metro Code Section 1.01.040(a).~~

~~(b) "Director" means the person or persons designated by the Chief Operating Officer to serve as the Director of Metro's Parks and Nature Department or the Director's designee.~~

~~(c) "Metro Code" means the Code of Metro.~~

~~(d) "Park" means a forest, reservation, playground, beach, natural area, recreation center, cemetery, or any other similar area owned, operated or managed by Metro, through its Parks and Nature Department, and devoted to active or passive recreation.~~

~~(e) "Park rules" means rules adopted by the Director pursuant to Section 10.01.040 of this chapter.~~

~~(f) "Person" shall have the meaning assigned thereto in Metro Code Section 1.01.040(f).~~

~~(g) "Public" means any person other than a Parks and Nature Department employee.~~

~~(h) "Vehicle" means any wheeled conveyance, whether motor powered, animal drawn or self propelled, including a bicycle, and includes any trailer in tow of any size, kind or description, but does not include baby carriages or vehicles in the service of Metro Parks and Nature.~~

~~(i) "Parks and Nature Department employee" means any paid employees of the Parks and Nature Department, any other paid employees of Metro performing tasks or functions at any park at the request or direction of either the Director or the Metro Council, volunteers performing functions and duties assigned or authorized by the Director, and any contractors or agents of the Parks and Nature Department carrying out their duties or obligations to the Parks and Nature Department. (Ordinance 96-659A, Sec. 1.; Ordinance 02-978, Sec. 1.; Ordinance 15-1366.)~~

#### **~~10.01.030 Policy~~**

~~The Council has determined that it is necessary to adopt these Code provisions in order to insure the efficient operation, protection and maintenance of Metro's Parks and to protect the health, safety and welfare of the public; therefore, this chapter shall be liberally construed to effectuate this purpose. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

#### ~~10.01.040 Enforcement Authority/Park Rules~~

~~(a) The Director shall have the authority to enforce all of the provisions of this chapter, including but not limited to the authority to enforce any park rules adopted pursuant to this chapter.~~

~~(b) The Director shall have the authority to adopt park rules which are not inconsistent with the provisions of this chapter, including but not limited to park rules governing fees. Park rules shall be in writing, shall be posted as otherwise required by this chapter, and shall be filed with the Metro Council.~~

~~(c) No person shall violate any park rule which has been adopted by the Director pursuant to this chapter. (Ordinance 96-659A, Sec. 1.)~~

#### ~~10.01.050~~03.010 ~~Park~~ **Property Destruction and Other Property Prohibitions**

~~No person shall, w~~Within the boundaries of any ~~Park~~Property, it is unlawful to:

- (a) Willfully mark, deface, disfigure, ~~injure~~damage, tamper with, displace or remove any property, improvements, fixtures, or equipment, including buildings, rest-rooms, bridges, tables, benches, grills, fireplaces, railings, fences, gates, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, ~~(whether temporary or permanent)~~, monuments, stakes, posts or other boundary markers, other structures or equipment, ~~recreation facilities or park~~ property or appurtenances whatsoever, either real or personal.
- (b) Dig or remove any soil, rock, gravel, stones, ~~trees, shrubs or plants, down timber or other wood or materials~~artifacts, or make any excavation by tool, equipment, blasting or other means or agency, including on land or in streams.
- (c) ~~Damage or destroy any park tree, shrub, plant, structure or appurtenance through the use of a motor vehicle, whether intentional or not.~~Climb, scale, walk, stand, swing, or sit upon monuments, rock walls, planters, fountains, railings, fences or any other feature within a Property that is not designated or customarily used for such purposes.
- (d) Fail to stay on designated trails, paths or roads.
- (e) Construct, install, add to, remove, maintain, or alter any trail, path, truck, fence, gate, course, route, bridge, overpass, culvert or crossing, or construct structures on a Property, such as tree forts or camps.
- (~~d~~f) Use any metal or mineral locating or detecting devices of any kind. (Ordinance 96-659A, Sec. 1.)

#### ~~10.01.060~~03.020 ~~Trees, Shrubbery and Lawns and Plant~~ **Prohibitions**

~~No person shall, w~~Within the boundaries of any ~~park~~Property, it is unlawful to:

- (a) Damage, cut, carve, trim, prune, transplant, remove or destroy any tree, ~~shrub, or~~ plant, or seeds, or any part of any tree, ~~shrub~~ or plant, regardless of whether the tree, ~~shrub~~ or plant is dead or alive, including without limitation, damage such



vegetation through use of a vehicle, whether the damage is intentional or not, or remove wood for firewood. Use of chain saws is prohibited.

- (b) Climb, scale or swing upon any trees or shrubs ~~or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property~~ not designated ~~or customarily used~~ for those such purposes.
- (c) Plant any tree or shrub or other plant on a Property ~~in a park or cemetery area without the written permission of the Director.~~ (Ordinance 96-659A, Sec. 1.)

#### **~~10.01.070~~ 10.03.030 -Animals, Birds and Fish Prohibitions**

~~No person shall, within the boundaries of any park:~~

- (a) Within the boundaries of any Property, except as stated in Sections (e), (f), and (g) below, it is unlawful to H hunt, ~~mo~~ lest ~~harass~~, harm, poison, frighten, kill, trap, chase, shoot, project, or throw ~~missiles~~ projectiles at, any bird, fish or other living creature, or remove or have in possession any wild animal, bird, fish, amphibian, invertebrate, or reptile or the eggs or nest of any reptile or bird, or obtain access to or cross any Property with the intent to hunt or trap on adjacent lands. Possession of relevant equipment will be deemed sufficient evidence of such intent. ~~However, angling is permitted in designated areas in accordance with applicable rules and regulations as promulgated by the Oregon Department of Fish & Wildlife.~~
- (b) ~~Give or offer to give to any animal or bird any tobacco, alcohol or other noxious substances.~~ It is unlawful, within the boundaries of any Property, to feed or offer food items to any wildlife or fish.
- (c) It is unlawful, within the boundaries of any Property, to release any plant, fish, wildlife, aquarium contents, or other living organism.
- (d) It is unlawful, within the bounds of any Property, to place waterfowl decoys or use recorded birdsong, playback, calls, or other audio or mechanical method of attracting birds or other wildlife.
- (e) Acts of employees of federal and state agencies, including the United States Fish and Wildlife Service, United States Geologic Society, and Oregon Department of Fish and Wildlife, while performing their official duties will not be deemed a violation of this Section.
- (f) Fishing is permitted only where designated by a Property-Specific Rule, and in accordance with applicable rules and regulations promulgated by the Oregon Department of Fish and Wildlife (subject to prohibitions on dangerous weapons set forth in Section 10.03.170, below).
- (g) The Director may establish Property-Specific Rules that allow hunting on a limited basis in conformance with federal and state law if the Director finds that it is necessary and beneficial to conservation efforts to control animal populations.  
(Ordinance 96-659A, Sec. 1.)

#### **~~10.01.080~~ 10.03.040 -Pollution of Waters and Soils Prohibited**

It is unlawful for ~~No~~ any person ~~shall throw~~ to bury, release, discharge or otherwise place or



cause to be placed in the soils ~~of any Metro park~~ or waters of any fountain, pond, lake, river, stream, bay or other body of water in or adjacent to any ~~park~~ Property, any matter or thing, liquid, gas, or solid, which will or may result in the pollution of those waters or soils, including, without limitation, urination or defecation on any Property except in designated restrooms. (Ordinance 96-659A, Sec. 1.)

#### **~~10.01.090~~ 03.050 Refuse and Trash Prohibitions**

It is unlawful for any ~~No~~ person ~~shall to~~ deposit, dump, place or leave any rubbish, bottles, cans, garbage or refuse of any type regardless of its source in a ~~park area~~ Property, except refuse, garbage or litter occasioned through lawful use of the Property ~~those areas~~ which ~~must~~ shall be deposited in ~~refuse~~ appropriate receptacles provided for that purpose. (Ordinance 96-659A, Sec. 1.)

#### **~~10.01.100~~ 03.060 Traffic Prohibitions**

~~No person shall, w~~ Within the boundaries of any ~~park~~ Property, it is unlawful to:

- (a) Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in ~~this chapter~~ Title X, any Rule, and other ordinances.
- (b) Fail to obey ~~all authorized enforcement personnel and park e~~ Employees and agents, which persons hereby are authorized and instructed to direct traffic whenever and wherever needed ~~in the parks~~ on any Property and on the highways, streets or roads immediately adjacent to ~~the parks in accordance with the provisions of this chapter and such supplementary rules as may be issued by the Director~~ any Property.
- (c) Fail to observe and obey all traffic signs indicating speed, direction, caution, stopping or parking, and all other signs posted for proper traffic control and to safeguard life and property.
- (d) Drive any motor vehicle, including all-terrain vehicles (ATVs), on any area except ~~the park~~ roads, ~~or~~ parking areas, or such other areas as may be specifically designated by the Director. (Ordinance 96-659A, Sec. 1.)

#### **~~10.01.110~~ 03.070 Parking Prohibitions**

~~No person shall, w~~ Within the boundaries of any Property, it is unlawful to:

- (e) Park a motor vehicle in a location other than an established or designated parking area or in violation of ~~not comply with~~ the posted ~~directions and with instructions of any attendant~~ signage or identified restrictions, or against instruction of an Employee or agent who may be present at an established or designated parking area.
- (f) Double park any motor vehicle on a road or parkway ~~unless directed by a park attendant, or otherwise park any vehicle such that a vehicle prevents the egress of other vehicles, or park in front of or block a fire lane or Property entry or exit gate, unless directed by an employee or agent of Metro.~~

- (g) Leave any vehicle parked in any ~~park area~~Property after normal ~~park~~ operation hours without first obtaining permission from ~~authorized enforcement personnel~~an Employee or agent of Metro.
- (h) Leave any vehicle parked or stopped on a boat ramp except while loading or unloading a boat. Vehicles so parked are subject to citation and tow. (Ordinance 96-659A, Sec. 1.)

#### ~~10.01.120~~03.080 -Bicycle Restrictions

~~No person shall, w~~Within the boundaries of any parkProperty, it is unlawful to:

- (a) Ride a bicycle on other than a vehicular road, trail or path specifically ~~designed~~dated and signed for that purpose. A bicyclist ~~shall be~~is permitted to wheel or push a bicycle by hand in a Park over any grassy mowed area or ~~wooded trail~~natural surface or on any paved area reserved for pedestrian use.
- (b) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit. Bicycles ~~shall~~must be ~~kept~~ in single file when two (2) or more are operating as a group. Bicyclists ~~shall~~must at all times operate their bicycles with reasonable regard to the safety of others, signal all turns, ~~pass to the right of any vehicle they are overtaking~~ and pass to the right of any vehicles they ~~may be~~are meeting or overtaking.
- ~~(c) Ride a bicycle on any road between 30 minutes after sunset and 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red taillight or reflector plainly visible from at least 200 feet from the rear of the bicycle.~~
- ~~(d) Use bikes on trails or other areas not specifically designated for such use.~~ (Ordinance 96-659A, Sec. 1.)

#### ~~10.01.190~~03.090 -Horseback Riding Restrictions

~~No~~It is unlawful for any person shall, within the boundaries of any parkProperty, to ride a horse (including ponies, mules or donkeys) except on designated bridle trails or areas designated for such purpose. Horses shallmay be loaded and unloaded at designated areas only, shallmust be thoroughly well trained broken and properly restrained, shallmust be ridden with due care, and shallmay not be allowed to graze or go unattended. Horse waste shalldroppings must be removed by the owner rider immediately and disposed of when such waste occurs in an area designated for horse trailer parking. (Ordinance 96-659A, Sec. 1.)

#### ~~10.01.220~~03.100 -Domestic Animals Restricted

Except for "dog guides," "dog guide trainees," "hearing aid dogs," "hearing aid dog trainees," "assistance animals," and "assistant animal trainees," all as defined by ORS Chapter 659A.103 et seq., and except as required by any other law, nNo person shallmay bring a dog or other domestic animal ionto any parka Property, including within a motor vehicle and on or off leash, or within a motor vehicle, except as may be specifically allowed by the Director, follows:

- (a) The animal is a "Service Animal" or "Animal Trainee" (each as defined by the

Americans with Disabilities Act), or the animal is an “Assistance Animal” or “Assistance Animal Trainee” (as defined by ORS Chapter 659A.103 et seq.).

(b) Dogs are permitted on-leash on Regional Trails traversing Metro Property, and on-leash at the Chinook Landing Marine Park, the Farmington Paddle Launch, the M. James Gleason Memorial Boat Ramp, and the Sauvie Island Boat Ramp.

(c) Horses are permitted, subject to Section 10.03.090, above. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)

### **~~10.01.130~~03.110 -Bathing and Swimming Restrictions**

~~No person shall, w~~Within the boundaries of any park~~Property, it is unlawful to:~~

(a) Swim, bathe or wade in any waters or waterways ~~in or adjacent to Blue Lake Park,~~ except in such waters and at such times and places as are designated, and otherwise in compliance with ~~this chapter~~Title X ~~and or all r~~Rules adopted under this chapter.

~~(b) — Allow a child under the age of five (5) to swim, bathe or wade in Blue Lake.~~

~~(e)b~~ Construct, ~~or~~ install or use rope swings adjacent to waterways in any ~~park area~~Property. (Ordinance 96-659A, Sec. 1.)

### **~~10.01.380~~03.120 -Boats and Moorages**

~~No person shall~~It is unlawful for any person to:

(a) Disobey any applicable signage posted in boat launching, moorage and beach areas.

(b) Moor a boat or other floating vessel longer than 30 minutes on boarding docks, or 12 hours on transient docks.

(c) Improperly secure a boat or other floating vessel in such a manner as to cause personal injury or damage to park property or resources.

(d) Swim, fish, sunbathe, kiteboard, paddleboard, sailboard, wakeboard or water ski in the immediate area vicinity of a boat launch or from boat moorage docks.

(Ordinance 96-659A, Sec. 1.)

### **~~10.01.140~~03.130 Blue Lake Boating Restrictions**

It is unlawful to bring into or launch any watercraft of any type from Blue Lake Park,

~~Except as provided in subsections (a) through (d), below. no person shall bring into or launch any watercraft of any type from Blue Lake Park. All B~~oating activities shall~~must~~ be in accordance with applicable rules of the State of Oregon.

(a) Watercraft belonging to residents whose property adjoins Blue Lake. Such watercraft ~~shall~~must be identified by the current decal and number of the Interlachen Homeowners Association, or its successor organization.

(b) Watercraft for rent at ~~the~~Blue Lake Park.

(c) Privately-owned watercraft between October 1st and April 30th of each year provided that they ~~shall~~do not exceed 14 feet in length ~~{or 17 feet for canoes}~~, and

3.0 horsepower in motor capability ~~for the purpose of angling in accordance with rules promulgated by the Oregon Department of Fish and Wildlife.~~

~~(d) — As allowed by the Director for special events or other special purposes.~~ (Ordinance 96-659A, Sec. 1.)

#### **10.01.2103.140 -Fireworks and Explosives Prohibited**

~~No person shall, w~~Within the boundaries of any parkProperty, it is unlawful to bring, or have in possession, or igniteset off or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material, or discharge them or throw them into any parkProperty from any adjacent land or highway. This prohibition includes any substance, compound, or mixture or article that in conjunction having properties of such a character that alone or in combination with any other substances, or compounds or mixtures, propels projectiles, explodes or decomposes to produce flames, combustion, noise, or noxious or dangerous odors would be dangerous from any of the foregoing standpoints. The Director, however, may issue a special fireworks permit in accordance with state law. Nothing in this section shall be construed to prohibit firearms or the proper use of charcoal lighter fluid in proper containers in picnic grills where permissible. (Ordinance 96-659A, Sec. 1.)

#### **10.01.2403.150- Fires LimitedRestricted**

~~No person shall, w~~Within the boundaries of any ParkProperty, it is unlawful to:

- (a) Build or attempt to build a fire except in such areas and under such #Rules as may be designatedadopted by the Director. All fires shallmust be completely extinguished after use.
- (b) Drop, throw or otherwise scatter lighted matches, cigarettes or cigars, tobacco paper or other inflammable material within any parkProperty or on any highway, road or street abutting and contiguous to any parkProperty. (Ordinance 96-659A, Sec. 1.)

#### **10.03.160 Firearms Restrictions**

Federal, State, County and local ordinances restricting or prohibiting the possession of firearms apply on Metro Property.

#### **10.03.170 Dangerous Weapon Prohibitions**

It is unlawful for any person to possess in any Property any object specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Things prohibited under this Section do not include firearms (which are governed by Metro Code Section 10.03.160, above), but include and are not limited to: pellet guns, paintball guns, bow and arrow, spring-loaded weapons, stun guns or tasers, knives having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice-pick, sling shot, metal knuckles, martial arts weapons, studded handcoverings, swords, straight razors, tear gas containers, hatchets, axes, or the items described in Section 10.03.180(a), below.

### ~~10.01.180~~10.03.180 Prohibited Games

~~No person shall, w~~Within the boundaries of any park~~Property, it is unlawful to:~~

~~(a) — Take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, darts, vehicles, paintball, or javelins, or power-projected model airplanes or boats except as may be permitted in designated areas in areas set apart for those forms of recreation.~~

~~(b) — Participate in or use emerging technologies that can harm vegetation or improvements, or involve off-trail activities, such as geocaching, letterboxing and similar activities, or augmented reality applications, except in accordance with applicable Rules. (Ordinance 96-659A, Sec. 1.)~~

### 10.03.190 Scale Model Equipment, Drones Prohibited

As an owner of real property as described in ORS 837.380, Metro prohibits the use of unmanned aircraft systems (e.g. drones) on its Property. Within the boundaries of any Property, it is unlawful to:

(a) — Use or operate any power-propelled model rocket, drone aircraft, glider, wheeled or tracked vehicle or boat, except in areas specifically designated by Metro and posted for such use.

(b) — Launch drones from Metro Property or land drones on Metro Property.

(c) — Fly any drones at a height of less than 400 feet in the airspace above Metro Property land or water. Metro reserves its rights under ORS 837.380 to recover treble damages and attorneys fees for any trespass in violation of this Section, as permitted by law.

### 10.03.200 Smoking Prohibitions

It is unlawful to smoke on any Property. “Smoking” means inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, weed, plant, or other combustible organic or chemical substance, the smoke from which is intended to be inhaled or drawn into the nose or mouth. In addition “smoking” includes the use of any vapor device, of any product name or descriptor, which releases gases, particles, or vapors into the air as a result of combustion, electrical ignition, or vaporization intended to be drawn into the nose or mouth (excluding any United States Food and Drug Administration approved nebulized medication).

### ~~10.01.200~~10.03.210 -Consumption of Alcoholic Beverages Limited

~~(a) — Except as provided in subsections (b) and (c) of this section, no person shall bring into or consume alcoholic beverages in any park, provided, however, that the Council may, from time to time, designate certain parks or park areas where consumption with meals.~~

~~(b) — The Director may, by issuance of a permit, allow the sale of alcoholic beverages on the premises of designated facilities when duly licensed by the Oregon Liquor Control Commission.~~

~~(c) — After the proper permit(s) are secured from the Director, alcohol may be consumed in designated areas at Blue Lake Park, Oxbow Park and Howell Territorial Park. It is unlawful to bring onto, sell within, or consume alcoholic beverages or controlled substances (as defined by Oregon law) on any Property. —(Ordinance 96-659A, Sec. 1.)~~

### **10.03.220 Public Intoxication Prohibited**

Within the boundaries of any Property it is unlawful to behave in any way that leads Metro enforcement personnel to conclude, in their sole discretion, that such person is intoxicated or under the influence of controlled substances.

### **10.03.230 Improper Exposure: Sexual Activity**

Within the boundaries of any Property it is unlawful for any person to expose his or her genitalia while in a place visible to another person or to engage in sexual conduct as defined in ORS 167.060.

### **~~10.01.260~~10.03.240- Violent and Excessively Loud Conduct Prohibited**

~~No person shall, w~~Within the boundaries of any parkProperty, it is unlawful to:

~~(a) — eEngage in, promote, instigate, encourage, aid or abet fighting or similar violent conduct which would threaten the physical well-being of the public or a park employee, or cause excessive amplified or nonverbal noiseany person or animal.~~

~~(b) — Make, continue, cause or permit to be made or continued any noise disturbance, as defined in 10.01.010.~~

~~(c) — Use or operate any device designed for sound production, amplification or reproduction in such a manner as to cause a noise disturbance. (Ordinance 96-659A, Sec. 1.)~~

### **~~10.01.300~~10.03.250- Signs Restricted**

~~No person shall, w~~Within the boundaries of any parkProperty, and except speech protected by the Oregon and the United States Constitution, it is unlawful to:

~~(a) — Solicit for any public or private purpose.~~

~~(b) — Distribute or otherwise place any non-authorized printed material on any vehicle parked in a Property.~~

~~(ac) — Paste, glue, tack or otherwise post any sign, decal, placard, advertisement or inscription whatsoever, or cause to be erected any sign whatsoever, except upon permission of the Director, unless the person is a regularly licensed concessionaire acting by and under the written authority of the Director or designee.~~

~~(b) — Distribute or otherwise place any non-authorized printed material on any vehicle parked in a park facility. (Ordinance 96-659A, Sec. 1.)~~

### **~~10.01.290~~10.03.260- Concessions, Vending and Peddling Restricted**

~~(a) — Before a person may act as a concessionaire at a Property, the person must secure a Permit in compliance with Metro's standard procedures.~~

~~(b) — Except as expressly provided in this section, nNo person shallmay, within the boundaries of any parkProperty, expose, advertise or offer for sale or rent any article,~~



service, or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person is acting by and under the written authority of the Director a Permit. (Ordinance 96-659A, Sec. 1.)

#### **10.01.31003.270- Park Posted Hours of Operation**

Park hours of operation shall will be as posted, except for unusual or unforeseen circumstances and emergencies, as determined by the Director. The hours of operation for Parks not posted are legal sunrise to legal sunset. No person may enter or remain in a Park when it is closed. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)

#### **10.01.150 Fishing Prohibited in Swimming Areas**

~~No person shall fish, within the boundaries of any park, in any designated swimming area. (Ordinance 96-659A, Sec. 1.)~~

#### **10.01.160 Hunting Prohibited**

~~Hunting is prohibited.~~

~~(Ordinance 96-659A, Sec. 1; Ordinance 10-1230, Sec. 3)~~

#### **10.01.17003.280- Camping Permits and Restrictions Prohibitions**

~~No person shall, w~~Within the boundaries of any parkProperty:

(a) Camp overnight or longer in any Property without first obtaining a ~~camping p~~Permit, camp in any manner not specifically provided for in such Permit, or camp at any time or in any place not designated for camping.

~~(eb) Camp if he/she is under the age of 18, unless he/she is accompanied by an adult.~~

~~(bc) Camp in any Park for longer~~more ~~than five (5) consecutive days in any specific park.~~

~~(c) — Camp for more than fourteen (14) days in any 30-seventeen-day period in any specific park or more than twenty-eight (28) days in any six-month period.~~

~~(d) — Camp at any time or in any place except as specifically provided for in a camping permit.~~

~~(e) — Camp if he/she is under the age of 18, unless he/she is accompanied by an adult.~~

~~(f) — Camp in nondesignated areas.~~

~~(g) — Allow more than eight (8) people to occupy a site.~~

~~(h) — Ignore the 10:00 p.m. to 6:00 a.m. quiet time period.~~

~~(i) — Check out after 2:00 p.m. without paying the fee for an additional day. (Ordinance 96-659A, Sec. 1.)~~

#### **10.01.33003.290- Closed Areas**

All or any section or part of any parkProperty may be declared, posted, signed or otherwise designated closed to the public by the Director at any time and for any interval of time, either temporarily, indefinitely, or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director shallmay find reasonably

necessary. No person may enter any Property posted as "Closed to Public" or "No Public Access." (Ordinance 96-659A, Sec. 1.)

#### **~~10.01.180 Prohibited Games~~**

~~No person shall, within the boundaries of any park, take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, vehicles, javelins or power projected model airplanes or boats except in areas set apart for those forms of recreation. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.190 Horseback Riding Restrictions~~**

~~No person shall, within the boundaries of any park, ride a horse except on designated bridle trails. Horses shall be unloaded at designated areas only, shall be thoroughly broken and properly restrained, shall be ridden with due care, and shall not be allowed to graze or go unattended. Horse waste shall be removed by the owner when such waste occurs in an area designated for horse trailer parking. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.200 Consumption of Alcoholic Beverages Limited~~**

~~(a) — Except as provided in subsections (b) and (c) of this section, no person shall bring into or consume alcoholic beverages in any park, provided, however, that the Council may, from time to time, designate certain parks or park areas where consumption with meals.~~

~~(b) — The Director may, by issuance of a permit, allow the sale of alcoholic beverages on the premises of designated facilities when duly licensed by the Oregon Liquor Control Commission.~~

~~(c) — After the proper permit(s) are secured from the Director, alcohol may be consumed in designated areas at Blue Lake Park, Oxbow Park and Howell Territorial Park. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.210 Fireworks and Explosives Prohibited~~**

~~No person shall, within the boundaries of any park, bring, or have in possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material, or discharge them or throw them into any park from any adjacent land or highway. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. The Director, however, may issue a special fireworks permit in accordance with state law. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.220 Domestic Animals Restricted~~**

~~Except for "dog guides," "dog guide trainees," "hearing aid dogs," "hearing aid dog trainees," "assistance animals," and "assistant animal trainees," all as defined by ORS Chapter 659A.103 et seq., and except as required by any other law, no person shall bring a dog or other domestic animal into any park, on or off leash or within a motor vehicle, except as may be specifically allowed by the Director. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~



#### **~~10.01.230 Soliciting Prohibited~~**

~~No person shall, within the boundaries of any park, solicit for any public or private purpose. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.240 Fires Limited~~**

~~No person shall, within the boundaries of any Park:~~

- ~~(a) Build or attempt to build a fire except in such areas and under such rules as may be designated by the Director. All fires shall be completely extinguished after use.~~
- ~~(b) Drop, throw or otherwise scatter lighted matches, cigarettes or cigars, tobacco paper or other inflammable material within any park or on any highway, road or street abutting and contiguous to any park. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.250 Game of Chance Prohibited~~**

~~No person shall, within the boundaries of any park, gamble or participate in or abet any game of chance except as approved by the Director in writing and in compliance with the statutes of the State of Oregon. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.260 Violent and Excessively Loud Conduct Prohibited~~**

~~No person shall, within the boundaries of any park, engage in, promote, instigate, encourage, aid or abet fighting or similar violent conduct which would threaten the physical well-being of the public or a park employee, or cause excessive amplified or nonverbal noise. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.270 Exhibiting Permits Required~~**

~~No person shall:~~

- ~~(a) Fail to produce and exhibit any permit from the Director the person claims to have, upon request of any authorized enforcement personnel or park employee who shall desire to inspect the permit for purpose of enforcing compliance with any ordinance or rule.~~
- ~~(b) Fail to clearly display at all times, while within the boundaries of any park, any required proof of entrance and /or parking fee payment on the dashboard of the person's vehicle so that such proof is plainly visible from the exterior of the vehicle. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.280 Interference with Permittees Prohibited~~**

~~No person shall disturb or interfere unreasonably with any person or party occupying any park area or participating in any activity in a park under the authority of a permit. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.290 Vending and Peddling Restricted~~**

~~Except as expressly provided in this section, no person shall, within the boundaries of any park, expose, advertise or offer for sale or rent any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person is acting by and under the written authority of the Director. (Ordinance 96-659A,~~

~~Sec. 1.)~~

### **~~10.01.300 Signs Restricted~~**

~~No person shall, within the boundaries of any park:~~

~~(a) — Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, or cause to be erected any sign whatsoever, except upon permission of the Director, unless the person is a regularly licensed concessionaire acting by and under the written authority of the Director.~~

~~(b) — Distribute or otherwise place any non authorized printed material on any vehicle parked in a park facility. (Ordinance 96-659A, Sec. 1.)~~

### **~~10.01.310 Park Hours~~**

~~Park hours of operation shall be as posted, except for unusual or unforeseen circumstances and emergencies. The hours of operation for Parks not posted are legal sunrise to legal sunset. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

### **~~10.01.320 Posting of Park Rules~~**

~~The Rules and provisions for use and administration of parks, notice of those rules or summaries of those Rules shall be kept posted within the main entrance of each park or at suitable other locations. (Ordinance 96-659A, Sec. 1.)~~

### **~~10.01.330 Closed Areas~~**

~~All or any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director shall find reasonably necessary. (Ordinance 96-659A, Sec. 1.)~~

### **~~10.01.340 Lost and Found Articles~~**

~~The finding of lost articles by park employees shall be reported to the Director or his/her designee, who shall make every reasonable effort to find and return lost articles and dispose of unclaimed articles as prescribed by law. (Ordinance 96-659A, Sec. 1.)~~

### **~~10.01.350 Permits for Camping, Group Picnics and Vending~~**

~~A permit shall be obtained as indicated before participating in the following park activities:~~

~~(a) — In those parks where overnight camping is allowed, a permit shall be obtained from the park attendant at the park.~~

~~(b) — A permit must be secured from the Parks and Nature main office for any organized event consisting of more than 25 persons.~~

~~(c) — Before a person may act as a concessionaire at a park, the person shall secure an executed contract in compliance with Metro's standard contracting procedures.~~

~~(d) — A permit for concessions at special events which are intended to raise funds for Metro parks purposes may be issued by the Director. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

#### **~~10.01.360 Special Use Permit~~**

~~A special use permit shall be obtained prior to pursuing the following activities in any park:~~

- ~~(a) Movie, commercial or television filming, photography and production.~~
- ~~(b) Fishing, water skiing, track or any other organized sporting event.~~
- ~~(c) Special educational events or festivals, except those specifically hosted by Metro.~~
- ~~(d) Amplified sound, pony rides, dunk tanks, use of alcohol with a reservation permit or any other type of special use.~~
- ~~(e) Any other organized event or activity involving 25 persons or more except for picnics where a reservation has been secured. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.370 Permit Revocation~~**

~~The Director or his/her designee shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, statute, or any special use or reservation permit provision. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.380 Boats and Moorages~~**

~~No person shall:~~

- ~~(a) Disobey any applicable signage posted in boat launching, moorage and beach areas.~~
- ~~(b) Moor a boat longer than 30 minutes on boarding docks or 12 hours on transient docks.~~
- ~~(c) Improperly secure a boat in such a manner as to cause personal injury or damage to park property or resources.~~
- ~~(d) Swim, fish or water ski in the immediate area of or from boat moorage docks.~~

~~(Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.390 Enforcement Personnel~~**

~~(a) The Director and the Director's authorized representatives shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.~~

~~(b) No person shall harass, obstruct, interfere with or disobey the direction of any authorized enforcement personnel or park employee carrying out the enforcement of this chapter or rules adopted under this chapter. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.400 Citation, Ejectment and Exclusion, Hearing~~**

~~The Director and authorized enforcement personnel shall:~~

- ~~(a) Have the authority to arrest, cite in lieu of arrest, cite for civil penalties or eject from the park any person acting in violation of this chapter or the laws of the State of Oregon.~~
- ~~(b) Exclude from the park any person acting in violation of this chapter or the laws of the State of Oregon.~~
- ~~(c) Exclusions exceeding one (1) year shall be approved by the Director. (Ordinance 96-659A, Sec. 1., Ordinance 15-1366.)~~

#### **~~10.01.410 Seizure of Property~~**

~~The Director and any authorized enforcement personnel shall have the authority to seize and confiscate any property, thing or device, including but not limited to motor vehicles and chain saws, used in violation of this chapter. (Ordinance 96-659A, Sec. 1.)~~

#### **~~10.01.420 Hearing Regarding Seized Property~~**

~~(a) — Persons who have had any personal property, thing or device confiscated under Section 10.01.410 may request a hearing to appeal the confiscation by sending a written request for hearing to the Director by registered or certified mail.~~

~~(b) — The hearing shall be conducted in accord with the applicable contested case procedures set forth in the Metro Code.~~

~~(c) — Any property, thing or device which was not wrongfully confiscated shall become the property of Metro and shall be disposed of in a manner to be determined by the Director. (Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

#### **~~10.01.430 Other Laws Applicable~~**

~~This chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in this chapter, including but not limited to City or County ordinances containing regulations and prohibitions pertaining to firearms and dangerous or deadly weapons. (Ordinance 96-659A, Sec. 1.; Ordinance 10-1230, Sec. 4)~~

#### **~~10.01.440 Severability~~**

~~If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be considered a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portion of this chapter. (Ordinance 96-659A, Sec. 1.)~~

CHAPTER ~~10.02~~10.04

~~PARK~~ FEES

**Section ——— Title**

- ~~10.02.010~~10.04.010 Purpose and Authority  
~~10.02.020~~10.04.020 ~~Park~~ Fees  
~~10.02.030~~10.04.030 ~~Fee Waivers or~~ Suspensions ~~of Fees~~  
~~10.02.040~~10.04.040 ~~Park~~ Use Without Required Fee Prohibited

**Repealed**

- 10.02.050 Fees for Memorials and Cemeteries  
(Repealed Ordinance 04-1038A, Sec. 2.)  
10.02.100 Penalties  
(Repealed Ordinance 15-1366.)  
10.02.110 Bail and Fine Collection  
(Repealed Ordinance 15-1366.)

~~10.02.010~~10.04.010 **Purpose and Authority**

It is the purpose of this chapter to establish ~~park~~ fees for certain uses at Metro Property pursuant to Metro Code Section ~~10.01.010~~10.02.030. The Chief Operating Officer, or his or her designee, may set additional fees, or adjust any fees established herein. If the Chief Operating Officer elects to set additional fees or adjust any fees established pursuant to this Chapter 10.04, the Chief Operating Officer will provide the Metro Council with 45 business days notice prior to the effective date of the fee or fee adjustment. Upon notice of the additional fee or fee adjustment, the Metro Council may elect to affirm or modify the additional fee or fee adjustment by resolution of the Metro Council. The fee or adjusted fee may thereafter be adjusted as set forth in this Metro Code Section 10.04.010.

(Ordinance 96-659A, Sec. 1.)

~~10.02.020~~10.04.020 **~~Park~~ Fees**

~~Except as otherwise set forth herein, Park Fees shall be set and adjusted by the Metro Council.~~

~~The following fees shall be~~Metro will charged and collected ~~by Metro for and prior to~~ the following ~~park~~ uses and activities fees:

- (a) Parking fees at Blue Lake Park, Chinook Landing Marine Park, M. James Gleason Memorial Boat Ramp, and Oxbow Park, and ~~shall be \$5.00 per motorized vehicle on all days and \$7.00 per bus on all days.~~

- ~~(b) Boat launching and/or parking fees at the M. James Gleason Boat Ramp shall be \$5.00 and fees at the Chinook Landing Marine Park shall be \$5.00 per motorized vehicle on all days.~~
- ~~(c) The fees for annual parking passes at these locations, in lieu of daily parking fees, launching and/or parking fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp shall be as follows:~~
  - ~~(1) Regular: \$40.00 per year (January 1 through December 31)~~
  - ~~(2) Seniors: \$30.00 per year (January 1 through December 31)~~
  - ~~(3) Low Income/Disabled: \$10.00 per year (January 1 through December 31)~~
- ~~(b)(d) Reservation fees for shelters and reservable picnic areas at Blue Lake, and Oxbow Parks, Scouters Mountain, Graham Oaks, and Howell Territorial Parks shall be set and adjusted by the Chief Operating Officer.~~
- ~~(c)(e) Fees for alcohol permits at Blue Lake and Oxbow Parks shall be set and adjusted by the Chief Operating Officer.~~
- ~~(f) Overnight camping fees at Oxbow Park, including fees for nightly use of overnight group camps at Oxbow Park by nonprofit and youth organizations and fees for additional vehicles, shall be set and adjusted by the Chief Operating Officer. Permit must be displayed. Each vehicle must pay parking fee on initial day of entry.~~
- ~~(g) Fees for special events shall be set and adjusted by the Chief Operating Officer.~~
- ~~(d)(h) Except for use by Metro, the Rental rates fees, and security deposits for the for "The Lake House" at Blue Lake Park shall be set and adjusted by the Chief Operating Officer.~~
- ~~(e) Permits for which the Chief Operating Officer, or his or her designee, has determined a fee is required.~~

#### 10.04.030 Fee Waivers or Suspensions

- ~~(a)(i) No P~~parking fees at Blue Lake Park and Oxbow Park shall will be waived ~~charged~~ for any on-duty police officer ~~(officers' fees are waived also at Chinook Landing Marine Park and the Gleason Boat Ramp)~~ or off-duty Metro ~~e~~Employee who presents valid current identification at the park~~Propety~~ entrance. ~~Fee waivers shall not apply to any special events or other facilities.~~
  - ~~(b)(j) Parking fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp, and camping fees at Oxbow Park, shall~~ will be waived for any disabled veteran who presents valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card, and places a green placard issued by Oregon State Parks in said veteran's vehicle in full view on the dashboard or hanging from the rear-view mirror. Free camping under this Section requires a reservation and is otherwise limited by Section 10.03.280.
- ~~Fee waivers shall not apply to fees for the use of other facilities.~~

~~(Ordinance 96-659A, Sec. 1.; Ordinance 98-722, Sec. 1.; Ordinance 01-894, Sec. 1.; Ordinance 02-978, Sec. 1.; Ordinance 03-1008; Ordinance 04-1047, Sec. 1.; Ordinance 06-1109; Ordinance 07-1166; Ordinance 09-1211A; Ordinance 15-1366.)~~

### **~~10.02.030~~ Suspension of Fees**

(c) Collection of any fee under ~~Section 10.02.020~~ this Chapter may be waived or suspended by order of the Director ~~of Parks and Nature or his/her designee~~ for such period of time as the order may provide. The Director ~~shall~~ will develop and implement a written policy to guide decisions related to the waiver or suspension of fees.

~~(Ordinance 96-659A, Sec. 1.; Ordinance 98-722, Sec. 1.; Ordinance 01-894, Sec. 1.; Ordinance 02-978, Sec. 1.; Ordinance 03-1008; Ordinance 04-1047, Sec. 1.; Ordinance 06-1109; Ordinance 07-1166; Ordinance 09-1211A; Ordinance 15-1366.)~~

~~(Ordinance 96-659A, Sec. 1.; Ordinance 15-1366.)~~

### **~~10.02.040~~ 10.04.040 Park Use Without Required Fee Prohibited**

~~No person shall~~ It is unlawful to engage in a ~~park use or~~ activity on any Property for which there is a required fee without first paying the ~~required~~ fee. Any person engaged in a ~~park use or~~ activity on a Property for which there is a fee ~~shall~~ will be required to produce and exhibit the receipt ~~from the Director showing fee payment, which the person claims to have, or other satisfactory proof of payment~~ upon request of any Employee or authorized ~~person who shall desire to inspect the receipt~~ enforcement personnel for the purpose of enforcing compliance with this ~~e~~ Chapter or ~~any r~~ Rules promulgated pursuant thereto.

(Ordinance No. 96-659A, Sec. 1.)

**CHAPTER 10.0405**

**~~PIONEER CEMETERY PROPERTIES~~**

**HISTORIC CEMETERIES**

**~~SECTIONS~~ — ~~TITLE~~**

10.0405.010	Purpose
10.0405.020	Policy
10.0405.030	Definitions
10.0405.040	Description of <del>Pioneer</del> Historic Cemeteries
10.0405.050	Operation and Administration
<del>10.04.055</del>	<del>Enforcement Authority</del>
10.04.06005.060	Cemetery Hours of Operation
10.04.06505.070	Other Uses
10.04.07005.080	Sale of Interment/Inurnment Rights and Burial Services
10.04.08005.090	Multi-Interment/Inurnment Right Sales Restricted
10.04.09005.100	Transfer of Certificate of Interment and Inurnment Rights
10.04.10005.110	Full Body Grave Dimensions — Burial Limits
10.04.11005.120	Outer Burial Containers Required
10.04.12005.130	Disinterment
10.04.13005.140	Flowers Funerary Decorations Restricted
10.04.13505.150	Personal Effects and Mementos Prohibited
10.04.14005.160	Planting <del>On</del> or Around Graves Prohibited
10.04.14505.170	Grave Improvements Prohibited
10.04.15005.180	Markers
10.04.16005.190	Monuments and Memorials Restricted
10.04.17005.200	Marker, Monument, Memorial Repair Restricted
10.04.18005.210	Removal of Markers, Monuments, Memorials Prohibited
10.04.18505.220	Cemetery Errors and Irregularities
10.04.19005.230	Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund
10.04.22005.240	Historical Research Requests
<del>10.04.230</del>	<del>Other Laws Applicable</del>

\* — ~~Formerly “Pioneer Cemeteries” 10.04.010 to 10.04.060, Ordinance No. 04-1038A, Sec. 1, effective 6/24/04; repealed and replaced by Ordinance No. 12-1286.~~

\*\* — ~~Metro Code Chapter 10.04, “Pioneer Cemetery Properties,” Ordinance No. 12-1286, Sec. 1, adopted October 4, 2012, effective January 2, 2013.~~



#### **10.0405.010 Purpose**

The purpose of this chapter is to provide regulations controlling the operation of Metro owned and operated ~~Pioneer~~Historic Cemeteries and governing the use of these Cemeteries by members of the public in order to protect and preserve the ~~Pioneer~~Historic Cemeteries, the Graves and the Remains of those interred therein.

#### **10.0405.020 –Policy**

The Metro Council has determined that it is necessary to adopt ~~these code provisions~~this Chapter in order to ensure the long-term stability of Metro’s cemetery operations, which ~~shall~~will be achieved by Cemeteries being operated as follows:–

- (a) In compliance with applicable state laws;
- (b) As community assets;
- (c) In a manner that will maximize public financial benefit and long-term stability; and
- (d) To protect and preserve their historically significant nature.

All four above objectives are to be considered equally important in the management of Metro’s ~~Pioneer~~Historic Cemeteries.

#### **10.0405.030 –Definitions**

For the purposes of this ~~chapter~~Chapter, unless the context requires otherwise, the following terms ~~shall~~ have the meanings ~~indicated:~~given to them below:

~~(a) —“Advance Sale”~~**Preneed** means the sale and purchase of an Interment Right to a predetermined Grave in advance of use for any person to whom the owner designates for Burial in the predetermined Grave.

~~(b) —“At-Need”~~ means at the time of death sale of Graves/plots, services, memorials and materials which are to be delivered immediately or upon delivery to the Cemetery for immediate Interment. ~~Graves/plots are At-Need items due to their purchase being an immediate addition of an asset to one’s estate.~~

~~(c) —“Burial”~~ means the placement of Human Remains in a Grave, in accord with state law and regulations.

~~(d) —“Burial Services”~~ means the opening and closing of the Grave in accord with state law and regulations, including excavation and fill, the provision and placement of a concrete liner or vault and any overtime charges that apply.

~~(e) —“Cemetery,” “Pioneer Cemeteries,” and “Cemeteries” means those certain parcel(s) of real property set forth in section 10.04.030, designated, owned and operated by Metro for the disposition of Human Remains by any one or the combination of more than one of the following:~~

- ~~• —A Burial place for ground or earth Interments, either casket or cremation.~~
- ~~• —A mausoleum or crypt Interments.~~
- ~~• —A columbarium or Interment of Cremated Remains.~~

~~(f)~~ — **“Certificate of Interment/~~Inurnment~~ Rights”** or **“Certificate”** is a perpetual right to use property for burial purposes. The fee title of the property is without possession of any estate or interest in the land and all rights of ownership therein remain with Metro.

~~(g)~~ — **“Cremated Remains”** means the remains of a cremated human body after the completion of the cremation process.

~~(h)~~ — **“Contract of Purchase”** or **“Contract”** is an agreement between Metro and the purchaser of Burial Services or an Interment/~~Inurnment~~ Right to a Grave space ~~or~~ Niche, [or Ossuary](#).

~~(i)~~ — **“Disinterment”** is the removal of Human Remains from a Grave space as defined in ORS 97.220.

~~(j)~~ — **“Family Plot”** means a group of contiguous Graves sold for the purpose of the Interment or Inurnment of related individuals as set forth and governed by ORS 97.560-650.

~~(k)~~ — **“Grave”** means a space of ground in a Cemetery used or intended to be used for Interment or Inurnment.

~~(l)~~ — **“Human Remains”** or **“Remains”** are the body of a deceased person in any stage of decomposition.

~~(m)~~ — **“Interment”** is the disposition of Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

~~(n)~~ — **“Inurnment”** is the placement of cremated Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

~~(o)~~ — **“Marker”** means a flat Grave tablet or headstone placed flush to the ground, identifying a Grave or Graves.

~~(p)~~ — **“Memorial”** means a nameplate or inscription identifying a crypt or Niche, or any other improvement or permanent structure intended to identify the location of a Grave or Graves, other than a Marker or a Monument.

~~(q)~~ — **“Monument”** means an upright or vertical headstone or tombstone identifying a Grave or Graves.

~~(r)~~ — **“Niche”** means a space in a structure to place cremated Human Remains of one or more persons.

~~(s)~~ — **“Ossuary means is a communal below-ground depository for cremated Remains.”**

**Outer Burial Container** is a concrete or composite material container which is buried in the ground to provide outer protection and into which Human Remains or Cremated Remains are placed for Burial purposes.

~~(t)~~ — **“Perpetual Care Fund”** is a special account set aside for holding of funds used for the required perpetual maintenance of the Cemetery grounds.

#### **10.0405.040 –Description of ~~Pioneer~~Historic Cemeteries**

The areas dedicated for Interment purposes by Metro ~~shall~~ consist of the following ~~Cemeteries~~properties:

- (a) Brainard Cemetery located at NE 90th Ave. and NE Glisan St., Portland
- (b) Columbia Pioneer Cemetery located at NE Sandy Blvd. and NE 99th Ave., Portland
- (c) Douglass Pioneer Cemetery located at Hensley Road and SE 262nd Avenue, Troutdale
- (d) Escobar Cemetery located at SW Walters Road and Littlepage Road, Gresham
- (e) Gresham Pioneer Cemetery located at SW Walters Road, Gresham
- (f) Grand Army of the Republic Cemetery located at SW Boones Ferry Road and Palatine Road, Portland
- (g) Jones Cemetery located at SW Hewitt Blvd. and SW Humphrey Blvd., Portland
- (h) Lone Fir Cemetery located at SE 26st Ave. and SE Stark St., Portland
- (i) Mt. View-Corbett Cemetery located at Smith Road and Evans Road, Corbett
- (j) Mt. View-Stark Cemetery located at SE Stark Street and SE 257th Street, Gresham
- (k) Multnomah Park Cemetery located at SE 82nd Ave. and SE Holgate Blvd., Portland
- (l) Pleasant Home Cemetery located at Bluff Road and Pleasant Home Road, Gresham
- (m) Powell Grove Cemetery located at NE Sandy Blvd. and NE 122nd Ave., Portland
- (n) White Birch Cemetery located at SW Walters Road, Gresham

#### **10.0405.050 –Operation and Administration**

Metro ~~Cemeteries shall be operated~~will operate and ~~maintained~~maintain its Cemeteries in accordance with ~~Metro Code Title 10.01X~~ and ~~this chapter.~~all other applicable laws.

#### **10.04.055 –Enforcement Authority**

- ~~(a) —The Chief Operating Officer or designee shall have the authority to enforce all of the provisions of this chapter, including but not limited to the authority to enforce any rules and regulations established pursuant to this chapter.~~
- ~~(b) —The Chief Operating Officer or designee shall have the authority to establish rules and regulations governing the Pioneer Cemeteries consistent with the provisions of this chapter, including but not limited to rules governing Interment, Inurnment, and fees. Said rules shall be in writing, shall be posted on Metro's website and shall be filed with the Metro Council.~~
- ~~(c) —No person shall violate any rule or regulation which has been established by the Chief Operating Officer pursuant to this chapter. Said violation shall be subject to enforcement and penalties as set forth in Chapters 10.01.400 and 10.01.600.~~
- ~~(d) —The acts of Metro elected officials, employees, volunteers, interns, contractors and other agents constituting official duties, and other acts officially authorized by Metro by agreement, special use permit, or otherwise in writing shall not be deemed to violate this chapter or rules established pursuant hereto.~~

#### **~~10.04.05.060~~ –Cemetery Hours of Operation**

- (a) Metro's Cemeteries are open to the public from 7:00am to legal sunset. Hours of operation will be posted at each Cemetery.
- (b) Entering or remaining in a Cemetery outside of normal operating hours without obtaining prior authorization from Metro is a violation subject to Ejectment and Exclusion from the Cemetery as set forth in ~~Chapter 10.01.400 and/or the Penalties set forth in Chapter 10.01.600~~ Metro Code Section 10.02.110.
- (c) Interments and Inurnments ~~shall~~may take place between the hours of 8:00 am and 3:30 pm daily, with the exception of Saturdays, Sundays and legal holidays. Interments and Inurnments may be made outside of these hours at the discretion of the ~~Chief Operating Officer~~ Director, for an additional fee.

#### **~~10.04.065~~–~~05.070~~ Other Uses**

Uses other than Interment/~~Inurnment~~, Grave visitation, passive recreation, and historical research are prohibited unless specifically provided by Special Use Permit issued pursuant to ~~Metro~~ Chapter 10.~~01.360~~02.

#### **~~10.04.070~~–~~05.080~~ Sale of Interment/~~Inurnment~~ Rights and Burial Services**

- (a) Interment/~~Inurnment~~ Rights to a Grave may be sold by Metro both in advance (~~Advance Sale~~Preneed) or At-Need, by Contract of Purchase. Purchasers ~~shall~~must pay the full fee for Interment/~~Inurnment~~ Rights on the date of sale. Upon payment, Metro ~~shall~~will issue the purchaser a Certificate of Interment/~~Inurnment~~ Rights.
- (b) Burial Services and goods ~~shall~~may be sold At-Need through a Contract of Purchase.
- (c) Fees and charges for Burial Services and goods must be fully paid before Interment/~~Inurnment~~ will be permitted. Exceptions may be made at the discretion of the Director.
- (d) Metro ~~shall~~will retain ownership and control of all Graves or Niches sold, subject to the terms of the Certificate of Interment/~~Inurnment~~ Rights.

#### **~~10.04.080~~–~~05.090~~ Multi-Interment/~~Inurnment~~ Right Sales Restricted**

- (a) Except as set forth in this ~~chapter 10.04.080(b and c)~~, Section, below, the sale by Metro of a group of Interment/~~Inurnment~~ Right Certificates is prohibited.
- (b) A group of contiguous Interment/~~Inurnment~~ Right Certificates for contiguous Graves may be sold to one family or individual for the purposes of creating a Family Plot.
- (c) A group of Interment/~~Inurnment~~ Right Certificates other than a Family Plot may be sold upon the adoption of a resolution by the Metro Council approving an agreement establishing terms, including the rates and terms of resale. A one-time administrative fee set at the discretion of the Chief Operating Officer or designee ~~shall~~must be charged in addition to regular fees and rates.

#### **~~10.04.090-05.100~~ Transfer of Certificate of Interment ~~and Inurnment~~ Rights**

- (a) Interment/Inurnment Rights, whether conveyed by the ~~Pioneer~~Historic Cemeteries to the recipient by Deed, Certificate or other means, cannot be sold, transferred, bartered, exchanged or assigned (hereafter "Transfer(red)") to any other person or entity without the prior written consent of the Chief Operating Officer or designee, in accordance with Oregon Revised Statutes Chapter 97 and as set forth in ~~s~~Section 10.04.070.
- (b) ~~In the event~~If an owner of an Interment/~~Inurnment~~ Right seeks permission from Metro to Transfer an Interment/~~Inurnment~~ Right, Metro ~~shall~~will have the first right to buy back said Interment/~~Inurnment~~ Right from the owner for the price paid when the Interment/~~Inurnment~~ Right was originally sold.
- (c) No attempted Transfer of an Interment/~~Inurnment~~ Right ~~shall~~will be complete or effective unless it has been approved by Metro and recorded in the Metro Cemetery records.
- (d) A one-time administrative fee set at the discretion of the Chief Operating Officer or designee ~~shall~~must be charged for all Transfers.
- (e) The above set forth notwithstanding, the Transfer Interment/Inurnment Rights within Family Plots to family members in accord with Oregon Revised Statute Chapter 97 is permitted without fee or other charge.
- (f) Except as set forth in written agreements entered into by Metro prior to the first effective date of this ~~ordinance~~,Section 10.05.100 (January 2, 2013), the sale of Interment/~~Inurnment~~ Rights by purchasers to third parties for more than the ~~current~~ rate charged by Metro on the date of such sale is prohibited.

#### **~~10.04.100-05.110~~ Full Body Grave Dimensions – Burial Limits**

A single Grave ~~shall~~must measure 40 inches by 9 feet and may contain up to ~~one (1) casket~~two (2) caskets and six (6) urns, unless otherwise authorized at the sole discretion of the ~~Chief Operating Officer~~Director or ~~designee and/or the rules adopted pursuant to this chapter~~by Rule.

#### **~~10.04.110-05.120~~ Outer Burial Containers Required**

Metro approved Outer Burial Containers are required for all Interments/Inurnments in Metro Cemeteries with the exception of any niche.

#### **~~10.04.120-05.130~~ Disinterment**

- (a) Unless ordered by the State Medical Examiner or a court having jurisdiction over Metro Cemeteries, Remains interred in a Grave at any Metro Cemetery ~~shall only~~may be disinterred only upon the written consent of the Chief Operating Officer or designee and the person having the right to control the disposition of said Remains, and in accordance with applicable state law.

- (b) If Disinterment is needed by Metro and consent of the person having the right to control the disposition of said Remains cannot be obtained or such person cannot be located, the Chief Operating Officer or designee may apply to the Multnomah County Circuit Court for permission to disinter. -Said application ~~shall~~must be submitted only after notice of application to the Metro Council.

#### **~~10.04.130~~ 05.140 Flowers Funerary Decorations Restricted**

- (a) All flowers, funerary decorations and plants on Graves in violation of this section, and/or that conflict with normal grounds maintenance, will be forfeited, removed and disposed without notice.
- (~~a~~b) All flowers, funerary easels and decorations placed on a Grave at the time of a funeral and not removed within three (3) weeks after the Interment are subject to removal and disposal by Metro.
- (~~b~~c) All flags, flowers and plants placed on Graves on Memorial Day and not removed within three (3) weeks after ~~the Interment~~Memorial Day are subject to removal and disposal by Metro.
- (~~c~~d) Artificial flowers and plants are prohibited between March 1st and November 15th of each year, except for a period of three weeks after Memorial Day observance.
- (~~d~~e) All flowers, funerary easels and decorations will be subject to removal and disposal by Metro when they become withered, faded or otherwise unsightly, in Metro's sole discretion.

#### **~~10.04.135~~ 05.150 Personal Effects and Mementos Prohibited**

(~~a~~) —Personal property, including but not limited to, sacred objects, photographs, toys, clothing, glassware, banners, pin-wheels, chimes, balloons or staked items, left in the Cemetery or placed on or near a Grave is prohibited, except as otherwise permitted in writing by Metro at the discretion of the ~~Chief Operating Officer or designee~~Director. Said personal property will be forfeited, removed by ~~the Cemeteries staff~~Metro and disposed without notice or other process.

#### **~~10.04.140~~ 05.160 Planting On or Around Graves Prohibited**

Planting of trees, shrubs or any other plant material, except turf grass, on Graves or their borders is prohibited, unless approved in writing by the Director.

#### **~~10.04.145~~ 05.170 Grave Improvements Prohibited**

Grave improvements other than Metro approved Markers, Monuments and Memorials are prohibited. -The placement or installation by any person of temporary or permanent improvements covering, bordering or indicating the boundaries of Graves, including but not limited to posts and fences of any kind, walls, coping or curbs of concrete brick, stone or marble, is ~~a violation of this chapter subject to the penalties set forth in Chapter~~



~~10.01.600.prohibited.~~ Memorials and improvements so placed or installed ~~shall~~will be deemed forfeited and ~~shall~~will be removed by ~~the Cemeteries staff~~Metro and disposed without notice.

#### **~~10.04.150-05.180~~ Markers**

- (a) Grave Markers ~~shall~~will be limited to no more than ~~one~~two (2) per Grave, ~~and~~ installed ~~at~~within three feet of the head of the Grave. Persons installing a Grave Marker must submit an Installation Authorization Form to Metro depicting and describing the Marker and providing proof that said person is authorized to perform installation by the owner(s) of the Interment/~~Inurnment~~ Right described on the Certificate of Interment and the person with legal right of disposition of the Remains. Exceptions may be approved by the Director or by Rule.
- (b) No person ~~shall~~may place any permanent Marker made of a material other than natural stone or bronze metal in a Metro Cemetery.
- (c) No person ~~shall~~may place any permanent Marker in a Metro Cemetery unless properly supported with a foundation/collar made of concrete three (3) inches in width, flush with the ground, having no beveled edges. Each foundation/collar must be marked with the Grave, lot and block number of the Cemetery in which it is placed.
- (d) Markers and Marker bases ~~shall~~may not exceed the width of the Grave and ~~shall~~may be no larger than the following dimensions:
  - i. Single Grave ~~\_\_\_\_\_~~ 18" x 30"
  - ii. Companion Graves ~~\_\_\_\_\_~~ 18" x 60"
  - iii. ~~(d)~~ Memorial or vase block 12" x 12"
- (e) The installation of any improvement to a Grave other than a Marker is prohibited, unless otherwise approved ~~as set forth in section~~ by the Director. 10.04.160.

#### **~~10.04.160-05.190~~ Monuments and Memorials Restricted**

- (a) Monuments and Memorials are generally prohibited, but may be allowed at the discretion of the ~~Chief Operating Officer or designee~~Director, or as permitted by ~~rules established pursuant to this chapter~~any Rule.
- (b) Monuments and Memorials permitted under this section must comply with the requirements for Markers set forth in Section ~~10.04.150(a)-(c), 05.180, above,~~ and are subject to an additional fee. The owner(s) of the Interment/Inurnment Right and/or the person with legal right of disposition must enter into an Agreement with Metro providing permission to install the Monument or Memorial and releasing Metro from liability for any and all damage or destruction of the Monument or Memorial that may occur.

#### **~~10.04.170-05.200~~ Marker, Monument, Memorial Repair Restricted**

No repairs, restoration or improvements to any Marker, Monument or Memorial is permitted unless performed strictly under the written terms of approval issued by the ~~Chief Operating Officer or designee. Violations of this section are also violations of section 10.04.180~~Director.

#### **~~10.04.180-05.210~~ Removal of Marker, Monument, Memorials Prohibited**

The removal of any Marker, Monument, Memorial or improvement is prohibited unless approved in writing by the ~~Chief Operating Officer or designee. It shall be a violation of this chapter for anyone~~Director. It is unlawful to intentionally damage, alter, or deface any such property.

#### **~~10.04.185-05.220~~ Cemetery Errors and Irregularities**

- (a) ~~The Chief Operating Officer or designee~~The Director may preclude an Interment/Inurnment in a Cemetery based on a determination that the ownership of the right of Interment/Inurnment, the location of the Grave, or the ability to open said Grave without intruding upon nearby occupied Graves is in doubt.
- (b) When an Interment/Inurnment is precluded by the ~~Chief Operating Officer~~Director under subsection (a), or if for any other reason an Interment/Inurnment space cannot be opened, Metro may elect to direct Interment/Inurnment of Remains in an available Grave in such location in the Cemetery as is deemed reasonably appropriate and reasonably equivalent in value at the sole discretion of the ~~Chief Operating Officer or designee~~Director.
- (c) The Chief Operating Officer or designee may correct any errors made by Metro in the description or transfer of Interment/Inurnment Rights, or by its agents in performing Interments/Inurnments, Disinterment or removals, when determined to be necessary in his/her sole discretion. The Chief Operating Officer or designee may void the erroneous grant of any Interment/Inurnment Certificate and provide a refund of the purchase price, or substitute in lieu thereof an Interment/Inurnment Certificate for a Grave selected by Metro within the same Cemetery of equal value and reasonably similar location if possible. -In the event such error involves the Interment/Inurnment of the remains of any person, ~~The~~the Chief Operating Officer or designee may, at his/her sole discretion, elect to disinter said remains in accord with state law and reinter them in another available Grave within the same Cemetery, of equal value and reasonably similar location as may be substituted and conveyed as set forth the above.

#### **~~10.04.190-05.230~~ Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund**

- (a) ~~The Chief Operating Officer or designee shall~~The Director will establish rates for the Perpetual Care Fund, sale of Interment/Inurnment Rights for Graves and Niches and ~~shall~~ set fees and charges for ~~Pioneer~~Historic Cemetery goods and services, including Burial and other required or optional services. Said rates, fees and charges ~~shall~~will be designed to recover all costs of operating the Cemeteries and may be adjusted from time to time by the Director without notice, to reflect market rates and to ensure the solvency and financial stability of the Cemeteries.
- (b) Interment/Inurnment Right purchasers ~~shall~~must pay the rate, fees and charges on the date of purchase. Except as otherwise set forth in this chapter, no option to purchase rights or other prospective rights to Interment in the ~~Pioneer~~Historic



Cemeteries ~~shall~~may be granted unless approved by resolution of the Metro Council setting forth the terms and conditions of said option or prospective right. Prices, fees and charges for services may vary among Cemeteries, as determined by the ~~Chief Operating Officer~~Director.

- (c) ~~The Chief Operating Officer or designee~~The Director may reduce rates, fees and charges for Grave sales and Burial Services in situations of extreme financial hardship or in cases of Wards of the State. ~~All reductions or waivers shall~~must be applied by written order setting forth the facts justifying the waiver or exemption.

#### **~~10.04.220~~05.240 Historical Research Requests**

Due to the confidentiality and sensitive nature of Cemetery records, Metro will not distribute personal or contact information regarding any Interment/Inurnment Rights performed within the last 50 years from date of inquiry without proof of lineage, except as required by Oregon public records laws.

#### **~~10.04.230~~ Other Laws Applicable**

~~This chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in this chapter.~~

~~{Ordinance No. 12-1286, Sec. 1, adopted October 4, 2012, effective January 2, 2013.}~~

EXHIBIT D TO ORDINANCE NO. 18-1419

**TITLE X**

**METRO PARKS, CEMETERIES AND NATURAL AREAS**

- 10.01 Definitions
- 10.02 Permits, Enforcement and Appeals
- 10.03 Rules and Regulations
- 10.04 Fees
- 10.05 Historic Cemeteries

## CHAPTER 10.01

### DEFINITIONS

#### 10.01.010 Definitions

For the purposes of Title X Metro Parks, Cemeteries and Natural Areas, unless the context requires otherwise, the following terms have the meanings given to them in this Chapter:

**Cemetery, Historic Cemeteries, and Cemeteries** means the places identified in Section 10.05.040 that are designated, owned and operated by Metro for the disposition of Human Remains (as defined in Section 10.05.030).

**Director** means the person or persons designated by the Chief Operating Officer to serve as the Director of the Parks and Nature Department, or the Director's designee.

**Employee** means any paid employee of Metro performing tasks or functions at any Property at the request or direction of either the Chief Operating Officer or his or her designee, or the Metro Council.

**Natural Area(s)** means any Property managed for purposes of habitat conservation and restoration, including Properties used seasonally for agricultural use complementary to habitat conservation.

**Noise disturbance** means any sound which injures or endangers the safety or health of humans, annoys or disturbs a reasonable person of typical sensitivities, or harms wildlife.

**Park(s)** means any Property improved for purposes of recreation, including passive recreation, and open for public use, including regional recreation areas, regional nature parks, and motorized and non-motorized boat launches or ramps.

**Parks and Nature Department** means Metro's Parks and Nature Department, as the department may be renamed or reorganized from time to time.

**Permit** means any type of special event, use, camping, or reservation permit issued by Metro.

**Person** has the meaning set forth in Metro Code Section 1.01.040(h).

**Property** means land or interests in land owned by Metro and managed by the Parks and Nature Department, including Cemeteries, Parks, and Natural Areas.

**Property Rules or Property-Specific Rules** means a Rule established by the Director for a specific Property.

**Public** means any person other than a Metro elected official, officer, Employee, volunteer, contractor or other agent while on duty.

**Regional Trail** means a pedestrian off-street trail identified on Metro's Regional Trails and Greenways map and found on Metro's website as a Regional Trail.

**Rule(s)** means rules and regulations adopted by the Director pursuant to Metro Code Title X.

**Title X** refers to this Title X of the Metro Code (Metro Parks, Cemeteries and Natural Areas).

**Vehicle** means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled, including a bicycle, and includes any trailer in tow of any size, kind or description, but does not include (a) baby carriages or strollers, (b) vehicles in the service of the Parks and Nature Department, or (c) manually operated or power-driven devices used for locomotion by an individual with a mobility disability. [Ord. 96-659A, Sec. 1; Ord. 02-978, Sec. 1; Ord. 15-1366.]

## **CHAPTER 10.02**

### **PERMITS, ENFORCEMENT AND APPEALS**

10.02.010	Purpose
10.02.020	Policy
10.02.030	Enforcement Authority
10.02.040	Exceptions; Authorized Acts by Permit
10.02.050	Permits Required
10.02.060	Permit Revocation
10.02.070	Display of Permits Required
10.02.080	Interference with Permittees Prohibited
10.02.090	Posting of Rules
10.02.100	Enforcement Personnel
10.02.110	Citation, Ejectment and Exclusion, Hearing
10.02.120	Seizure of Property
10.02.130	Hearing Regarding Seized Property
10.02.140	Other Laws Applicable
10.02.150	Severability

### **10.02.010 Purpose**

The purpose of this Title X is to provide rules and regulations governing the use of Metro's Parks, Cemeteries and Natural Areas by members of the public, in order to protect lands, habitat, wildlife, plants, and improvements, to provide for the safety of employees and visitors, and to further the enjoyment of any person visiting these facilities. Additional rules and regulations governing Cemeteries are set forth in Chapter 10.05. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

### **10.02.020 Policy**

The Metro Council has determined that it is necessary to adopt these Code provisions in order to further the safe and efficient operation, protection and maintenance of Metro's Parks, Cemeteries and Natural Areas and to protect the health, safety and welfare of the public and Metro's employees; therefore, Title X will be liberally construed to effectuate this purpose. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

### **10.02.030 Enforcement Authority**

- (a) The Director has the authority to enforce all of the provisions of Title X, including but not limited to the authority to enforce any Rules adopted pursuant to this Section.
- (b) The Director has the authority to establish Rules that are not inconsistent with the provisions of Title X, including but not limited to, rules governing fees and penalties, Property-Specific Rules, and rules governing Interment and Inurnment, as defined in Chapter 10.05. Said rules must be in writing, posted on Metro's website and filed with the Metro Council.
- (c) No Person may violate any Rule established by the Director. [Ord. 96-659A, Sec. 1.]

### **10.02.040 Exceptions; Authorized Acts by Permit**

Notwithstanding anything to the contrary in Title X, the following are not violations of Title X or of any Rules:

- (a) The acts of Metro elected officials and Employees constituting official duties.
- (b) The authorized acts of Metro-approved volunteers.
- (c) The acts of agents and contractors authorized by agreement with Metro.
- (d) Acts of third parties or the public officially authorized by agreement with Metro, or by Permit.

### **10.02.050 Permits Required**

No person may, within the boundary of any Property, conduct or participate in any activity for which a Permit is required, unless Metro has issued a Permit for the activity. A Permit is required under the following circumstances and for the following activities:

- (a) Film or television filming, production, or commercial photography.
- (b) Any organized sporting event or competition, including but not limited to team sports, fishing, water-skiing, disc golf, wakeboarding, track and field, triathlon or duathlon.
- (c) Special educational events or festivals, except those specifically hosted by Metro.
- (d) Amplified sound, pony rides, dunk tanks, or carnival games.
- (e) Consumption of alcohol in designated locations.
- (f) Landing of helicopters, small planes, sea planes, float planes or similar.
- (g) Camping overnight or longer.
- (h) Any organized event or activity involving 25 persons or more, except for picnics where a reservation has been secured.
- (i) Any event where the person or persons engaged in the activity seek to exclude, or to have the right to exclude, any member of the public from the activity or from any area of any Property. For example, a reservation is required for a picnic shelter if the person making the reservation seeks to exclude other members of the public from the shelter during the period of the reservation.
- (j) Any activity which is otherwise prohibited by this Metro Code Chapter 10.02.
- (k) Any use of Historic Cemeteries other than as described in Metro Code Section 10.05.070. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

### **10.02.060 Permit Revocation**

Any Permit granted hereunder may be revoked at the discretion of the Director or his/her designee, with a full refund. If the Director revokes a Permit under this Section upon a finding of violation of Title X, or any Rule, ordinance, statute, or conditions of the Permit, no refund may be given. [Ord. 96-659A, Sec. 1.]

### **10.02.070 Display of Permits Required**

It is unlawful for any person to:

- (a) Fail to produce and display any required Metro Permit or receipt, upon request of any Employee or agent of Metro.

- (b) Fail to clearly display at all times, while within the boundaries of any Property, any required proof of parking fee payment or waiver on the dashboard of the person's vehicle so that such proof is plainly visible from the exterior of the vehicle. [Ord. 96-659A, Sec. 1.]

#### **10.02.080 Interference with Permittees Prohibited**

No person may disturb or interfere unreasonably with any person or party occupying or participating in any activity in a Property under the authority of a Permit. Unreasonable interference includes, but is not limited to, conduct that substantially prevents any person from viewing or hearing the permitted activity, or substantially preventing the free passage, ingress and egress of event participants or attendees. [Ord. 96-659A, Sec. 1.]

#### **10.02.090 Posting of Rules**

Rules and provisions for use and administration of Parks, Cemeteries and Natural Areas, must be in writing, and made reasonably available to the public by, for example and in the discretion of the Director, posting on Metro's website, keeping a copy at each Property office for inspection, posting signage, or by displaying as otherwise required by this Chapter. [Ord. 96-659A, Sec. 1.]

#### **10.02.100 Enforcement Personnel**

- (a) The Director and the Director's authorized representatives must, in connection with their duties imposed by law, diligently enforce the provisions of Title X and any Rules.
- (b) It is unlawful for any person to harass, obstruct, interfere with or disobey the direction of any authorized Metro Employee or agent carrying out the enforcement of Title X or any Rules. [Ord. 96-659A, Sec. 1.]

#### **10.02.110 Citation, Ejection and Exclusion, Hearing**

- (a) The Director and the Director's authorized enforcement personnel have the authority to: (i) cite, cite for civil penalties or eject from any Property any person acting in violation of Title X, any Rules, or the laws of the State of Oregon; and (ii) exclude from any Property any person acting in violation of Title X, any Rules, or the laws of the State of Oregon for not more than one (1) year.
- (b) Written notice must be given to any person excluded from Metro Property. The notice must specify the violation of Title X, the Rule violated, or the law of the State of Oregon that is the basis for the exclusion and must specify the dates covered by the exclusion. The notice must contain a statement of the person's right to request a hearing and to be represented by legal counsel. The notice must be signed by the issuing party. The consequences of failing to comply with the exclusion notice must be prominently displayed on the notice.



- (c) A person receiving an exclusion notice may request a hearing to appeal the exclusion by sending a written request for a hearing to the Director by registered or certified mail.
- (d) At any time during the period of the exclusion, a person receiving an exclusion notice may apply in writing to the Director for a temporary waiver from the exclusion. The Director may grant a temporary waiver of an exclusion based upon a showing of good cause for said waiver. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

#### **10.02.120 Seizure of Property**

The Director and any authorized enforcement personnel has the authority to seize and confiscate any property, thing or device held, kept or used in violation of Title X or any Rule. [Ord. 96-659A, Sec. 1.]

#### **10.02.130 Hearing Regarding Seized Property**

- (a) Persons who have had any personal property, thing or device confiscated under this Chapter may request a hearing to appeal the confiscation by sending a written request for hearing to the Director by registered or certified mail.
- (b) The hearing must be conducted in accord with the applicable contested case procedures set forth in Metro Code Chapter 2.05.
- (c) Any property, thing or device which was not wrongfully confiscated will become the property of Metro and may be disposed of in a manner to be determined by the Director. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

#### **10.02.140 Other Laws Applicable**

Title X and the Rules adopted under its authority are in no way a substitute for and do not eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in Title X, including but not limited to City or County ordinances containing regulations and prohibitions pertaining to firearms and dangerous or deadly weapons. [Ord. 96-659A, Sec. 1; Ord. 10-1230, Sec. 4.]

#### **10.02.150 Severability**

If any section, subsection, sentence, clause, phrase or portion of Title X is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion will be considered a separate, distinct and independent provision, and the holding will not affect the validity of the remaining portion of Title X. [Ord. 96-659A, Sec. 1.]

## **CHAPTER 10.03**

### **RULES AND REGULATIONS**

10.03.010	Property Destruction and Other Property Prohibitions
10.03.020	Tree and Plant Prohibitions
10.03.030	Animal, Bird and Fish Prohibitions
10.03.040	Pollution of Waters and Soils Prohibited
10.03.050	Refuse and Trash Prohibitions
10.03.060	Traffic Prohibitions
10.03.070	Parking Prohibitions
10.03.080	Bicycle Restrictions
10.03.090	Horseback Riding Restrictions
10.03.100	Domestic Animals Restricted
10.03.110	Bathing and Swimming Restrictions
10.03.120	Boats and Moorages
10.03.130	Blue Lake Boating Restrictions
10.03.140	Fireworks and Explosives Prohibited
10.03.150	Fires Restricted
10.03.160	Firearms Restrictions
10.03.170	Dangerous Weapon Prohibitions
10.03.180	Prohibited Games
10.03.190	Scale Model Equipment, Drones Prohibited
10.03.200	Smoking Prohibitions
10.03.210	Consumption of Alcoholic Beverages, Controlled Substances
10.03.220	Public Intoxication Prohibited
10.03.230	Improper Exposure; Sexual Activity
10.03.240	Violent and Excessively Loud Conduct Prohibited
10.03.250	Signs Restricted
10.03.260	Concessions, Vending and Peddling Restricted
10.03.270	Posted Hours of Operation
10.03.280	Camping Permits and Restrictions
10.03.290	Closed Areas

### **10.03.010 Property Destruction and Other Property Prohibitions**

Within the boundaries of any Property, it is unlawful to:

- (a) Willfully mark, deface, disfigure, damage, tamper with, displace or remove any property, improvements, fixtures, or equipment, including buildings, restrooms, bridges, tables, benches, grills, fireplaces, railings, fences, gates, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts or other boundary markers, other structures or equipment, property or appurtenances whatsoever, either real or personal.
- (b) Dig or remove any soil, rock, gravel, stones, or artifacts, or make any excavation by tool, equipment, blasting or other means or agency, including on land or in streams.
- (c) Climb, scale, walk, stand, swing, or sit upon monuments, rock walls, planters, fountains, railings, fences or any other feature within a Property that is not designated or customarily used for such purposes.
- (d) Fail to stay on designated trails, paths or roads.
- (e) Construct, install, add to, remove, maintain, or alter any trail, path, track, fence, gate, course, route, bridge, overpass, culvert or crossing, or construct structures on a Property, such as tree forts or camps.
- (f) Use any metal or mineral locating or detecting devices of any kind. [Ord. 96-659A, Sec. 1.]

### **10.03.020 Tree and Plant Prohibitions**

Within the boundaries of any Property, it is unlawful to:

- (a) Damage, cut, carve, trim, prune, transplant, remove or destroy any tree, shrub, plant, or seeds, or any part of any tree, shrub or plant, regardless of whether the tree, shrub or plant is dead or alive, including without limitation, damage such vegetation through use of a vehicle, whether the damage is intentional or not, or remove wood for firewood. Use of chain saws is prohibited.
- (b) Climb, scale, or swing upon any trees or shrubs not designated for such purposes.
- (c) Plant any tree or shrub or other plant on a Property. [Ord. 96-659A, Sec. 1.]

### **10.03.030 Animal, Bird and Fish Prohibitions**

- (a) Within the boundaries of any Property, except as stated in Sections (e), (f), and (g) below, it is unlawful to hunt, harass, harm, poison, frighten, kill, trap, chase, shoot, project, or throw projectiles at, any bird, fish or other living creature, or remove or have in possession any wild animal, bird, fish, amphibian, invertebrate, or reptile or the eggs or nest of any reptile or bird, or obtain access to or cross any Property with

the intent to hunt or trap on adjacent lands. Possession of relevant equipment will be deemed sufficient evidence of such intent.

- (b) It is unlawful, within the boundaries of any Property, to feed or offer food items to any wildlife or fish.
- (c) It is unlawful, within the boundaries of any Property, to release any plant, fish, wildlife, aquarium contents, or other living organism.
- (d) It is unlawful, within the bounds of any Property, to place waterfowl decoys or use recorded birdsong, playback, calls, or other audio or mechanical method of attracting birds or other wildlife.
- (e) Acts of employees of federal and state agencies, including the United States Fish and Wildlife Service, United States Geologic Society, and Oregon Department of Fish and Wildlife, while performing their official duties will not be deemed a violation of this Section.
- (f) Fishing is permitted only where designated by a Property-Specific Rule, and in accordance with applicable rules and regulations promulgated by the Oregon Department of Fish and Wildlife (subject to prohibitions on dangerous weapons set forth in Section 10.03.170, below).
- (g) The Director may establish Property-Specific Rules that allow hunting on a limited basis in conformance with federal and state law if the Director finds that it is necessary and beneficial to conservation efforts to control animal populations. [Ord. 96-659A, Sec. 1.]

#### **10.03.040 Pollution of Waters and Soils Prohibited**

It is unlawful for any person to bury, release, discharge or otherwise place or cause to be placed in the soils or waters of any fountain, pond, lake, river, stream, bay or other body of water in or adjacent to any Property, any matter or thing, liquid, gas, or solid, which will or may result in the pollution of those waters or soils, including, without limitation, urination or defecation on any Property except in designated restrooms. [Ord. 96-659A, Sec. 1.]

#### **10.03.050 Refuse and Trash Prohibitions**

It is unlawful for any person to deposit, dump, place or leave any rubbish, bottles, cans, garbage or refuse of any type regardless of its source in a Property, except refuse, garbage or litter occasioned through lawful use of the Property which must be deposited in appropriate receptacles provided for that purpose. [Ord. 96-659A, Sec. 1.]

#### **10.03.060 Traffic Prohibitions**

Within the boundaries of any Property, it is unlawful to:

- (a) Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in Title X, any Rule, and other ordinances.
- (b) Fail to obey Employees and agents, which persons hereby are authorized and instructed to direct traffic whenever and wherever needed on any Property and on the highways, streets or roads immediately adjacent to any Property.
- (c) Fail to observe and obey all traffic signs indicating speed, direction, caution, stopping or parking, and all other signs posted for proper traffic control and to safeguard life and property.
- (d) Drive any motor vehicle, including all-terrain vehicles (ATVs), on any area except roads, parking areas, or such other areas as may be specifically designated by the Director. [Ord. 96-659A, Sec. 1.]

### **10.03.070 Parking Prohibitions**

Within the boundaries of any Property, it is unlawful to:

- (a) Park a motor vehicle in a location other than an established or designated parking area or in violation of the posted signage or identified restrictions, or against instruction of an Employee or agent who may be present at an established or designated parking area.
- (b) Double park any motor vehicle on a road or parkway, or otherwise park any vehicle such that a vehicle prevents the egress of other vehicles, or park in front of or block a fire lane or Property entry or exit gate, unless directed by an Employee or agent of Metro.
- (c) Leave any vehicle parked in any Property after normal operation hours without first obtaining permission from an Employee or agent of Metro.
- (d) Leave any vehicle parked or stopped on a boat ramp except while loading or unloading a boat. Vehicles so parked are subject to citation and tow. [Ord. 96-659A, Sec. 1.]

### **10.03.080 Bicycle Restrictions**

Within the boundaries of any Property, it is unlawful to:

- (a) Ride a bicycle on other than a vehicular road, trail or path specifically designated and signed for that purpose. A bicyclist is permitted to wheel or push a bicycle by hand in a Park over any mowed area or natural surface or on any paved area reserved for pedestrian use.
- (b) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit. Bicycles must be in single file when two (2) or more are operating as a group. Bicyclists must at all times operate their bicycles with

reasonable regard to the safety of others, signal all turns, and pass to the right of any vehicle they are meeting or overtaking. [Ord. 96-659A, Sec. 1.]

### **10.03.090 Horseback Riding Restrictions**

It is unlawful for any person, within the boundaries of any Property, to ride a horse (including ponies, mules or donkeys) except on trails or areas designated for such purpose. Horses may be loaded and unloaded at designated areas only, must be thoroughly well trained and properly restrained, must be ridden with due care, and may not be allowed to graze or go unattended. Horse droppings must be removed by the rider immediately and disposed of in an area designated for horse trailer parking. [Ord. 96-659A, Sec. 1.]

### **10.03.100 Domestic Animals Restricted**

No person may bring a dog or other domestic animal onto a Property, including within a motor vehicle and on or off leash, except as follows:

- (a) The animal is a “Service Animal” or “Animal Trainee” (each as defined by the Americans with Disabilities Act), or the animal is an “Assistance Animal” or “Assistance Animal Trainee” (as defined by ORS Chapter 659A.103 et seq.).
- (b) Dogs are permitted on-leash on Regional Trails traversing Metro Property, and on-leash at the Chinook Landing Marine Park, the Farmington Paddle Launch, the M. James Gleason Memorial Boat Ramp, and the Sauvie Island Boat Ramp.
- (c) Horses are permitted, subject to Section 10.03.090, above. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

### **10.03.110 Bathing and Swimming Restrictions**

Within the boundaries of any Property, it is unlawful to:

- (a) Swim, bathe or wade in any waters or waterways, except in such waters and at such times and places as are designated, and otherwise in compliance with Title X and all Rules.
- (b) Construct, install or use rope swings adjacent to waterways in any Property. [Ord. 96-659A, Sec. 1.]

### **10.03.120 Boats and Moorages**

It is unlawful for any person to:

- (a) Disobey any applicable signage posted in boat launching, moorage and beach areas.
- (b) Moor a boat or other floating vessel longer than 30 minutes on boarding docks, or 12 hours on transient docks.

- (c) Improperly secure a boat or other floating vessel in such a manner as to cause personal injury or damage to property or resources.
- (d) Swim, fish, sunbathe, kiteboard, paddleboard, sailboard, wakeboard or water ski in the immediate vicinity of a boat launch or from boat moorage docks. [Ord. 96-659A, Sec. 1.]

#### **10.03.130 Blue Lake Boating Restrictions**

It is unlawful to bring into or launch any watercraft of any type from Blue Lake Park, except as provided in subsections (a) through (c), below. All boating activities must be in accordance with applicable rules of the State of Oregon.

- (a) Watercraft belonging to residents whose property adjoins Blue Lake. Such watercraft must be identified by the current decal and number of the Interlachen Homeowners Association, or its successor organization.
- (b) Watercraft for rent at Blue Lake Park.
- (c) Privately-owned watercraft between October 1st and April 30th of each year provided that they do not exceed 14 feet in length or 17 feet for canoes, and 3.0 horsepower in motor capability. [Ord. 96-659A, Sec. 1.]

#### **10.03.140 Fireworks and Explosives Prohibited**

Within the boundaries of any Property, it is unlawful to bring, or have in possession, or ignite or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material, or discharge them or throw them into any Property from any adjacent land or highway. This prohibition includes any substance, compound, or mixture having properties of such a character that alone or in combination with other substances, compounds or mixtures, propels projectiles, explodes or decomposes to produce flames, combustion, noise, or noxious or dangerous odors. Nothing in this section shall be construed to prohibit firearms or the proper use of charcoal lighter fluid in proper containers in picnic grills where permissible. [Ord. 96-659A, Sec. 1.]

#### **10.03.150 Fires Restricted**

Within the boundaries of any Property, it is unlawful to:

- (a) Build or attempt to build a fire except in such areas and under such Rules as may be adopted by the Director. All fires must be completely extinguished after use.
- (b) Drop, throw or otherwise scatter lighted matches, cigarettes or cigars, tobacco paper or other inflammable material within any Property or on any highway, road or street abutting and contiguous to any Property. [Ord. 96-659A, Sec. 1.]

### **10.03.160 Firearms Restrictions**

Federal, State, County and local ordinances restricting or prohibiting the possession of firearms apply on Metro Property.

### **10.03.170 Dangerous Weapon Prohibitions**

It is unlawful for any person to possess in any Property any object specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Things prohibited under this Section do not include firearms (which are governed by Metro Code Section 10.03.160, above), but include and are not limited to: pellet guns, paintball guns, bow and arrow, spring-loaded weapons, stun guns or tasers, knives having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice-pick, sling shot, metal knuckles, martial arts weapons, studded handcoverings, swords, straight razors, tear gas containers, hatchets, axes, or the items described in Section 10.03.180(a), below.

### **10.03.180 Prohibited Games**

Within the boundaries of any Property, it is unlawful to:

- (a) Take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, darts, paintball, or javelins, except as may be permitted in designated areas.
- (b) Participate in or use emerging technologies that can harm vegetation or improvements, or involve off-trail activities, such as geocaching, letterboxing and similar activities, or augmented reality applications, except in accordance with applicable Rules. [Ord. 96-659A, Sec. 1.]

### **10.03.190 Scale Model Equipment, Drones Prohibited**

As an owner of real property as described in ORS 837.380, Metro prohibits the use of unmanned aircraft systems (e.g. drones) on its Property. Within the boundaries of any Property, it is unlawful to:

- (a) Use or operate any power-propelled model rocket, drone aircraft, glider, wheeled or tracked vehicle or boat, except in areas specifically designated by Metro and posted for such use.
- (b) Launch drones from Metro Property or land drones on Metro Property.
- (c) Fly any drones at a height of less than 400 feet in the airspace above Metro Property land or water. Metro reserves its rights under ORS 837.380 to recover treble damages and attorneys fees for any trespass in violation of this Section, as permitted by law.



### **10.03.200 Smoking Prohibitions**

It is unlawful to smoke on any Property. "Smoking" means inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, weed, plant, or other combustible organic or chemical substance, the smoke from which is intended to be inhaled or drawn into the nose or mouth. In addition "smoking" includes the use of any vapor device, of any product name or descriptor, which releases gases, particles, or vapors into the air as a result of combustion, electrical ignition, or vaporization intended to be drawn into the nose or mouth (excluding any United States Food and Drug Administration approved nebulized medication).

### **10.03.210 Consumption of Alcoholic Beverages, Controlled Substances**

It is unlawful to bring onto, sell within, or consume alcoholic beverages or controlled substances (as defined by Oregon law) on any Property. [Ord. 96-659A, Sec. 1.]

### **10.03.220 Public Intoxication Prohibited**

Within the boundaries of any Property it is unlawful to behave in any way that leads Metro enforcement personnel to conclude, in their sole discretion, that such person is intoxicated or under the influence of controlled substances.

### **10.03.230 Improper Exposure; Sexual Activity**

Within the boundaries of any Property it is unlawful for any person to expose his or her genitalia while in a place visible to another person or to engage in sexual conduct as defined in ORS 167.060.

### **10.03.240 Violent and Excessively Loud Conduct Prohibited**

Within the boundaries of any Property, it is unlawful to:

- (a) Engage in, promote, instigate, encourage, aid or abet fighting or similarly violent conduct which would threaten the physical well-being of any person or animal.
- (b) Make, continue, cause or permit to be made or continued any noise disturbance, as defined in 10.01.010.
- (c) Use or operate any device designed for sound production, amplification or reproduction in such a manner as to cause a noise disturbance. [Ord. 96-659A, Sec. 1.]

### **10.03.250 Signs Restricted**

Within the boundaries of any Property, and except speech protected by the Oregon and the United States Constitution, it is unlawful to:

- (a) Solicit for any public or private purpose.

- (b) Distribute or otherwise place any non-authorized printed material on any vehicle parked in a Property.
- (c) Paste, glue, tack or otherwise post any sign, decal, placard, advertisement or inscription whatsoever, or cause to be erected any sign whatsoever, except upon permission of the Director or designee. [Ord. 96-659A, Sec. 1.]

#### **10.03.260 Concessions, Vending and Peddling Restricted**

- (a) Before a person may act as a concessionaire at a Property, the person must secure a Permit in compliance with Metro's standard procedures.
- (b) No person may, within the boundaries of any Property, expose, advertise or offer for sale or rent any article, service, or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person is acting under the authority of a Permit. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

#### **10.03.270 Posted Hours of Operation**

Park hours of operation will be as posted, except for unusual or unforeseen circumstances and emergencies, as determined by the Director. The hours of operation for Parks not posted are legal sunrise to legal sunset. No person may enter or remain in a Park when it is closed. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

#### **10.03.280 Camping Permits and Restrictions**

Within the boundaries of any Property, it is unlawful to:

- (a) Camp overnight or longer in any Property without first obtaining a Permit, camp in any manner not specifically provided for in such Permit, or camp at any time or in any place not designated for camping.
- (b) Camp if he/she is under the age of 18, unless he/she is accompanied by an adult.
- (c) Camp in any Park for more than fourteen (14) days in any seventeen-day period or more than twenty-eight (28) days in any six-month period. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

#### **10.03.290 Closed Areas**

All or any section or part of any Property may be declared, posted, signed or otherwise designated closed to the public by the Director at any time and for any interval of time, either temporarily, indefinitely, or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director may find reasonably necessary. No person may enter any Property posted as "Closed to Public" or "No Public Access." [Ord. 96-659A, Sec. 1.]

## **CHAPTER 10.04**

### **FEEES**

10.04.010 Purpose and Authority

10.04.020 Fees

10.04.030 Fee Waivers or Suspensions

10.04.040 Use Without Required Fee Prohibited

#### **10.04.010 Purpose and Authority**

It is the purpose of this chapter to establish fees for certain uses at Metro Property pursuant to Metro Code Section 10.02.030. The Chief Operating Officer, or his or her designee, may set additional fees, or adjust any fees established herein. If the Chief Operating Officer elects to set additional fees or adjust any fees established pursuant to this Chapter 10.04, the Chief Operating Officer will provide the Metro Council with 45 business days notice prior to the effective date of the fee or fee adjustment. Upon notice of the additional fee or fee adjustment, the Metro Council may elect to affirm or modify the additional fee or fee adjustment by resolution of the Metro Council. The fee or adjusted fee may thereafter be adjusted as set forth in this Metro Code Section 10.04.010. [Ord. 96-659A, Sec. 1.]

#### **10.04.020 Fees**

Metro will charge and collect the following use and activity fees:

- (a) Parking fees at Blue Lake Park, Chinook Landing Marine Park, M. James Gleason Memorial Boat Ramp, and Oxbow Park, and fees for annual parking passes at these locations.
- (b) Reservation fees for shelters and reservable picnic areas at Blue Lake, Oxbow Park, Scouters Mountain, Graham Oaks, and Howell Territorial Parks.
- (c) Fees for overnight camping, including fees for nightly use of overnight group camps.
- (d) Rental fees, and security deposits for the Lake House at Blue Lake Park.
- (e) Permits for which the Chief Operating Officer, or his or her designee, has determined a fee is required. [Ord. 96-659A, Sec. 1; Ord. 98-722, Sec. 1; Ord. 01-894, Sec. 1; Ord. 02-978, Sec. 1; Ord. 03-1008; Ord. 04-1047, Sec. 1; Ord. 06-1109; Ord. 07-1166; Ord. 09-1211A; Ord. 15-1366.]

#### **10.04.030 Fee Waivers or Suspensions**

- (a) No parking fees will be charged for any on-duty police officer or off-duty Metro Employee who presents valid current identification at the Property entrance.
- (b) Parking fees and camping fees will be waived for any disabled veteran who presents valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card, and places a green placard issued by Oregon State Parks in said veteran's vehicle in full view on the dashboard or hanging from the rear-view mirror. Free camping under this Section requires a reservation and is otherwise limited by Section 10.03.280.
- (c) Collection of any fee under this Chapter may be waived or suspended by order of the Director for such period of time as the order may provide. The Director will develop and implement a written policy to guide decisions related to the waiver or suspension of fees. [Ord. 96-659A, Sec. 1; Ord. 15-1366.]

#### **10.04.040 Use Without Required Fee Prohibited**

It is unlawful to engage in a use or activity on any Property for which there is a required fee without first paying the fee. Any person engaged in a use or activity on a Property for which there is a fee will be required to produce and exhibit the receipt or other satisfactory proof of payment upon request of any Employee or authorized enforcement personnel for the purpose of enforcing compliance with this Chapter or any Rules. [Ord. 96-659A, Sec. 1.]

## **CHAPTER 10.05**

### **HISTORIC CEMETERIES**

- 10.05.010 Purpose
- 10.05.020 Policy
- 10.05.030 Definitions
- 10.05.040 Description of Historic Cemeteries
- 10.05.050 Operation and Administration
- 10.05.060 Cemetery Hours of Operation
- 10.05.070 Other Uses
- 10.05.080 Sale of Interment/Inurnment Rights and Burial Services
- 10.05.090 Multi-Interment/Inurnment Right Sales Restricted
- 10.05.100 Transfer of Certificate of Interment and Inurnment Rights
- 10.05.110 Full Body Grave Dimensions – Burial Limits
- 10.05.120 Outer Burial Containers Required
- 10.05.130 Disinterment
- 10.05.140 Flowers Funerary Decorations Restricted
- 10.05.150 Personal Effects and Mementos Prohibited
- 10.05.160 Planting on or Around Graves Prohibited
- 10.05.170 Grave Improvements Prohibited
- 10.05.180 Markers
- 10.05.190 Monuments and Memorials Restricted
- 10.05.200 Marker, Monument, Memorial Repair Restricted
- 10.05.210 Removal of Marker, Monument, Memorials Prohibited
- 10.05.220 Cemetery Errors and Irregularities
- 10.05.230 Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund
- 10.05.240 Historical Research Requests

### **10.05.010 Purpose**

The purpose of this chapter is to provide regulations controlling the operation of Metro owned and operated Historic Cemeteries and governing the use of these Cemeteries by members of the public in order to protect and preserve the Historic Cemeteries, the Graves and the Remains of those interred therein. [Ord. 12-1286, Sec. 1.]

### **10.05.020 Policy**

The Metro Council has determined that it is necessary to adopt this Chapter in order to ensure the long-term stability of Metro's cemetery operations, which will be achieved by Cemeteries being operated as follows:

- (a) In compliance with applicable state laws;
- (b) As community assets;
- (c) In a manner that will maximize public financial benefit and long-term stability; and
- (d) To protect and preserve their historically significant nature.

All four above objectives are to be considered equally important in the management of Metro's Historic Cemeteries. [Ord. 12-1286, Sec. 1.]

### **10.05.030 Definitions**

For the purposes of this Chapter, unless the context requires otherwise, the following terms have the meanings given to them below:

**Preneed** means the sale and purchase of an Interment Right to a predetermined Grave in advance of use for any person to whom the owner designates for Burial in the predetermined Grave.

**At-Need** means at the time of death sale of Graves/plots, services, memorials and materials which are to be delivered immediately or upon delivery to the Cemetery for immediate Interment.

**Burial** means the placement of Human Remains in a Grave, in accord with state law and regulations.

**Burial Services** means the opening and closing of the Grave in accord with state law and regulations, including excavation and fill, the provision and placement of a concrete liner or vault and any overtime charges that apply.

**Certificate of Interment Rights** or **Certificate** is a perpetual right to use property for burial purposes. The fee title of the property is without possession of any estate or interest in the land and all rights of ownership therein remain with Metro.

**Cremated Remains** means the remains of a cremated human body after the completion of the cremation process.

**Contract of Purchase** or **Contract** is an agreement between Metro and the purchaser of Burial Services or an Interment Right to a Grave space, Niche, or Ossuary.

**Disinterment** is the removal of Human Remains from a Grave space as defined in ORS 97.220.

**Family Plot** means a group of contiguous Graves sold for the purpose of the Interment or Inurnment of related individuals as set forth and governed by ORS 97.560-650.

**Grave** means a space of ground in a Cemetery used or intended to be used for Interment or Inurnment.

**Human Remains** or **Remains** are the body of a deceased person in any stage of decomposition.

**Interment** is the disposition of Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

**Inurnment** is the placement of cremated Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

**Marker** means a flat Grave tablet or headstone placed flush to the ground, identifying a Grave or Graves.

**Memorial** means a nameplate or inscription identifying a crypt or Niche, or any other improvement or permanent structure intended to identify the location of a Grave or Graves, other than a Marker or a Monument.

**Monument** means an upright or vertical headstone or tombstone identifying a Grave or Graves.

**Niche** means a space in a structure to place cremated Human Remains of one or more persons.

**Ossuary** means is a communal below-ground depository for cremated Remains.

**Outer Burial Container** is a concrete or composite material container which is buried in the ground to provide outer protection and into which Human Remains or Cremated Remains are placed for Burial purposes.

**Perpetual Care Fund** is a special account set aside for holding of funds used for the required perpetual maintenance of the Cemetery grounds.

#### **10.05.040 Description of Historic Cemeteries**

The areas dedicated for Interment purposes by Metro consist of the following properties:

- (a) Brainard Cemetery located at NE 90th Ave. and NE Glisan St., Portland
- (b) Columbia Pioneer Cemetery located at NE Sandy Blvd. and NE 99th Ave., Portland
- (c) Douglass Pioneer Cemetery located at Hensley Road and SE 262nd Avenue, Troutdale
- (d) Escobar Cemetery located at SW Walters Road and Littlepage Road, Gresham
- (e) Gresham Pioneer Cemetery located at SW Walters Road, Gresham



- (f) Grand Army of the Republic Cemetery located at SW Boones Ferry Road and Palatine Road, Portland
- (g) Jones Cemetery located at SW Hewitt Blvd. and SW Humphrey Blvd., Portland
- (h) Lone Fir Cemetery located at SE 26th Ave. and SE Stark St., Portland
- (i) Mt. View-Corbett Cemetery located at Smith Road and Evans Road, Corbett
- (j) Mt. View-Stark Cemetery located at SE Stark Street and SE 257th Street, Gresham
- (k) Multnomah Park Cemetery located at SE 82nd Ave. and SE Holgate Blvd., Portland
- (l) Pleasant Home Cemetery located at Bluff Road and Pleasant Home Road, Gresham
- (m) Powell Grove Cemetery located at NE Sandy Blvd. and NE 122nd Ave., Portland
- (n) White Birch Cemetery located at SW Walters Road, Gresham

#### **10.05.050 Operation and Administration**

Metro will operate and maintain its Cemeteries in accordance with Title X and all other applicable laws.

#### **10.05.060 Cemetery Hours of Operation**

- (a) Metro's Cemeteries are open to the public from 7:00am to legal sunset. Hours of operation will be posted at each Cemetery.
- (b) Entering or remaining in a Cemetery outside of normal operating hours without obtaining prior authorization from Metro is a violation subject to Ejectment and Exclusion from the Cemetery as set forth in Metro Code Section 10.02.110.
- (c) Interments and Inurnments may take place between the hours of 8:00 am and 3:30 pm daily, with the exception of Saturdays, Sundays and legal holidays. Interments and Inurnments may be made outside of these hours at the discretion of the Director, for an additional fee.

#### **10.05.070 Other Uses**

Uses other than Interment, Grave visitation, passive recreation, and historical research are prohibited unless specifically provided by Special Use Permit issued pursuant to Chapter 10.02.

#### **10.05.080 Sale of Interment Rights and Burial Services**

- (a) Interment Rights to a Grave may be sold by Metro both in advance (Preneed) or At-Need, by Contract of Purchase. Purchasers must pay the full fee for Interment Rights on the date of sale. Upon payment, Metro will issue the purchaser a Certificate of Interment Rights.
- (b) Burial Services and goods may be sold At-Need through a Contract of Purchase.

- (c) Fees and charges for Burial Services and goods must be fully paid before Interment/Inurnment will be permitted. Exceptions may be made at the discretion of the Director.
- (d) Metro will retain ownership and control of all Graves or Niches sold, subject to the terms of the Certificate of Interment Rights.

#### **10.05.090 Multi-Interment/Inurnment Right Sales Restricted**

- (a) Except as set forth in this Section, below, the sale by Metro of a group of Interment Right Certificates is prohibited.
- (b) A group of contiguous Interment Right Certificates for contiguous Graves may be sold to one family or individual for the purposes of creating a Family Plot.
- (c) A group of Interment Right Certificates other than a Family Plot may be sold upon the adoption of a resolution by the Metro Council approving an agreement establishing terms, including the rates and terms of resale. A one-time administrative fee set at the discretion of the Chief Operating Officer or designee must be charged in addition to regular fees and rates.

#### **10.05.100 Transfer of Certificate of Interment Rights**

- (a) Interment/Inurnment Rights, whether conveyed by the Historic Cemeteries to the recipient by Deed, Certificate or other means, cannot be sold, transferred, bartered, exchanged or assigned (hereafter "Transfer(red)") to any other person or entity without the prior written consent of the Chief Operating Officer or designee, in accordance with Oregon Revised Statutes Chapter 97 and as set forth in section 10.04.070.
- (b) If an owner of an Interment Right seeks permission from Metro to Transfer an Interment Right, Metro will have the first right to buy back said Interment Right from the owner for the price paid when the Interment Right was originally sold.
- (c) No attempted Transfer of an Interment Right will be complete or effective unless it has been approved by Metro and recorded in the Metro Cemetery records.
- (d) A one-time administrative fee set at the discretion of the Chief Operating Officer or designee must be charged for all Transfers.
- (e) The above set forth notwithstanding, the Transfer Interment/Inurnment Rights within Family Plots to family members in accord with Oregon Revised Statute Chapter 97 is permitted without fee or other charge.
- (f) Except as set forth in written agreements entered into by Metro prior to the first effective date of this Section 10.05.100 (January 2, 2013), the sale of Interment Rights by purchasers to third parties for more than the rate charged by Metro on the date of such sale is prohibited.

#### **10.05.110 Full Body Grave Dimensions – Burial Limits**

A single Grave must measure 40 inches by 9 feet and may contain up to two (2) caskets and six (6) urns, unless otherwise authorized at the sole discretion of the Director or by Rule.

#### **10.05.120 Outer Burial Containers Required**

Metro approved Outer Burial Containers are required for all Interments/Inurnments in Metro Cemeteries with the exception of any niche.

#### **10.05.130 Disinterment**

- (a) Unless ordered by the State Medical Examiner or a court having jurisdiction over Metro Cemeteries, Remains interred in a Grave at any Metro Cemetery may be disinterred only upon the written consent of the Chief Operating Officer or designee and the person having the right to control the disposition of said Remains, and in accordance with applicable state law.
- (b) If Disinterment is needed by Metro and consent of the person having the right to control the disposition of said Remains cannot be obtained or such person cannot be located, the Chief Operating Officer or designee may apply to the Multnomah County Circuit Court for permission to disinter. Said application must be submitted only after notice of application to the Metro Council.

#### **10.05.140 Flowers Funerary Decorations Restricted**

- (a) All flowers, funerary decorations and plants on Graves in violation of this section, and/or that conflict with normal grounds maintenance, will be forfeited, removed and disposed without notice.
- (b) All flowers, funerary easels and decorations placed on a Grave at the time of a funeral and not removed within three (3) weeks after the Interment are subject to removal and disposal by Metro.
- (c) All flags, flowers and plants placed on Graves on Memorial Day and not removed within three (3) weeks after Memorial Day are subject to removal and disposal by Metro.
- (d) Artificial flowers and plants are prohibited between March 1st and November 15th of each year, except for a period of three weeks after Memorial Day observance.
- (e) All flowers, funerary easels and decorations will be subject to removal and disposal by Metro when they become withered, faded or otherwise unsightly, in Metro's sole discretion.

#### **10.05.150 Personal Effects and Mementos Prohibited**

Personal property, including but not limited to, sacred objects, photographs, toys, clothing, glassware, banners, pin-wheels, chimes, balloons or staked items, left in the Cemetery or placed on or near a Grave is prohibited, except as otherwise permitted in writing by Metro

at the discretion of the Director. Said personal property will be forfeited, removed by Metro and disposed without notice or other process.

#### **10.05.160 Planting On or Around Graves Prohibited**

Planting of trees, shrubs or any other plant material, except turf grass, on Graves or their borders is prohibited, unless approved in writing by the Director.

#### **10.05.170 Grave Improvements Prohibited**

Grave improvements other than Metro approved Markers, Monuments and Memorials are prohibited. The placement or installation by any person of temporary or permanent improvements covering, bordering or indicating the boundaries of Graves, including but not limited to posts and fences of any kind, walls, coping or curbs of concrete brick, stone or marble, is prohibited. Memorials and improvements so placed or installed will be deemed forfeited and will be removed by Metro and disposed without notice.

#### **10.05.180 Markers**

- (a) Grave Markers will be limited to no more than two (2) per Grave, and installed within three feet of the head of the Grave. Persons installing a Grave Marker must submit an Installation Authorization Form to Metro depicting and describing the Marker and providing proof that said person is authorized to perform installation by the owner(s) of the Interment Right described on the Certificate of Interment and the person with legal right of disposition of the Remains. Exceptions may be approved by the Director or by Rule.
- (b) No person may place any permanent Marker made of a material other than natural stone or bronze metal in a Metro Cemetery.
- (c) No person may place any permanent Marker in a Metro Cemetery unless properly supported with a foundation/collar made of concrete three (3) inches in width, flush with the ground, having no beveled edges. Each foundation/collar must be marked with the Grave, lot and block number of the Cemetery in which it is placed.
- (d) Markers and Marker bases may not exceed the width of the Grave and may be no larger than the following dimensions:
  - i. Single Grave 18" x 30"
  - ii. Companion Graves 18" x 60"
  - iii. Memorial or vase block 12" x 12"
- (e) The installation of any improvement to a Grave other than a Marker is prohibited, unless otherwise approved by the Director.

#### **10.05.190 Monuments and Memorials Restricted**

- (a) Monuments and Memorials are generally prohibited, but may be allowed at the discretion of the Director, or as permitted by any Rule.

- (b) Monuments and Memorials permitted under this section must comply with the requirements for Markers set forth in Section 10.05.180, above, and are subject to an additional fee. The owner(s) of the Interment/Inurnment Right and/or the person with legal right of disposition must enter into an Agreement with Metro providing permission to install the Monument or Memorial and releasing Metro from liability for any and all damage or destruction of the Monument or Memorial that may occur.

#### **10.05.200 Marker, Monument, Memorial Repair Restricted**

No repairs, restoration or improvements to any Marker, Monument or Memorial is permitted unless performed strictly under the written terms of approval issued by the Director.

#### **10.05.210 Removal of Marker, Monument, Memorials Prohibited**

The removal of any Marker, Monument, Memorial or improvement is prohibited unless approved in writing by the Director. It is unlawful to intentionally damage, alter, or deface any such property.

#### **10.05.220 Cemetery Errors and Irregularities**

- (a) The Director may preclude an Interment/Inurnment in a Cemetery based on a determination that the ownership of the right of Interment/Inurnment, the location of the Grave, or the ability to open said Grave without intruding upon nearby occupied Graves is in doubt.
- (b) When an Interment/Inurnment is precluded by the Director under subsection (a), or if for any other reason an Interment/Inurnment space cannot be opened, Metro may elect to direct Interment/Inurnment of Remains in an available Grave in such location in the Cemetery as is deemed reasonably appropriate and reasonably equivalent in value at the sole discretion of the Director.
- (c) The Chief Operating Officer or designee may correct any errors made by Metro in the description or transfer of Interment/Inurnment Rights, or by its agents in performing Interments/Inurnments, Disinterment or removals, when determined to be necessary in his/her sole discretion. The Chief Operating Officer or designee may void the erroneous grant of any Interment/Inurnment Certificate and provide a refund of the purchase price, or substitute in lieu thereof an Interment/Inurnment Certificate for a Grave selected by Metro within the same Cemetery of equal value and reasonably similar location if possible. In the event such error involves the Interment/Inurnment of the remains of any person, the Chief Operating Officer or designee may, at his/her sole discretion, elect to disinter said remains in accord with state law and reinter them in another available Grave within the same Cemetery, of equal value and reasonably similar location as may be substituted and conveyed as set forth the above.

#### **10.05.230 Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund**

- (a) The Director will establish rates for the Perpetual Care Fund, sale of Interment/Inurnment Rights for Graves and Niches and set fees and charges for Historic Cemetery goods and services, including Burial and other required or optional services. Said rates, fees and charges will be designed to recover all costs of operating the Cemeteries and may be adjusted from time to time by the Director without notice, to reflect market rates and to ensure the solvency and financial stability of the Cemeteries.
- (b) Interment/Inurnment Right purchasers must pay the rate, fees and charges on the date of purchase. Except as otherwise set forth in this chapter, no option to purchase rights or other prospective rights to Interment in the Historic Cemeteries may be granted unless approved by resolution of the Metro Council setting forth the terms and conditions of said option or prospective right. Prices, fees and charges for services may vary among Cemeteries, as determined by the Director.
- (c) The Director may reduce rates, fees and charges for Grave sales and Burial Services in situations of extreme financial hardship or in cases of Wards of the State. All reductions or waivers must be applied by written order setting forth the facts justifying the waiver or exemption.

#### **10.05.240 Historical Research Requests**

Due to the confidentiality and sensitive nature of Cemetery records, Metro will not distribute personal or contact information regarding any Interment/Inurnment Rights performed within the last 50 years from date of inquiry without proof of lineage, except as required by Oregon public records laws.

## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 18-1419, FOR THE PURPOSE OF AMENDING METRO CODE TITLE 10 TO UPDATE THE PARKS, CEMETERIES AND NATURAL AREA RULES AND REGULATIONS**

---

Date: April 5, 2018

Prepared by: Dan Moeller

(503) 797-1819

Suzanne Piluso

(503) 797-1845

Adoption of Ordinance No. 18-1419 will amend Metro Code Title 10 (Parks, Cemeteries and Natural Areas) to add, remove and revise certain provisions as described in this staff report. This ordinance will also make various non-substantive technical amendments to the title to streamline and improve clarity and consistency.

## **BACKGROUND**

Title 10 of the Metro Code sets forth the regulations governing the use of Metro owned parks, cemeteries and natural areas in order to protect land, habitat, wildlife, water quality and improvements, and to provide for the safety and enjoyment of visitors and staff visiting these places. Title 10 applies to all of the parks, natural areas, trails, and cemeteries that Metro owns and/or manages (hereafter “Metro property”). It supports Metro’s delivery of its parks and nature mission: to protect water quality and fish and wildlife habitat, and create opportunities for people to enjoy nature close to home through a connected system of parks, trails and natural areas.

There is an inherent tension in the parks and nature mission. Providing people with access to nature has well-documented physical, psychological and spiritual health benefits. People who have contact with nature learn to care about the environment, which can translate to personal conservation practices, volunteerism, voter support, and funding to protect and restore nature. At the same time, recreational uses of natural spaces—whether by people on foot, bicycle or horse, and with or without pets—impacts the plants, fish and wildlife living in these areas. Unmanaged, these impacts can undo many of the benefits these areas provide. Metro Code Title 10 is a key mechanism for balancing the various public uses of Metro property and minimizing the impacts of those uses where possible.

Title 10 is due for a comprehensive update in several respects. Many provisions of Title 10 were taken from Multnomah County regulations with the initial transfer of county parks and cemeteries to Metro. Over the years, some of these rules have become duplicative and certain provisions and chapters are no longer necessary or relevant. It has been several years since Metro has significantly updated Title 10. In that time, Metro’s parks and natural areas system has grown significantly, with new natural areas acquired and new parks recently opening to the public, plus an additional six parks anticipated to open in the next few years. In 2016 the Parks and Nature System Plan was adopted that defines Metro’s role in the region as an open space provider, and provides a framework for revisions to Title 10. The Parks and Nature department has also

evolved, with department reorganization in 2016 and related changes to how Title 10 is enforced. Refining Title 10 to address current needs and be more clear and consistent helps provide the public with a thorough understanding of the rules that govern these public spaces, enhancing Metro's transparency.

Additional impetus for this project was significant interest by external stakeholders in including or expanding certain uses of Metro parks and natural areas, such as the presence of dogs, horses, hunting, and off-road cycling. These issues frequently arise during access planning for new parks and natural area sites. New circumstances have also emerged that have implications for how Metro manages the sites, such as the growing popularity of recreational drones and the legalization of marijuana.

## **TITLE 10 UPDATE PROCESS**

Over the past year, an internal Parks and Nature team completed a thoughtful process to consider how these and other issues are, or should be, addressed by the parks and natural area rules, particularly in light of Metro's commitment to the region to protect water quality and wildlife habitat. The process to adopt Ordinance 18-1419 amending the Metro Code provides an opportunity for the public to comment on the proposed changes. In addition, detailed input on proposed changes to Title 10 was provided by the following key stakeholders:

- An external "Sounding Board." JLA Public Involvement, a public engagement firm with extensive experience working with public agency processes, was hired to design and facilitate an engagement process to help Metro consider diverse perspectives. Eight members of the public met three times as a "Sounding Board" to take a deep dive into Title 10 and provide input on whether and how individual rules should be updated. The results of the Sounding Board process are summarized below, and in more detail in JLA's final report, attached as Attachment 1.
- Connect With Nature community partners. Connect With Nature is a Parks and Nature program through which Metro and leaders representing diverse communities work together to help Metro develop and manage inclusive and welcoming parks and natural areas. Four Connect With Nature community leaders reviewed Title 10 and provided input and suggestions for improvements.
- Enforcement agency partners. Input was solicited from agencies that are responsible for enforcing Metro rules on parks that Metro does not manage, such as Mount Talbert Nature Park, and agencies that have Metro parks in their jurisdictions. These included enforcement teams of City of Portland, City of Happy Valley, North Clackamas Parks and Recreation Department, Tualatin Hills Parks and Recreation District, the three county sheriff offices, Gresham Police Department, and Multnomah County River Patrol. Additionally, Metro engaged with several staff at Oregon Department of Fish and Wildlife, and with Metro's Regional Illegal Dumping (RID) program.
- Natural Areas Oversight Committee. Staff presented the project to update Title 10 twice to the oversight committee for input.
- Parks and Nature staff. Staff across the department provided feedback on the current rules and potential updates. In particular, conservation (science and land management) staff provided technical information on the impacts of various options on fish, wildlife,



plants and water quality, and enforcement staff provided valuable insight into how the current rules are working on the ground from a visitor service, safety and overall effectiveness perspective. Parks and Nature’s Intertribal Cultural Resource Specialist was consulted, as well.

## **PROPOSED AMENDMENTS TO TITLE 10**

The outcome of the engagement described above is a set of proposed amendments to Title 10 that clarify or update the regulations to more effectively manage uses of Metro properties while protecting habitat, water quality and park and cemetery improvements, and supporting the safety of both visitors and staff. These amendments are summarized below in the order they appear in the amended version of Title 10 in Ordinance 18-1419.

It is important to note that the Parks and Nature **“special use” permit** process provides an additional mechanism for approving certain uses of Metro properties. Metro allows almost any use of the parks, cemeteries, and natural areas it manages so long as the uses are consistent with the Parks and Nature mission, safety and site-specific considerations. Even for uses precluded or restricted by Title 10 or property-specific rules, the special use permit procedures allow members of the public to request a permit to engage in those uses. These permits are issued on a case-by-case basis, depending on the proposed use, site(s) involved, and other considerations such as sensitivity of habitat and visitor experience impacts.

### 1. Reorganization of Title 10 and non-substantive “housekeeping” updates:

This ordinance proposes to reorganize Title 10 into the following five chapters:

- 10.01 Definitions
- 10.02 Permits, Enforcement and Appeals
- 10.03 Rules and Regulations
- 10.04 Parks and Nature Fees
- 10.05 Historic Cemeteries

This reorganization eliminates several areas of duplication. For example, there are duplicative enforcement provisions in multiple chapters in Title 10; the amended version would consolidate these provisions in a single chapter (10.02). In addition, the amended version includes non-substantive “housekeeping” changes to remove excess or non-relevant words and add language where needed for clarity or specificity. An example is the proposed removal of the antiquated prohibition on “games of chance” (former section 10.01.250). An example of a rule change intended to increase Metro’s transparency is the proposed addition of detail about how Metro can post the rules so they are accessible to the public.

### 2. Metro can issue a formal exclusion from a park or natural area for up to one year.

This ordinance recommends that Metro’s right to exclude people from the park be reduced to no more than one year. Currently Metro Code 10.01.400 authorizes Metro to exclude from a park any person acting in violation of the rules or the laws of the State of Oregon for an undefined period of time, with exclusions of more than one year to be approved by the Parks and Nature Director.

3. Enable Parks and Nature Director to establish property-specific rules to allow hunting if Metro determines it is necessary for conservation efforts.

This ordinance proposes adding a provision to allow the Parks and Nature Director to establish property-specific rules to allow hunting if Metro, in its discretion, determines it is necessary for achieving conservation objectives. Metro Code 10.01.160 bans hunting, and to date no exceptions to this policy have been made. With the acquisition of large properties such as the 1,600-acre Chehalem Ridge Natural Area, some members of the public have expressed an interest in changing Metro's rules to allow hunting of deer and elk at some Metro properties. In addition, there is interest by some in allowing hunting of duck and other waterfowl at sites such as Killin Wetlands, Smith and Bybee Wetlands Natural Area and the Multnomah Channel Natural Area.

In many, if not most, cases hunting does not align with the conservation goals for Metro properties. Metro views its role in the region as supporting these lands and their water features to provide important habitat for wildlife species to rest, breed, and rear young, and then these species are available for hunting on lands where the activity is more appropriate. However, there may be some cases in which a limited hunt at certain sites would benefit conservation efforts. For example, a targeted hunt could help manage wildlife where the population grows to such a size that it negatively impacts the establishment of native vegetation that supports multiple species.

Allowing hunting would need to overcome significant management challenges and would require substantial resources to implement. Hunting impacts both vegetation and wildlife from people traveling off established trails. Impacts to wildlife include noise from firearms and pollution from lead bullets/shots, and limits Metro's ability to create and sustain areas where wildlife can rest, feed and reproduce. It also poses safety risks to other site users. Even a limited hunt would require careful coordination with wildlife management agencies and partners including Oregon Department of Fish and Wildlife and Oregon Hunters Association, and that Metro develop a new system to issue and monitor permits/tags. It would require Metro to prevent or restrict other uses (hiking, cycling, equestrian riding, etc.) while hunts take place to ensure safety. Additional monitoring would likely be needed to ensure that permitted hunting levels are appropriate to wildlife population levels. Metro does not currently have the resources to design, implement and monitor hunting on Metro properties.

Given these challenges and Metro's mission of conserving and protecting fish and wildlife species, this provision was crafted to emphasize that hunting would only be permitted on an extremely narrow basis solely for conservation purposes, to be determined at Metro's discretion. As conservation management is an evolving science, Metro will look at those opportunities individually as they arise and engage with the Metro Council for future adjustments to hunting-related rules and regulations in the Metro Code as needed.

4. Allow dogs and other pets on-leash on regional trails that pass through Metro property and certain motorized boat ramps; otherwise maintain current pet policy.

This ordinance proposes formalizing Metro's current practice of allowing dogs and other pets to be on Metro property when traversing via a regional trail and at most of Metro's boat ramps, and otherwise maintaining the ban on domestic animals on Metro property, except for assistance animals.

This recommendation to largely maintain the current pet policy is based on two main factors: the impacts of pets on wildlife and water quality, and the impacts of pets on people. The topic of Metro's pet policy often comes up when Metro is planning for public access at a new site. Some members of the public have expressed interest in changing Metro rules to allow dog walking at some or all Metro park and natural

areas, saying they'd like the opportunity to enjoy these sites with their pets. Other residents have expressed support for Metro's current rules, saying they feel more comfortable without pets present or appreciate having a place where protection of wildlife is the priority.

The evidence that dogs negatively impact wildlife is overwhelming. It is clear that people with dogs—on leash or off leash—are much more detrimental to wildlife than people without dogs. In April 2016, Parks and Nature's senior scientists conducted an extensive review of current and relevant scientific research on the impacts of dogs on wildlife and water quality (report attached as Attachment 2). Numerous studies demonstrate that dogs impact wildlife by causing physical and temporal displacement (i.e., wildlife move away from dogs, temporarily or permanently, thus reducing the habitat available for them to feed, breed and rest). The scent of dogs repels wildlife, and these effects remain after dogs are gone. Animals become alarmed and cease routine activities in the presence of dogs, and such repeated stress causes long-term impacts on wildlife including reduced reproduction and growth, suppressed immune system and increased vulnerability to disease and parasites. These impacts to wildlife are cumulative—they result from a steady stream of dogs, not from introducing an occasional dog into a site. Dogs also transmit diseases to wildlife, such as canine distemper and rabies, and dog waste pollutes water and can transmit harmful parasites and diseases to people.

The staff recommendation is also based on the negative impacts that dogs can and do have on the experience of some visitors to parks and natural areas. This is particularly true of some members of underserved and historically marginalized communities. Feedback received from several of the Sounding Board members and Connect With Nature community partners suggests that underrepresented groups may perceive dogs as a threat and not feel comfortable accessing parks with them present.

The Sounding Board did not reach consensus on the issue of dogs and other domestic animals at Metro properties, and reflected diverse views on whether and to what extent Metro should allow dogs in parks and natural areas. Most of the members do not support expanded access for dogs out of concern for impacts to wildlife and people, and feel the current policy is appropriate and appreciate the exceptions it already makes for regional trails and boat ramps. A couple of members felt that this disturbance is not severe enough to warrant a complete prohibition on dogs, and strongly advocate for allowing dogs on leash at most natural areas. The range of viewpoints on this topic is reflected in the Sounding Board final report attached as Attachment 1.

Metro views its park system as part of a larger regional network of parks, trails and natural areas, with different park different providers meeting different needs. People have many options when they want to spend time outdoors with their pets, but few places focused on protecting sensitive habitat and providing a unique experience in nature. Among the 100 largest cities in America, Portland leads the country with the most off-leash dog parks per capita — 5.4 such parks per 100,000 residents — according to the 2015 City Park Facts report from The Trust for Public Land. Additionally, there are larger, more natural areas available for exploration with pets, such as Forest Park, Sandy River Delta, Tryon Creek, Powell Butte, Stub Stewart State Park, and in large tracts of state and federal land framing the Portland region. Metro has contributed over \$40 million from two bond measures to parks and natural areas that allow dogs.

5. Add reference to existing geocaching/letterboxing guidelines; no substantive changes to rules addressing foraging.

Staff considered whether Title 10 adequately addresses two growing recreational uses of Metro parks and natural area properties that have the potential to impact built park and natural area features: geocaching/letterboxing and foraging.

This ordinance recommends more explicitly prohibiting geocaching and letterboxing except where it is allowed per existing guidelines that govern these activities on Metro properties. Geocaching is a popular recreational activity around the world of scouting for and finding a geocache, or container, by means of GPS coordinates posted on a website. Geocaches typically contain trinkets for finders to exchange. Letterboxing is a similar activity, but letterbox caches usually contain rubber stamps for seekers to stamp a “passport.” While geocaching and letterboxing benefit the people engaged in these activities by encouraging more time spent outside exploring nature, these activities can negatively impact both the built and natural features of parks and natural areas—particularly where the caches are made deliberately hard to find and located off trails and in sensitive habitat areas. In order to prevent these harms, Metro implemented geocaching and letterboxing guidelines in 2011 and updated them in 2017. The guidelines, available on Metro’s website, lists approved geocaching sites and requires caches to be registered on [www.geocaching.com](http://www.geocaching.com), among other requirements.

Foraging for materials such as berries, roots, bulbs or mushrooms is another growing activity in parks, and especially natural areas. While small-scale harvest for personal consumption is unlikely to cause significant damage to sensitive habitat and wildlife, negative impacts can be compounded where activities take place off trails, and involve more sizable harvests and/or by many people over time. The current rules prohibiting damage to vegetation and other natural features effectively prohibit foraging. In addition, this ordinance proposes adding an explicit requirement that people stay on designated trails, paths and roads (this additional will also help prevent establishment of “demand” trails). The Special Use Permit process is available for members of the public to request exceptions to these rules on a case-by-case basis. Metro has developed a streamlined process to issue Cultural Resource Use Permits, which would apply to culturally-relevant harvesting of natural materials, such as the harvest of camas bulbs by Native American communities at Quamash Prairie Natural Area.

#### 6. Prohibit the use of drones on Metro properties.

This ordinance proposes adding unmanned aircraft (i.e., drones) to the “prohibited games” provision that prohibits power-projected model airplanes and boats at Metro properties. Since Title 10 was adopted there has been dramatic growth in the operation of drones. As drones have become more affordable and easier to operate, recreational drone users are looking for places to use them. Although drone use remains relatively infrequent at Metro properties at this point, field staff report continuing to see more of this use and it can be expected to continue to increase.

Drone operations have the potential to cause harm to visitors and pose safety risks. They can disturb the visitor experience by causing noise pollution, invading personal space (particularly since many drones have cameras), and impacting viewsheds. Drones can also negatively impact wildlife, particularly birds but also ground-dwelling species. The proposed prohibition on the use of drones at Metro Properties will reduce or eliminate these impacts on people and wildlife. It protects both conservation values and the visitor experience for all park and natural area users, consistent with the Parks and Nature mission.

Were this provision to be adopted, drone operators could apply for a special use permit to operate drones for specific purposes (for example, to conduct research or photography). These permit applications would be evaluated on a case-by-case basis pursuant to the Parks and Nature Special Use Permit Guidelines.

#### 7. Prohibit smoking on Metro parks and natural area properties, with a one year delay in implementation.

This ordinance proposes adding a provision to Title 10 to prohibit smoking on Metro property, with a one year delay in implementation to develop a thoughtful implementation and communication strategy. While smoking is a source of enjoyment for some adults, particularly while participating in outdoor recreation

activities such as camping and fishing, tobacco use negatively affects other visitors and the environment. Secondhand smoke contains more than 7,000 chemicals, including hundreds that are toxic, and no level of exposure is safe.<sup>1</sup> Even brief exposure can be harmful to human health, and especially to children and pregnant women. The impacts are amplified in confined areas like picnic shelters, restrooms and doorways, as well as near children such as at playgrounds.

Further, smoking waste products are the most common items found in litter cleanups and contain numerous pollutants, posing a serious risk to children who might pick them up and fish and wildlife that may ingest them. Discarded cigarette butts pollutes the health of watersheds through chemical contamination. Cigarettes and other smoking materials present a serious fire risk to forests, parks and natural areas. Last year a carelessly tossed cigarette started a fire that burned 13 acres of Metro's North Logan Natural Area.

The proposed smoking provision would apply to all forms of smoking, including cigarettes, cigars, vaping devices, e-cigarettes, and marijuana. The proposed smoke-free policy is consistent with a 2011 Metro Council resolution that established the agency's tobacco-free grounds policy. The policy acknowledges that smoke-free parks and recreational facilities "will further Metro's mission of environmental stewardship and promoting livable, sustainable communities, as they help provide healthy, clean, attractive places for people to be physically active and enjoy the outdoors while upholding environmental values and protecting fish and wildlife." [Resolution No. 11-4262]. The proposed policy is also consistent with national trends, as municipalities across the country are increasingly prohibiting smoking in parks. In 2015, all city of Portland sites where Portland Parks and Recreation rules apply became smoke- and tobacco-free, including vaporizers and marijuana. Staff does not recommend a complete tobacco ban (i.e., banning smokeless tobacco) at this time, though that may be considered in the future.

Enforcement of the smoking ban would be challenging and limited, and would rely primarily on voluntary compliance elicited through educational and outreach efforts. Research on the experiences of other park providers in implementing smoking bans makes clear that a well-planned implementation and outreach strategy is key to the success of the policy. Therefore, staff propose a one year delay in implementation of the policy to allow for the development of an implementation plan that would include outreach and education methods, development of signage, and training for enforcement staff.

8. Add a new provision prohibiting improper exposure and sexual activities within the bounds of Metro properties.

This ordinance recommends adding a provision to Title 10 prohibiting people from exposing themselves while in a place visible to another person or engaging in sexual activity. Metro field staff report observing people engaged in this type of activity. This addition to the Metro Code would make it clear these types of activities will not be tolerated at Metro properties and assist in enforcement activities.

9. No substantive changes proposed to provisions regarding illegal camping.

Illegal camping in parks and natural areas has become a nationwide issue, which is reflected in the increase in illegal camping in Metro properties in recent years. This ordinance does not propose changes to the prohibition in Title 10 on camping outside of permitted areas. Metro Parks and Nature has an illegal campsite policy that outlines the procedures for addressing illegal campsites when discovered on Metro property. Title 10 will continue to provide the authority for staff to address these issues as they arise, and

---

<sup>1</sup>Centers for Disease Control and Prevention secondhand smoke fact sheet, [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/general\\_facts/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm)

the more detailed policy provides guidelines to ensure Metro does so in a lawful and compassionate manner.

10. Remove specific fee amounts from the Metro Code, and delegate authority to adjust fees to the Chief Operating Officer or designee.

This ordinance recommends simplifying the Title 10 fee provisions, and transferring the authority for setting and adjusting fees from the Metro Council to the Chief Operating Officer or designee. Chapter 10.04 currently includes specific dollar amounts for some fees, but not all Parks and Nature fees. Adjusting the fees currently listed in 10.04 would require an amendment to the Metro Code, which is unnecessarily burdensome and inconsistent with how other Metro departments set and adjust fees.

A comprehensive review of the Parks and Nature fees is currently underway, as well as development of a fee policy and comprehensive fee schedule. As an interim step prior to adjusting specific fees, this ordinance recommends removing the dollar amounts from the Metro Code and delegating authority for setting and adjusting fees to the Chief Operating Officer or designee. The new fee provisions include a 45-day notice procedure to the Metro Council prior to implementation of any fee changes. These technical changes to the Metro Code will facilitate future adjustments to Parks and Nature fees as necessary.

## ANALYSIS/INFORMATION

### 1. Known Opposition

- Some members of the public are strongly opposed to the staff recommendation within this report pertaining to Metro's pet policy. The final report attached as Attachment 1 from the Sounding Board process include meeting notes and a summary that reflects arguments in opposition to the staff recommendation contained herein.

### 2. Legal Antecedents

- Metro Code Title 10
- Metro Council Resolution 11-4262: For the Purposes of Directing the COO to Implement a Tobacco-Free Policy

### 3. Anticipated Effects

With the exception of the proposed smoke-free policy, the proposed changes to the Metro Code would be implemented immediately. Most of these provisions reflect how Metro is currently managing the parks and natural areas, so neither staff nor members of the public would experience significant change. Staff recommend a one year delay before implementation of the tobacco-free policy to allow for the development of a thorough implementation plan, including signage, outreach, communication materials and training for enforcement staff.

While the proposed change to the fee provisions to allow the Chief Operating Officer or designee to set and adjust fees would be implemented immediately, a Parks and Nature fee policy is in development that will guide the establishment, review and adjustment of specific fees. That policy will be completed in 2018.

The proposed changes to Title 10 will result in the need for existing internal policies and procedures to be reviewed and updated. These include:

- Parks and Nature fees (*review underway*)
- Special use permit procedures and fees (*review underway*)

- Rule enforcement manual update, including forms (citations, warnings, exclusions, etc.)

#### **4. Budget Impacts**

No direct budget impacts are anticipated with the proposed changes to Title 10.

It is anticipated that staff time spent responding to issues that were previously ill-defined will be reduced.

#### **RECOMMENDED ACTION**

Staff recommends that Council adopt Ordinance No. 18-1419.

#### **ATTACHMENTS**

Attachment 1: Sounding Board Final Report (2017)

Attachment 2: *The impacts of dogs on wildlife and water quality: a literature review*, L. Hennings (2016)

# Metro Title 10 Review Sounding Board Final Report

## Prepared by:



JLA Public Involvement  
1110 SE Alder Street, Suite 301  
Portland, OR 97214

## Prepared for:



Metro  
600 NE Grand Ave  
Portland, OR 97232

November 2017



## Background

Metro is charged with protecting water quality, fish and wildlife habitat, and creating opportunities to enjoy nature close to home. Title 10 of the Metro Code regulates the use of Metro owned or operated Parks and Nature facilities by members of the public in order to provide protection for wildlife, plants and property, and to protect the safety and enjoyment of any person visiting these facilities.

Several members of the community have expressed a desire to include new uses at Metro parks and natural areas or expand existing uses. With several new nature parks in development and Metro's natural area portfolio continuing to expand, the agency is reviewing Title 10 for potential updates, and revisiting provisions that are of interest to the public and partners

## Sounding Board Members and Process

Metro engaged stakeholders through a Sounding Board process to help inform the Title 10 update process. Sylvia Ciborowski, JLA Public Involvement, facilitated the meeting as a neutral third party. JLA documented meeting outcomes and developed meeting summaries.

The Sounding Board was made up of stakeholders that represented diverse interests, including conservation groups, recreational interests, and neighborhood representatives. The group met three times to discuss issues and opportunities related to modifying the uses currently allowed at Metro owned parks and nature facilities.

Metro staff will use Sounding Board input, along with input by other stakeholders such as agency staff and partners, as well as technical information, to make a report to the Metro Council that could include a recommendation on changes to Title 10. Metro Council will make any final decision regarding potential changes to Title 10.

Sounding Board members include:

1. Tony Deis, *Trackers Earth Portland*
2. Jorge Guzman, *Vive Northwest*
3. Mike Houck and Ted Labbe (alternate), *Urban Greenspaces Institute*
4. Arlene Kimura, *Hazelwood Neighborhood Association*
5. Ken McCall and Brian Cook (alternate) , *Oregon Hunters Association*
6. Micah Meskel, *Audubon Society*
7. Jim Thayer, *Oregon Recreational Advisory Council*
8. Philip Wu, *Kaiser Permanente*

Other invited members that were unable to participate in meetings include Greg Wolley (City of Portland and African American Outdoor Association) and Chad Brown (Soul River).

Meetings were facilitated by an external, neutral facilitator and attended by Metro project team members Dan Moeller and Suzanne Piluso, as well as additional Metro staff as needed.

## Key Outcomes

Sounding Board members developed a list of priority topics to discuss, and discussed each in turn. For some they came to consensus as to recommendations for how to address the topic within Title 10. For others they had divergent opinions. Key comments for each of the discussion topics are included below.

A full summary of discussion from the three Sounding Board meetings is included as an appendix, along with additional scientific literature and email comments provided by members.

## Smoking

**Consensus was reached by the group that a smoking ban should be included in Title 10 (except where allowed by a special-use permit).** The key concerns regarding smoking are the risk of fire and health impacts of second-hand smoke. Members also recommended increasing signage about smoking and the risk of causing forest fires.

## Alcohol Use

**Consensus was reached by the group that an alcohol ban should be included in Title 10, except where allowed by a special-use permit.** They noted concerns about park visitors who use alcohol irresponsibly and indicated that a prohibition on alcohol would be easier to enforce than a more nuanced policy. They support the current policy of allowing alcohol by special-use permit, especially the use of alcohol for cultural reasons or celebrations.

## Use of Drones

**Consensus was reached by the group that drones should be prohibited in Title 10, except where allowed by a special-use permit.** Some suggested expanding the current prohibition on power-projected model airplanes to include drones. They noted that acceptable allowable uses to use drones could include research, art, nature, agricultural and wildlife management reasons.

## Geocaching

**Consensus was reached that Title 10 should prohibit geocaching except in applications that support Metro's environmental education goals.** The biggest concern about geocaching is that it encourages, participants to go into natural areas that are not meant to be disturbed.

## Dogs and Other Domestic Animals

**Consensus was not reached by the group. Many opinions and important pieces of information were shared both in favor, and in opposition, to changing Title 10 with regards to dogs on Metro parks and natural area property. Key comments and points of discussion include:**

- **Diverse views on managing dogs.** Members had diverse views on whether and to what extent to prohibit dogs in Metro parks and natural areas. Most felt that the current policy is appropriate and appreciate the exceptions it already makes for regional trails and boat ramps. Most were concerned about the negative impact dogs have on wildlife and do not support increased access for dogs. Others felt that this disturbance is not severe enough to warrant a complete prohibition on dogs. One member also noted that a complete dog ban could potentially raise the frequency of off-leash dogs and be even more harmful to wildlife.
- **Discussion on equitable access for dog-owners.** One member noted that it is inequitable to reduce access to Metro properties for the many dog-owners in the Portland metro area, particularly since there are not many large swaths of land where one can walk their dog. Others noted that a map (provided by Metro staff) shows that there are many areas in the region where dogs are allowed.
- **Discussion on social conflicts.** Some members noted that allowing dogs on Metro property might make some people uncomfortable (i.e. children, certain cultural groups). Under-represented groups might perceive dogs as a threat and not feel comfortable if dogs are allowed on Metro property. Some noted that improved signage and education could be used as tools to prevent conflict between property users.

- **Discussion on enforcement of the policy.** Some noted that a complete dog ban is the easiest for Metro to manage with their limited resources. Others supported a more nuanced policy and support additional resources to enforce a policy allowing limited leashed-dog access at select properties. Members generally noted there is not enough enforcement of regulations prohibiting unleashed dogs.
- **Comments about literature studied by Metro.** A member was concerned about the scientific literature that Metro has reviewed in consideration of revisiting the ban on domestic animals, and felt that the studies in the review are outdated and included small sample sizes. The member requests inclusion of an additional scientific document which suggests that leashed dogs have only a marginal impact on wildlife and natural areas: *The ecological impact of humans and dogs on wildlife in protected areas in eastern North America* (attached to this report). This member also requested inclusion of the Statewide Comprehensive Outdoor Recreation Plan Report (SCORP), available at [http://www.oregon.gov/oprd/PLANS/Pages/SCORP\\_overview.aspx](http://www.oregon.gov/oprd/PLANS/Pages/SCORP_overview.aspx). Other members responded by warning against placing too much importance on one individualized study, and instead would like Metro to look at all of the studies' conclusions as a whole.

## Hunting

***Consensus was not reached by the group regarding changing Title 10's prohibition on hunting. However, there was general agreement that:***

- ***further study should be conducted to understand the impacts of hunting on wildlife and people.***
- ***there should be consideration for limited hunting on Chehalem Ridge with restrictions.***

Comments and points of discussion on the topic of hunting included:

- **Hunting on the Chehalem Ridge property:** There was general agreement around having a policy prohibiting hunting with firearms, but ideas were expressed that a special use permit could be considered for bow hunting or other limited hunting on Chehalem Ridge, in recognition of the historic practice of hunting in this area.
- **Hunting as animal management:** Members noted the importance of managing animal populations to prevent overpopulation of certain game, and some expressed support for regulated hunting to appropriately manage animal populations.
- **Hunting concerns:** Concern was expressed about whether hunting would make certain communities feel uncomfortable on properties. There was also concern about toxicity of certain ammunition.
- **Limitations on hunting:** Members discussed that any allowed hunting should be in line with Metro's mission, should focus on the educational component of hunting, and should be regulated by permit. Members discussed the possibility of organized hunts in which experienced hunters are allowed on specific parks to conduct a certain hunting functionality.
- **Loss of hunting lands:** Metro's purchase of numerous small pieces of land has contributed to hunters losing available hunting land in the region. Members also discussed hunter and recreational access to privately owned forest lands.

## Unsupervised Children

**Members generally felt that the Metro rules as written are sufficient.** The key concerns on this topic were protecting the safety of small children, allowing older children to have enough opportunities for play in natural areas, and keeping older children/minors liable for destruction they cause in nature areas.

There is desire to have better signage and communications materials to increase awareness about nature play opportunities and how to stay safe (outside of scope of Title 10).

## Demand/desire trails and foraging

**Members support updating the Title 10 to specifically prohibit demand trails.**

**Members support updating Title 10 to allow small-scale personal consumption of forest products, but prohibit commercial harvesting or excessive personal harvesting.**

The key concerns on this topic were preventing degradation in areas where people tend to go off trail, but also not discouraging personal foraging practices that help connect people to nature. Members support allowing demand trails and larger-level harvesting under special use permits, as is the current practice.

## Rule Enforcement and Safety

**Members did not suggest any specific changes to Code language. They did make suggestions about signage, programs and communications materials that could help increase safety and security.**

For nearly all topics described above, members expressed concern about the ability to enforce any prohibitions or restrictions. They also discussed a desire for more safety and security in parking areas to prevent vehicle break-ins, as well as engaging neighbors and park users in promoting safety and reporting suspicious activity.

# Metro Title 10 Review Sounding Board Final Report

## Appendix

### Contains:

1. Metro Sounding Board Meeting #1 Summary
2. Metro Sounding Board Meeting #2 Summary
3. Metro Sounding Board Meeting #3 Summary
4. Email comments submitted by Sounding Board members
5. Article submitted by Sounding Board member: Biological Conservation, *The ecological impact of humans and dogs on wildlife in protected areas* (2016)

# Metro Title 10 Review Sounding Board - Meeting #1 Summary

**Friday, June 16, 2017, 1:00 to 3:00 p.m.**

**Location: Metro Regional Center, Room 270: 600 NE Grand, Portland, OR**

## **Sounding Board Members Present**

Arlene Kimura, *Hazelwood Neighborhood Association*

Jim Thayer, *Oregon Recreational Advisory Council*

Jorge Guzman, *Vive Northwest*

Ken McCall, *Oregon Hunters Association*

Micah Meskel, *Audubon Society*

Mike Houck, *Urban Greenspaces Institute*

Ted Labbe (alternate), *Urban Greenspaces Institute*

Philip Wu, *Kaiser Permanente*

Tony Deis, *Trackers Earth Portland*)

## **Staff Present**

Dan Moeller, *Metro*

Suzanne Piluso, *Metro*

Laura Oppenheimer Odom, *Metro*

Katy Belokonny, *JLA Public Involvement*

Sylvia Ciborowski, *JLA Public Involvement*

## Introductions and Agenda Review

Sylvia Ciborowski, JLA Public Involvement, introduced herself and thanked members for attending the meeting. She said that the meeting purpose is to get a better understanding of Metro's role in the region, including Metro's Title 10 Code; review the Sounding Board's purpose, guidelines, expectations, and desired outcomes; as well as to begin identifying issues and opportunities related to recreational uses at Metro-managed parks and natural areas. Sylvia reminded the Sounding Board that they will meet three times in total to get their input on recreational uses.

Members introduced themselves, along with their affiliations, and shared their favorite natural area or park in the region.

Jim Thayer, Oregon Recreational Advisory Council, asked what the full process for the Title 10 review will include beyond the evaluation of this Sounding Board. Dan Moeller, Metro, said that agency staff will review the Sounding Board's findings, in combination with additional public input and scientific information, to create a recommendation and staff report that will be presented to the Metro Council to help them determine if a Title 10 amendment is warranted.

Thayer asked for more information regarding the specific scientific technique and public process that Metro plans to use. Moeller said that the broader public involvement approach has not yet been identified, but that it will likely include members of the public reviewing the Sounding Board's comments. Moeller explained that Metro staff will help determine which available science is most appropriate to help inform Metro's staff recommendation.

## Metro Title 10 Presentation

Moeller explained his role at Metro and said that the agency is in the process of reviewing and updating Title 10 of the Metro Code. Moeller explained that Title 10 spells out what people are permitted to do and prohibited from doing in Metro parks and natural areas, as well as how Metro enforces these rules. He thanked participants for their willingness to provide their unique perspectives, and said that he wanted to present the Sounding Board with a broad overview of the system so that members start their committee work with a shared understanding.

Moeller's PowerPoint presentation included the following:

**Parks and Nature - An Oregon Story:** The common denominator of why Oregonians love the region is nature.

**Mission Statement:** Voters have asked Metro to act as the steward of over 17,000 acres across the greater Portland region. The Parks and Nature Department's mission is to protect clean water, restore fish and wildlife habitat, and connect people with nature close to home. Metro fulfills this mission by providing a connected network of parks, trails and natural areas. Providing this network requires collaboration with other regional partners to ensure that the agencies not only avoid duplicative efforts, but implement complementing plans.

**Role in the Region:** Metro fills a niche between urban and rural park providers by focusing on large sites. Metro is unique nationwide because there are very few other urban areas that place such a high emphasis on connecting people with nature. The mission is challenging to implement as it has an inherent tension: protect the landscape and provide opportunities for people to engage with the landscape.

**A Quarter Century of Investment:** In the early 1990s Metro began implementing the community's vision for a regional park, natural area, and trail system. Two bonds, allowing for substantial land acquisitions, and two levies, allowing for continued operation of these lands, have been approved since 1995 to support Metro in achieving this vision.

**Graham Oaks, Newell Creek Canyon, Chehalem Ridge:** Many of the sites Metro manages today would have looked substantially different without the agency's ownership.

**Volunteer and Education Programs:** A key agency goal is to foster education programs, community partnerships and volunteer opportunities. This effort has recently been enhanced with last year's renewed levy.

**Historic Cemeteries:** Metro manages 14 historic cemeteries that provide places to enjoy nature, as well as burial space.

**Regional Trails:** Metro plays an important role in planning the broader trail system with regional partners.

**Planting New Roots:** It is a time of tremendous growth for Metro's system due to the levy that was renewed last year.

**Restoration and Maintenance:** Metro places a high emphasis on caring for the land and creating healthy habitats from weed control to large restoration projects.

**Access to Nature:** Metro creates opportunities for people to experience more of the land they've directed the agency to protect, while minimizing the impact on the habitat.

**Community Investments:** Metro has developed a robust community investment program, distributing a portion of the bond measures to local jurisdictions to help them achieve their innovative, restoration, education, and trail projects.

**Parks and Nature System Plan:** Metro finished the System Plan last year outlining the agency's mission and role, portfolio of land, operating model and priorities moving forward. The document is intended to guide investments and decision-making, and contains the rules currently under review. Agency priorities outlined in the Plan include:

1. Science will guide Metro's portfolio
2. Ensure full portfolio is knit together into an integrated system
3. Meet needs of color and low-income communities
4. Use diversified businesses to do Metro's work
5. Invest in partnerships that work toward achieving a shared vision of an interconnected regional network
6. Identify stable, long term funding

Moeller assured members that Metro staff is available to them to provide information and answer questions as they contemplate recommending Title 10 changes.

Mike Houck, Urban Greenspaces Institute, said that it is important for Sounding Board members to remember the origin and history of Metro when discussing the agency's future. Houck said that Metro was created originally because local jurisdictions were not actively protecting parks and natural areas. Houck explained that the agency was always envisioned to be a bi-state, regional system, and not duplicate local park provider initiatives.

## Sounding Board Purpose and Participation Guidelines

Ciborowski reviewed the Sounding Board Purpose and Participation Guidelines.

### Purpose and Role of Sounding Board

The Purpose and Role of The Sounding Board is as follows:



“The Sounding Board will provide input on current and future recreational uses of Metro’s parks and natural area properties. The intended outcome of the Sounding Board is to identify issues and opportunities related to expanding the allowed uses at Metro managed properties, and help assess where there is agreement among diverse stakeholders.”

### **Title 10 Review Process**

Metro staff will use Sounding Board input, community feedback, and scientific research to develop a report for the Metro Council to use when considering making changes to Title 10.

### **Sounding Board Protocols**

Ciborowski reviewed the Board membership composition, attendance and alternate expectations, and meeting guidelines. Each member is welcome to name an alternate to attend meetings when the primary member cannot attend, and one member may sit at the table to participate in discussion. There will be time during the last meeting to discuss how the group wants their feedback consolidated and packaged to the Metro Council.

She asked members if they agree to operate under the Sounding Board Process and Operating Procedures, as discussed. The Sounding Board members agreed.

## **Discussion on Recreational Uses**

Ciborowski encouraged the group to begin brainstorming all topics, related to recreational uses on Metro land, that members are interested in discussing throughout the three-meeting Sounding Board process.

The recreational uses, or Title 10 issues, group members most want to address include the following:

- Drones
- Geocaching
- Foraging
- Leashed dogs
- Hunting
- Target shooting, firearms, archery
- Trapping
- Bathrooms
- Disc golf
- Open flames (i.e. stoves, camp fires)
- Marijuana use
- Amplification/noise (i.e. instruments)
- Hazard notification
- Fireworks
- Intelligent park/trail design
  - How to accommodate conflicting uses in a way that eliminates the conflict
  - Informal “desire” trails
- Unsupervised kids
- Spillover onto private lands
- Access to equipment (i.e. lifesaving equipment)
  - Notification if injured

- Homeless and safety
- Enforcement
- What's allowed under special use permits? (i.e. precedence setting)
- Access to information about rules
  - Signage
  - Information in multiple languages
  - Audible information
- Role of parks in public health
  - Specifically to the elderly
  - Access for disabled individuals (ADA requirements)
  - Doctor-recommended for cardiovascular patients

Suzanne Piluso, Metro, noted that staff will review the list in more detail after the meeting to identify any items that are outside of Metro's scope or that may not be applicable to this Title 10 review.

Members discussed several of the topics in turn.

## Smoking –

### Current Condition:

Metro Code: Title 10 is currently silent about smoking. Although the Code does not address smoking, the Metro Council has an adopted resolution about properties being “smoke free.”

### Discussion: Comments made by members include:

- Smoking does not belong in the forest due to its flammable nature.
  - The public is not good about remaining aware of burn-ban status.
  - People can be careless about where they put their cigarette butts.
- Consider specific messaging including signage about the danger of smoking during burn-ban. The messaging should communicate that smoking is a serious fire issue.
- Allowing smoking is a public health concern (i.e. second hand smoke).
- Members discussed whether a ban should also include medical marijuana or just tobacco? They noted that if the reason for the ban is concern about fires in natural areas, then it will be easier to ban all forms of smoking.
- Several members noted that special use permits should still be allowed if a smoking ban is included in the Code.

### Outcome:

**Consensus was reached by the group that a smoking ban should be included in Title 10.**

## Alcohol –

### Current Condition:

Metro Code: Title 10 currently prohibits alcohol at Metro facilities. There are some exceptions specifically articulated in the Code (i.e. events).

### Discussion: Comments made by members include:

- Use of alcohol should be allowed for cultural reasons. Permit applicants should be permitted to explain these cultural sensitivities in applying for special-use permits regarding alcohol.

- Evaluation criteria for special-use permit review should reflect this.
- Moeller said that Metro has a Cultural Resource Specialist currently on staff to help the agency review their current practices
- Keeping alcohol prohibited by the Code helps with enforcement.
- Alcohol needs to be prohibited by Code to help regulate individuals who are using alcohol irresponsibly.
- Metro staff clarified that a special-use permit supersedes language in the Code.

Outcome:

***Consensus was reached by the group that an alcohol ban should be included in Title 10, except where allowed by a special-use permit.***

## Drones –

Current Condition:

The Metro Code does not address drones, but prohibits power-projected model airplanes except in areas designated for those uses.

Discussion: *Comments made by members include:*

- Suggest simply adding “drones” to the current Code language relating to power-projected model airplanes.
- A question was asked if Metro has to obtain a special-use permit if they wish to seek a Code exemption. Moeller clarified that Metro does not have to seek permits for its actions.
- Members discussed the kinds of drones uses that might be appropriate. Different members said that the following uses may be appropriate in certain situations:
  - Research
  - Art/filming
  - Media
  - Nature management
  - Agriculture (i.e. manage farms)
  - Wildlife (i.e. Forestry animal counts)
- Metro staff noted that Metro has complete discretion when reviewing special-use permits, as there are not set evaluation criteria.
- A member asked if there is a fee to file a special-use permit. Moeller said that there are two fees: an application fee and a use fee. Concern was expressed that these fees could make requesting a special-use permit cost prohibitive. Moeller said that Metro has discretion to reduce or waive fees when appropriate, and that there is a sliding scale fee structure for non-profit agencies. The Sounding Board supports this procedure.
- Concern was expressed that banning drones could be difficult to enforce, particularly because it is difficult to identify the drone operator (i.e. operate from phone).
  - Metro staff noted that park rangers are responsible for enforcement. Metro’s objective is “willful compliance” through education. Also, Metro does not control air space above 400 feet; that is FAA regulated
- Signage might be important in helping enforcement

Outcome:

***Consensus was reached by the group that drones should be prohibited in Title 10, except where allowed by a special-use permit.***

## Geocaching

### Current Condition:

The Metro Code does not address geocaching, but harming natural and built resources on Metro property is prohibited. Although the Code does not specifically address geocaching, Metro staff developed general guidelines in an attempt to pro-actively manage the growing trend (as outlined in the “Geocaching” information sheet).

### Discussion: Comments made by members include:

- Suggest making the Code relevant to all augmented reality applications, to include similar popular activities such as “Pokémon Go” and Pokeball.
- The biggest concern about geocaching occurring on Metro properties is that it encourages, and often requires, participants to go into natural areas that are not meant to be disturbed. This type of activity can disrupt species and goes against the philosophy of the agency.
  - Additionally, geocaching requires participants leave an item behind, which essentially is a form of litter.
- Concern was expressed that enforcing an augmented reality prohibition might be difficult
  - A suggestion was made that park rangers could be responsible for collecting the caches which would discourage people from participating in the activity on Metro property.
- Metro clarified that the agency currently attempts to limit geocaching activities by communicating with geocaching.com and requesting that they remove from their website any geocaches located on Metro property.
  - Members questioned how much Metro staff time is being spent on geocaching enforcement.
- There was a question about if there is value in allowing augmented reality activities to occur on Metro properties to help achieve Metro’s environmental educational goals.
  - The activity itself is encouraging community members to interact with nature – which is a priority of the agency.
    - There may be value in encouraging augmented reality activities in specific uses through an agency managed program to avoid habitat degradation (i.e. requiring staying on trails, etc.).
    - The messaging would have to be very intentional – consider using a term other than “geocaching” – so that people understand the activity is only allowed through an organized program.

### Outcome:

***Consensus was reached that Title 10 should prohibit geocaching except in applications that support Metro’s environmental education goals.***

## Hunting

Ken McCall, Oregon Hunters Association, said that Brian Cook will be the alternate attending the July meeting in his place. Due to his absence at the next meeting, McCall said that he would like to start the group conversation regarding hunting on Metro property so that he is able to brief Cook prior to his attendance.

Discussion: Comments made by members include:

- McCall said that Metro's purchase of numerous small pieces of land has contributed to hunters losing adequate available hunting land statewide. The Oregon Hunting Association agrees that hunting should not be a recreational use allowed on Metro's small areas of land, but they see an opportunity for hunting to have an appropriate role on carefully-selected Metro spaces. Questions arose from the group regarding how hunting could play an "appropriate role". McCall explained that some ideas include having educational hunting components and organized hunts in which experienced hunters are allowed on specific parks to conduct a certain hunting functionality (i.e. specific weapon). The Oregon Hunting Association has concern about how private land owners adjacent to Metro land are being negatively affected by animals intruding on their properties. McCall added that a hunting policy change could help manage some animal concerns, especially regarding elk and deer.
- A member added that a piece of property can have a certain animal carrying capacity; and gave an example of ways that other countries regulate, and partner, with hunters to manage this problem.
- A member asked whether hunting was previously allowed at Chehalem Ridge. Moeller confirmed that it was. McCall clarified that the Oregon Hunters Association request is more wide-spread to include consideration at several Metro properties, not just at Chehalem Ridge.

There was agreement among members that hunting would be addressed at the next meeting.

## Next Steps

The next meeting is scheduled for Tuesday, July 18, 2017 from 9:00 – 11:00 a.m. Metro staff will sort through the group's recreational uses brainstorming list, prior to the next meeting, to identify which items are relevant to Title 10 and should be discussed further by the Sounding Board. The third, and final meeting, will likely be held in September.

## Closing

Moeller thanked the group for their thoughtful participation and said that the robust dialogue has already been tremendously helpful to Metro staff. Sounding Board members agreed that they thoroughly enjoyed the conversation. Thayer thanked Metro staff for allowing input on Title 10 and designing a meaningful engagement process by which to do so.

# Metro Title 10 Review Sounding Board - Meeting #2 Summary

**Tuesday, July 18, 2017, 9:00 to 11:00 a.m.**

**Location: Metro Regional Center, Room 370a: 600 NE Grand, Portland, OR**

## **Sounding Board Members Present**

Arlene Kimura, *Hazelwood Neighborhood Association*

Jim Thayer, *Oregon Recreational Advisory Council*

Jorge Guzman, *Vive Northwest*

Brian Cook (alternate), *Oregon Hunters Association*

Micah Meskel, *Audubon Society*

Ted Labbe (alternate), *Urban Greenspaces Institute*

Philip Wu, *Kaiser Permanente*

Tony Deis, *Trackers Earth Portland*

## **Staff Present**

Dan Moeller, *Metro*

Suzanne Piluso, *Metro*

Lori Hennings, *Metro*

Laura Oppenheimer Odom, *Metro*

Katy Belokonny, *JLA Public Involvement*

Sylvia Ciborowski, *JLA Public Involvement*

## Introductions and Agenda Review

Sylvia Ciborowski, JLA Public Involvement, welcomed members and thanked them for having such a thoughtful discussion last month. Ciborowski reviewed the meeting #1 summary and the morning's meeting purpose. She said that the meeting is intended to be a continuation from last month and that the focus would be on hearing a scientific review given by Lori Hennings, Metro Wildlife Scientist, and discussing how Metro's Title 10 Code should address leashed dogs and hunting. Ciborowski reminded members of the Sounding Board's overarching purpose: "...to identify issues and opportunities related to expanding the allowed uses at Metro managed properties..." and referred to a table, included in the meeting packet, that sorted topics of interest and indicates how they will be addressed in this process. She said that members can directly contact Metro staff if they have information to communicate regarding one of the topics that does not fall under the purview of what the Sounding Board will be evaluating.

All in attendance introduced themselves.

## Recreational Uses in Natural Areas Presentation

Lori Hennings, Metro, said that her role for the agency is to review literature and convene groups to explore various topics related to Wildlife Science. Hennings said that some of her work includes the exploration of Recreation Ecology, which is the study of ecological effects due to recreational uses. Hennings said that more than a year ago she did literature review research regarding recreation ecology to help inform Metro's access planning process. Hennings provided a summary of the relevant findings to the Sounding Board regarding the impacts of certain recreational activities on natural areas, as follows:

### **General Recreation Ecology:**

- Horses have the greatest impact on trails, compared to mountain bikers and hikers. The bikers and hikers have a similar effect on trails.
- Horses are the least impactful to disturbing wildlife. Hikers tend to have a much bigger effect, likely due to the sheer quantity of them.
- Any recreational use is likely to have some negative affect on wildlife.
- People do not generally understand that they are having an effect on the environment and wildlife.
- Some animals are more sensitive to human disturbances including migratory birds, migratory mammals, animals that are pregnant, animals that have babies with them, and birds that spend time near the ground.
- It is helpful to study flight initiation distance (i.e. how far away an animal/person is before a bird flies away) when determining impacts of recreational uses.

### **Analysis of Dogs:**

- There is an additive effect of disturbance caused by dogs; wildlife are more disturbed by people with dogs than by people without dogs.
- The disturbance is likely due to dogs being viewed (scent and appearance) as predators by wildlife.
- Dogs that are off-leash are even more impactful to the natural environment as their "markings" act as a wildlife repellent.
- Another potential impact of dogs being in a natural environment is disease. Dog and wildlife bacteria are different and some diseases can be passed to dogs that can be brought back to the pet owner.
- Water quality monitoring shows that E.coli is a concern when dogs are present. Water quality can be compromised from the introduction of dog feces.

A question was asked about if water quality monitoring can differentiate between coyote and dog fecal matter. Hennings said she did not know.

## Discussion

## Dogs –

### Current Condition:

Metro Code: Title 10 currently prohibits dogs, and other domestic animals, on Metro property. Exceptions are made for service animals, pets on-leash at boat ramps, and pets on-leash at regional trails.

### Discussion:

#### **Comments relating to research:**

- Discussion occurred around the dog and natural habitat literature that Hennings presented, as well as an article that Jim Thayer, Oregon Recreational Advisory Council, circulated to the Board. Comments included:
  - The dated nature of the references used in Hennings' study, as well as the sample size, is concerning.
    - Research technology has changed substantially since the studies referenced in Hennings' research were conducted. Hennings agreed that there are sample size limitations, specifically relating to the on-trail data that was part of her literature.
  - The Board should avoid placing too much importance on one individualized study, and instead look at all studies' conclusions as a whole.

#### **Comments relating to dog management:**

- Dog management reduces impacts on natural environments significantly because having a complete dog ban raises the frequency of off-leash dogs which is harmful to wildlife.
- A recommendation was made to change the policy to allow leashed dogs on Metro property.
- Prohibiting dogs completely is also a valid approach to dog management.
- The degree of management (i.e. dogs being leashed or not leashed) does not make a difference on the level of disturbance to wildlife and the natural areas.
- Hennings clarified that wildlife disturbance is caused from a constant stream of dogs, not from introducing an occasional dog.
- Some members like the current policy and appreciate the exceptions it already makes for regional trails and boat ramps.
- A policy change is not appropriate due to the negative impact dogs have on wildlife.
- Metro staff need to communicate to the public the rationale for a dog ban to try to ensure this policy does not impact the public's willingness to support the regional greenspaces or create reluctance to use them.
- A policy exception should be considered for Metro's urban properties.

#### **Comments relating to social conflicts (between dogs and people):**

- Concern was expressed about social conflicts between dogs and people without dogs.
- Research should be conducted regarding whether a leashed, versus non-leashed, dog affects that social conflict outcome.
- There needs to be an educational component about appropriate dog-owner etiquette if there is a policy change.
- Having dogs on Metro property might make some people uncomfortable (i.e. children, certain cultural groups).



- It is interesting that Metro is currently evaluating how to better serve under-represented groups (specifically immigrants) at the same time they are contemplating allowing guns and dogs on their properties.
- Under-represented groups might perceive dogs as a threat and not feel comfortable if dogs are allowed on Metro property.
- The geography of Metro's properties, being more destination-based as opposed to easily-accessible city parks, does not lend itself to people naturally wanting to bring their pets.

**Comments relating to the policy and Metro's mission:**

- A change in policy should be dictated by the degree to which Metro's mission (protect water quality, preserve wildlife and provide human access) is being met.
- A question was asked about if all three of Metro's mission priorities are equally weighted. Dan Moeller, Metro, answered that there is not an official weighting, but that Metro staff evaluates ecological implications, followed by the compatibility of human access with conservation goals.
- The three Metro mission priorities conflict with each other in this case and there are priority tradeoffs between allowing or banning dogs.
- Creating the best policy is somewhat subjective, but a recommendation was made to leave the dog policy in its current form.
- Another member expressed agreement with the current code when considering both Metro's mission and the research presented.
- The Audubon land has a "no dog" policy and the organization has used it as an educational opportunity to teach the public about how dogs negatively affect the natural environment.
- Additional signage might be a tool Metro can use to achieve an educational component similar to The Audubon Society.
- A question was asked about if the current policy was in place because it was easiest to enforce a zero tolerance policy or because it was the policy that had the most merit. Moeller said that he does not know the intent and nuances behind the policy's origin.

**Comments relating to the equity of access to natural areas for dog owners:**

- Public health should also be a Metro priority. One of the biggest ways to get people outside and moving is to allow the 62 percent of Portland residents who own dogs to bring them onto Metro property.
- A complete dog ban is extreme and an equity issue. Metro property is funded by public tax dollars, and since the majority of those funds come from dog owners, their needs should be met with a less limiting policy.
- Equity for dog-owners is not an issue, as represented by the map showing that there are many areas in the region where dogs are allowed.
- Options are very limited in the Portland Metro area for people to spend time outdoors with their dogs because Weyerhaeuser has purchased much of the land adjacent to the Willamette Valley and the small urban parks do not provide trails and open green spaces wanted by most dog owners.
- The goal should be to manage the presence of dogs through signage and education to prevent conflict between property users.

**Concerns relating to enforcement of the policy:**

- An enforcement process should be created before a policy modification occurs to allow pets.
- An exception to the policy should be explored to allow dogs on Metro's rural property.

- A complete dog ban, as currently reflected in the policy, is the easiest for Metro to manage with their limited resources.
- There was acknowledgement by several members that ideally the policy would have compromise and meet all needs, but that Metro does not have the ability and resources to enforce a nuanced policy.
- Policies should not be created that cannot be enforced.
- A complete dog ban is the easiest to enforce, but that does not mean it is the best policy in regards to creating properties that can be enjoyed by Metro tax payers.
- Additional resources should be allotted to enforce the leashing requirement of a new policy.

**Comments relating to the use of dogs for personal protection:**

- The policy should be changed to allow leashed dogs because dogs provide protection for individuals.
- Dogs will not be harmful to wildlife once they (wildlife) are given an opportunity to adapt to their new environment.

Outcome:

***Consensus was not reached by the group. Many strong opinions and important pieces of information were shared both in favor, and in opposition, to a Title 10 code change in regards to dogs on Metro property.***

**Hunting –**

Current Condition:

Metro Code: Title 10 currently bans hunting in Metro parks and natural areas. To date, no exemptions to the policy have been made.

Moeller added that it is not Metro, but the state that is responsible for the regulation, and enforcement, of firearms. A member asked for clarification about Metro signs that depict weapons being prohibited on Metro property. Moeller said that the sign illustration is intended to show hunting, not firearms, being prohibited.

Discussion:

**Comments relating to allowing hunting on Chehalem Ridge property:**

- There was acknowledgement by members that Chehalem Ridge historically allowed hunting and that the hunting ban has changed how people use that property and the culture of the space.
- Hunting should not be allowed, in general, on the basis of incompatibility with Metro's mission. An exception could be made through a special use permit for certain outlying areas (i.e. Chehalem Ridge) for specific types of hunting.
- Some restricted hunting should be considered if it still allows Metro to achieve its mission.
- Many minorities rely on hunting to feed their families and although hunting should remain banned on most Metro property, a policy exception on Chehalem Ridge should be considered.
- There was general agreement around having a policy prohibiting hunting with firearms, but ideas were expressed that a special use permit could be considered for bow hunting on Chehalem Ridge.

**Comments relating to use of hunting as animal management:**

- The policy should allow for hunting in situations where game has overpopulated a certain area.
- Hunting could also help secure safe passage on logging roads that beavers damage.
- Hunting could be allowed by the policy in a way that prioritizes safety, regulates firearm type (i.e. bows, short-range guns), and is done to appropriately manage animal populations.
- Animal management is a necessity to keep Metro and adjacent properties healthy.
- Discussion occurred about if, and why, wildlife is expected to become over-populated in the near future on Metro properties. There was acknowledgment that some increase in animal populations can be attributed to Metro's thinning project.

**Comments relating to concerns of hunting on Metro properties:**

- Allowing hunting on Metro property will likely cause some communities to not feel comfortable in the space.
  - This could be managed by making certain areas off-limits to the general public during a limited-duration of allowable hunting because hunting season is not the same as prime hiking season.
  - A proposal was made to change the policy in a way that would allow a very limited number of hunters, sponsored by the Oregon Hunters Association, to participate in controlled hunting that makes all park participants feel welcome.
  - The demographic breakdown of the current Oregon Hunters Association membership illustrates that hunting in this region is an inclusive activity.
- Hennings said that in addition to the general disturbance to wildlife, hunting could trigger the predator/shelter effect (i.e. pushing deer and elk onto adjacent sites that do not allow hunting).

**Comments relating to regulation of hunting on Metro properties:**

- If some hunting was allowed on Metro property, it would take a lot of time before implementation because of the substantial oversight and regulation by other entities.
- Toxicity of the ammunition (non-lead as opposed to lead) should be regulated if hunting is allowed.
- The following two requirements should be written into any hunting policy allowances:
  - A subsistence versus trophy hunting requirement.
    - It was suggested that this could be achieved by issuing permits allowing one deer per hunter.
  - A master-hunter training certificate; made economically accessible.
- There needs to be strong emphasis on an educational component if hunting is allowed.
- Before making a policy change, Metro staff should gather demographic data about who would hunt in these areas, as well as research how hunting would affect the health of the park, wildlife and adjacent properties.

**Outcome:**

**Consensus was not reached by the group regarding a hunting Title 10 code change. However, there was general agreement that:**

- ***further study should be conducted to understand the impacts of hunting on wildlife and people.***
- ***there should be consideration for limited hunting on Chehalem Ridge with restrictions.***

## Prioritization of Discussion Topics

Ciborowski read the list of topics originally identified by the Sounding Board and said that it is unlikely they can all be covered in the remaining meeting. The members agreed that the following topics are the most important to cover at their next, and final, gathering:

- Unsupervised children
- Rule enforcement and safety
- Demand/desire trails
- Foraging and gleaning

Ciborowski suggested that members submit comments to Metro staff regarding the topics that will not be discussed by the Board due to time constraints. Board members agreed.

## Closing

Suzanne Piluso, Metro, thanked members for another productive meeting and said that she is going to send out a doodle poll to facilitate scheduling the September meeting.

The meeting adjourned shortly before 11:00 a.m.

# Metro Title 10 Review Sounding Board - Meeting #3 Summary

**Wednesday, September 20, 2017, 9:00–11:00 a.m.**

**Location: Metro Regional Center, Room 270, 600 NE Grand Ave., Portland, OR**

## **Sounding Board Members Present**

Tony Deis, *Trackers Earth Portland*

Arlene Kimura, *Hazelwood Neighborhood Association*

Ted Labbe (alternate), *Urban Greenspaces Institute*

Ken McCall, *Oregon Hunters Association*

Micah Meskel, *Audubon Society*

Jim Thayer, *Oregon Recreational Advisory Council*

Philip Wu, *Kaiser Permanente*

## **Staff Present**

Dan Moeller, *Metro*

Suzanne Piluso, *Metro*

Sylvia Ciborowski, *JLA Public Involvement*

John Todoroff, *JLA Public Involvement*

## Introductions and Agenda Review

Sylvia Ciborowski, JLA Public Involvement, welcomed Sounding Board members and provided a recap of the previous Sounding Board meeting on July 18, 2017. She noted that topics for discussion at today's meeting include four key topic areas that were identified as most important at the meeting in July: unsupervised children, rule enforcement and safety, demand trails, and foraging.

Sounding Board members introduced themselves.

Sylvia and the group reviewed the Meeting #2 summary. One member requested that the meeting summary include letters and other written comments. Sylvia noted that the final report will include any letters, comments, and studies that members want to submit.

Members provided additional comments on the two topics discussed at Meeting #2: access by leashed dogs and hunting. Comments included:

- Members noted the difficulty of public access on large swaths of private lands. There may be a role for Metro to negotiate public access on privately owned forest lands (e.g. Weyerhaeuser property), although this issue might not necessarily be addressable under Title 10. Recreational pressure on public lands near Portland could be relieved by opening up private lands for recreation. Currently there is a high demand to obtain scarce and expensive permits to access private land. Dan Moeller, Metro, noted that there is an opportunity for further discussion on this issue.

- The Oregon Department of Fish and Wildlife’s Access and Habitat Program Board is an appropriate venue for discussing the issue of hunter access to privately owned forest lands. There are other landowners besides Weyerhaeuser who are also expected to enact programs that will restrict recreational access.
- There is concern from one member about the scientific research presented by Metro at the last meeting. The member noted it relies on dated research, small sample sizes and anecdotal evidence. He described a separate, more robust and more recent study suggests that humans, more than dogs, are the main impact on wildlife and leashed dogs only have a marginal impact.
- There is not enough enforcement of policies prohibiting unleashed dogs at other sites that allow dogs. Another member suggested placing signs notifying visitors of the dollar amounts of fines for violating leash policy.
- The Statewide Comprehensive Outdoor Recreation Plan Report (SCORP) shows there is a huge demand for more land for dog walking, and this should be a high priority for Multnomah and Washington counties.

## Discussion

### Unsupervised children

#### Current Condition:

Current rules do not address children (with the exception of banning children under 5 from swimming in Blue Lake).

#### Discussion:

Comments made by group members include:

- Parents’ responsibility for children and teen’s behavior can be a gray area. There should be clarification about what age group we are discussing. Using the word “minors” (which includes teenagers) has a somewhat different implication than “children”, in terms of safety and accountability. The concern with young children is the safety of the child in natural areas and particularly around open water; whereas the concern with minors/older children is accountability for reckless actions.
- Parents are often uncertain about how much autonomy children can have or are allowed to have in the forest. Independent recreation is important for children’s development. Rules should not discourage parents from allowing that. Parks and forests are important venues for children to develop their imaginations.
- Children should be allowed to play unsupervised when liability is not an issue. Dan Moeller clarified that liability is not an issue for Metro at Oxbow (and other natural areas), even though there are occasional deaths in swimming holes there.
- Children today have relatively little access to the “sacred space” of natural areas, and relatively little opportunities to play with freedom from parents, compared to the past.
- There is need for nature play areas in Metro parks — semi-structured play areas where parents will feel comfortable bringing their children.

- Metro should increase awareness among parents, many of whom do not understand the rules or what is permitted, or mistakenly believe that children are not allowed to play alone in natural areas.
- Suggest creating a version of safety rules and fire prevention tips that is written to be age-appropriate, fun and accessible for a young audience. This kind of informational material would have the added benefit of being accessible to audiences that do not speak English as their primary language.
- There need to be clear warnings about swimming and/or fishing in waters that have contamination problems (e.g. bacteria). A good example is the dock signage at Sauvie Island.

Outcome:

***Members generally felt that the Metro rules as written are sufficient. There is some desire to have better signage and communications materials to increase awareness about nature play opportunities and how to stay safe (outside of scope of Title 10).***

## Demand/desire trails and foraging

Current Condition:

Suzanne explained that current rules prohibit creation or alteration of trails and prohibit foraging without a permit. However, enforcement is an issue, and enforcement of mushroom harvesting does not happen at all in practice.

Discussion:

- Demand/desire trails:
  - Agreement among the group that explicit prohibition of demand trails should be added to the code so that regulations can be printed on signs and enforced. They noted that demand trails should particularly be prohibited around single track biking trails—where demand trails are more of an issue. They would still like demand trails to be allowed under special use permits.
  - There is pressure to build trails, so Metro needs to be proactive about adding explicit prohibition in the code.
  - Forest Park deals with demand trails well.
- Foraging:
  - The rules should recognize the distinction between small-scale foraging for personal consumption versus larger-scale commercial harvesting, or between foraging for on-site consumption versus removal from the park or natural area. Commercial versus non-commercial foraging is the most important distinction.
  - Some harvesters forage a large amount for their own personal consumption.
  - Regulations should not prohibit small-scale personal foraging, since that can discourage families from using natural areas.
  - There is general agreement that small personal consumption should be allowed but large scale commercial operations (or large-scale personal foraging) should be prohibited.
  - Consider cultural values and traditions pertaining to foraging.

- It is unlikely that there is currently a significant amount of large-scale commercial activity occurring on Metro land, however, consider unanticipated future uses as Metro acquires more land.
- There is current regulation prohibiting disturbing plants and soil, therefore illicit cultivation of agricultural products (e.g. cannabis) is already prohibited.

Outcome:

- **Members support updating the Code to specifically prohibit demand trails.**
- **Members support updating the Code to allow small-scale personal consumption of forest products, but prohibit commercial harvesting or excessive personal harvesting.**
- **Both demand trails and larger-level harvesting should be allowed under special use permits, as is the current practice.**

## Rule enforcement and safety

Current Condition:

Current code states that Metro has the authority to enforce rules, revoke permits, and cite or exclude people. There is an internal manual for rangers guiding how they implement enforcement policies. There are only 14 rangers employed on Metro land, so adequate enforcement is an issue.

Discussion:

Comments from members include:

- Security in parking lots is a concern, especially break-ins and theft. Consider adding warning signage, or providing a contact number for rangers on signs in parking lots and on trails.
- Suggest providing rule documentation and outreach that is accessible to people (adults and kids), written in an entertaining and engaging way. “Kid-friendly” rule guides would also benefit communities (e.g. immigrants and refugees) with low education and/or low English comprehension. Signage and guides should be made accessible with illustrations and simple language.
- Engage park neighbors about problems and provide information about how to report suspicious activity. Be careful to avoid problems associated with NextDoor social media, such as prejudiced response toward minorities.
- Good enforcement is necessary to prevent vigilantism. Members suggested that Metro engage with neighbors and self-organized groups to train them in proper methods of neighborhood watch type activities and avoid the problems associated with vigilantism, for example uncompassionate response to homelessness.

Outcome:

- **Members did not suggest any specific changes to Code language. They did make suggestions about signage, programs and communications materials that could help increase safety and security.**



## Project wrap-up discussion

Sylvia asked Sounding Board members to reflect on what they feel is the most important issue or key takeaway regarding recreational uses on Metro-owned properties.

- It is important to involve and communicate with non-English speakers and illiterate people, and to build trust in Metro among immigrant and disadvantaged communities. Cultural relevance is important. One way to communicate with non-English speakers and the wider populations is through use of symbols on signs—rather than words.
- The discussion of cultural issues has been eye opening, and the Oregon Hunting Association intends to engage the hunting community to try to be more inclusive. The Association would support allowing some hunting on properties (with a permit)
- The current rules are well written and flexible, and this conversation is more about refining them and making them more adaptable. Appreciate Metro's adaptability.
- Hope that Metro infuses some flexibility and creativity in the update of Title 10 and management of parks and natural areas. Avoid total prohibitions, and aim for more flexible and responsive ways to deal with problems.
- Metro's Equity Strategy is an important lens for considering updates to regulations.
- Metro's mission is foundational and should be the underpinning for any regulation updates.
- Develop a way to be flexible within the context of Metro's large portfolio of public lands.
- Suggest producing a condensed summary of the outcome of this project and changes to the Code as an example and guide for other parks agencies in the area. There was also a suggestion to present at the Oregon Recreation & Park Association annual conference, reaching out to other communities to share what has been learned in this process.

## Final Report and Next Steps

Dan thanked the group for their contributions and for their collaboration on these issues. He said that the time spent here has been very valuable and productive.

### Next steps:

JLA will produce a summary report of the process by mid-October, which will be sent to the group for review by the end of the month. In October and November Metro staff will review issues brought up in these discussions. Staff will produce a report (including meeting summaries) to present to Metro Council in the first quarter of 2018.

Sounding Board members should send any further comments, letters, or other information to Suzanne Piluso ([Suzanne.piluso@oregonmetro.gov](mailto:Suzanne.piluso@oregonmetro.gov)), ideally within the next two to three weeks.

Ted suggested continuing the discussion about negotiating with Weyerhaeuser or other private land owners regarding allowing public uses. He will organize this discussion by email.

The meeting was adjourned.

# Appendix: Email Comments Submitted by Metro Title 10 Review Sounding Board Members

---

**From:** Mike Houck [<mailto:mikehouck@urbangreenspaces.org>]  
**Sent:** Thursday, June 15, 2017 2:28 PM  
**To:** Dan Moeller  
**Subject:** UGI DRAFT Position on Title 10 Recreational Use of Metro Natural Areas

The following are my reactions to the topics for conversation

As per the 1992 Metropolitan Greenspaces Master Plan and Systems Management Plan, any uses must respond to the first priority of ecological integrity of Metro's natural areas.

I have issues with page 10.01-3 definition of Park in the context of Metro's program and will bring that up ("playground, recreation center,)

page 10.01-5 I think the angling statement is inconsistent with the discussion piece on angling

ALCOHOL: I think it best to not allow alcohol with a special permit, which should help with enforcement. We all know people will bring a bottle of wine/beer and that's not really a problem. If you legalize alcohol then enforcement will be a nightmare

DOGS: No dogs off or on leash!

DRONES: No drones unless for a Metro research, restoration, management purposes. Must be on contract with Metro to use a drone.

GROCHACHING/LETTER BOXING: Yes, but only as per adopted Metro policies. I think this is highly problematic and want to discuss further with Metro staff

FISHING: In designated areas; No dogs allowed; No alcohol allowed

HUNTING: No way, no how!

SMOKING: Prohibit



Mike Houck, Director  
Urban Greenspaces Institute  
PO Box 6903  
Portland, OR 97228-6903  
503.319.7155  
[mikehouck@urbangreenspaces.org](mailto:mikehouck@urbangreenspaces.org)  
[www.urbangreenspaces.org](http://www.urbangreenspaces.org)

*Endless Pressure, Endlessly Applied  
In Livable Cities is Preservation of the Wild*

**From: Jim Thayer [mailto:Jim@thayers.org]**  
**Sent: Thursday, July 13, 2017 1:34 PM**  
**To: Suzanne Piluso**  
**Cc: Lori Hennings; Dan Moeller; Laura Odom; Sylvia Ciborowski**  
**Subject: Re: Materials for Metro Code Title 10 Sounding Board mtg #2 (July 18)**  
**Importance: High**

Suzanne

At the onset of this process I expressed misgivings about the nature of the scientific information that would be presented to this group. Much as I respect Lori Henning's work, her literature review reflects Metro's historic perspective and it does not include information that I purposely provided to Metro that reflects more recent findings. A brief review of the materials cited in Lori's summary reveals that much of the material is 5-10 years old. More recent studies, such as the study cited below, have found that dogs, people and wildlife can cohabitant natural areas with much less disturbance that the older literature suggests. Moreover the studies do not reflect upon the issues of equity that wholesale banning of dogs has on the population of Portland, which has clearly expressed a need for more dog walking facilities with 97% of the Metro population expressing this need (SCORP 2017). Banning dogs from all of Metro's park establishes an equity conflict since it uses public tax monies to benefit less than half of the population, not as a result of a casual exclusion, but by imposing a purposeful inequity.

Since my prior efforts to ensure the distribution of a broader scope of research on this subject into the agenda were ignored, I herewith re-submit the following 2016 study that involved a much larger sample size than the earlier studies that Lori reviewed. This 2016 study involved 52,863 detections of native wildlife, 162,418 detections of humans and 23,332 detections of dogs over 42,874 camera nights.

Our results indicate that humans are perceived as a greater risk than coyotes, and this increases when dogs accompany their owners. The concentration of dogs on the trail with their owners, and relatively minor behavioral impacts on prey, contrasts the strong negative ecological effects found in studies of free-ranging dogs. We found dog management to be effective: prohibiting dogs in protected areas reduced their use of an area by a factor of 10 and leash laws increased leashing rates by 21%.



**ELSEVIER** [Biological Conservation](#)  
[Volume 203](#), November 2016, Pages 75-88

# The ecological impact of humans and dogs on wildlife in protected areas in eastern North America

<sup>a</sup> North Carolina Museum of Natural Sciences, 11 West Jones Street, Raleigh, NC 27601, USA

<sup>b</sup> Department of Forestry & Environmental Resources, North Carolina State University, 2800 Faucette Blvd, Raleigh, NC 27607, USA

<sup>c</sup> Smithsonian's National Museum of Natural History, 10th St. & Constitution Ave. NW, Washington, DC 20560, USA

<sup>d</sup> Smithsonian Conservation Biology Institute, 1500 Remount Rd, Front Royal, VA 22630, USA

<sup>e</sup> Oregon Department of Fish and Wildlife, 1401 Gekeler Lane, La Grande, OR 97850, USA

<sup>f</sup> The Nature Conservancy, 4245 Fairfax Drive, Arlington, VA 22203, USA

<https://doi.org/10.1016/j.biocon.2016.09.001>Get rights and content

## Highlights

- Citizen-scientists helped conduct a camera-trap survey in U.S. protected areas.
- **Dogs were common in protected areas and most were leashed.**
- Most of dogs were on the trail (99%) and/or accompanied by a human (97%).
- Leash laws reduce the incidence of free-ranging dogs.
- **Wildlife perceived free-ranging dogs as a relatively low threat.**

## Abstract

The establishment of protected areas is a key strategy for preserving biodiversity. However, human use of protected areas can cause disturbance to wildlife, especially in areas that allow hunting and if humans are accompanied by dogs (*Canis familiaris*). We used citizen-science run camera traps to investigate how humans, dogs and coyotes (*Canis latrans*) used 33 protected areas and analyzed behavioral responses by three prey species: white-tailed deer (*Odocoileus virginianus*), eastern gray squirrel (*Sciurus carolinensis*) and northern raccoon (*Procyon lotor*). We obtained 52,863 detections of native wildlife, 162,418 detections of humans and 23,332 detections of dogs over 42,874 camera nights. **Most dogs (99%) were on the trail**, and 89% of off-trail dogs were accompanied by humans. Prey avoided dogs, humans and coyotes temporally, but did not avoid them spatially, or greatly increase vigilance. Our results indicate that **humans are perceived as a greater risk than coyotes**, and this increases when dogs accompany their owners. The concentration of dogs on the trail with their owners, and relatively minor behavioral impacts on prey, contrasts the strong negative ecological effects found in studies of free-ranging dogs. We found dog management to be effective: prohibiting dogs in protected areas reduced their use of an area by a factor of 10 and leash laws increased leashing rates by 21%. **Although millions of dogs use natural areas in North America each year, regulations enacted by protected areas combined with responsible management of dog behavior greatly reduce the ecological impact of man's best friend.**

<http://www.sciencedirect.com/science/article/pii/S0006320716303603>

On 24-Sep-2017, at 7:34 PM, [Jim@thayers.org](mailto:Jim@thayers.org) <[jim@thayers.org](mailto:jim@thayers.org)> wrote:

As a member of the Portland area hiking community, I am encouraged that Metro is examining some of its foundational precepts. Nonetheless, as a member of the aforementioned sounding board I feel compelled to question the validity of the "soundings" because the process was marred by:

- \* reliance on decades-old scientific data,
- \* a complete omission of relevant state hiking data, and
- \* a reluctance to address equity costs born by Metro area dog owners

To address these shortcomings individually please consider the scientific data we were presented:

- \* 75% of the studies referenced in Metro's fvsience literature overview were more than 17 years old.
- \* Many of the cases were anecdotal, had small sampling sizes, or were geographically disassociated.
- \* a 2016 study published by the Journal of Biological Conservation differed sharply from these older surveys because of its huge sampling size and the introduction of new camera and monitoring technology.
- \* the study found that "humans were perceived as the highest perceived risk for wildlife."
- \* "Dogs by themselves had the lowest perceived risk."
- \* When dogs and people walked together there was a marginally greater impact on wildlife. Should we exclude the dogs? Why not the humans?
- \* This recent study also concluded that "prey species adjusted their disturbance response to dogs ...to reflect the relatively low risk posed by an on-trail dog walking with its owner."
- \* Finally, this study showed "how the responsible control of dog behavior by their owners can minimize disturbance of wildlife." This is what we should be focusing on, instead of dividing our community with inequitable exclusions.

When I introduced the recent study (published by the Journal of Biological Conservation) its findings were rebuffed simply because it determined that a human accompanied by a dog was slightly more threatening than a lone hiker. Logically we should remove the more disturbing critter - the human. Remember, dogs have the lowest perceived risk by wildlife and humans have the highest perceived risk. Poor outdated data does Metro a disservice and undermines its credibility.

The sounding board process was silent on the social costs that arise when the "customary and usual rights" of traditional users are abridged. As citizens of Metro jurisdiction we have twice paid for the purchase and maintenance of these lands, but now half of us will be banned, because we prefer to walk with our dogs. Since when has dog ownership disqualified us from enjoying public investments like trails and parks?

In fact, 49% of the residents of the Metro region have explicitly asked (SCORP) for more trails to exercise their dogs. Instead we're closing off more areas for dogs? Dogs are the second biggest reason people choose to recreate in nature. It's my dog that keeps me active and healthy, but

Metro doesn't appear to value this public health benefit.

A blanket exclusion of dogs is socially inequitable, and will remain a recurring complaint as open spaces disappear and timber companies lock us out of the forests. We can't simply wish this issue away and as our more dog owners are locked out Metro will have to continue to defend the indefensible.

My gratitude to Metro and my fellow observers. In all good conscience I could not support policies that shut half of us out of the woods, nor could I refrain from objecting to those equity concerns that the "Sounding" appears to have been overlooked in their search for guidance on future park access issues.

Jim Thayer

Sent from my iPad

A

**On Sep 24, 2017, at 20:14, Mike Houck <[mikehouck@urbangreenspaces.org](mailto:mikehouck@urbangreenspaces.org)> wrote:**

Jim

Out of curiosity is your consistent take on the dog issue the only portion of the review you take issue with? We're there other issues you take exception to?

Not to "rebut", honoring your right to dissent, but if I read your comments correctly you are claiming half the Metro population is being excluded from Metro properties based on their ownership of a dog(s).

That argument makes no sense to me. I know many dog owners who quite happily support Metro's existing policy based on wildlife disturbance...and frankly negative impacts on other natural area users.

Finally, when Metro issued their two acquisition bonds they stressed water quality, wildlife habitat and, where appropriate, human enjoyment of access to nature. I was involved intimately in both bond measures and there was never a mention of dogs.

Houck

<sm rev UGI logo.jpeg>

Mike Houck, Director  
Urban Greenspaces Institute  
[PO Box 6903](#)  
[Portland, OR 97228-6903](#)  
[503.319.7155](#)  
[mikehouck@urbangreenspaces.org](mailto:mikehouck@urbangreenspaces.org)  
[www.urbangreenspaces.org](http://www.urbangreenspaces.org)

*Endless Pressure, Endlessly Applied*

*In Livable Cities is Preservation of the Wild*

**From:** [ken.mccall](#)  
**To:** [Dan Moeller](#); [Suzanne Piluso](#); [Bryan Cook](#)  
**Subject:** Metro Title 10 Review Sounding Board  
**Date:** Wednesday, September 27, 2017 10:13:19 AM

---

Hi Dan and Suzanne,

We wish to extend our thanks for the willingness of Metro to pull together the sounding board group and including OHA in the process. We learned a lot and met some great people representing the respective interests of the public.

I wanted to repeat for the record OHA is seeking only consideration for limited, controlled hunting as a traditional public use on large Metro holdings. The loss of hunting on Chehalem ridge is the current example though as Metro expands further into less urban areas, other similar larger parcels may be acquired. We fully understand the basis for the original ban on hunting, our interest is in continuing the social aspects of hunting and beneficial wildlife management.

Reasonable restrictions on numbers of hunters, limited range hunting methods, seasonal timing and information/education are key.

One key element we learned more about is the strong cultural subsistence hunting and fishing element present in under served groups in the urban area.

We are more than willing to discuss the positive values of hunting and how hunting can serve your public and management of the Metro properties.

Thanks for your consideration and inclusion,

Ken McCall  
Resource Director  
Oregon Hunters Association  
541-602-1819  
[ken@oregonhunters.org](mailto:ken@oregonhunters.org)



**From:** Jim@thayers.org [mailto:jim@thayers.org]  
**Sent:** Thursday, September 28, 2017 12:50 AM  
**To:** Mike Houck  
**Cc:** Dan Moeller; tony@trackersearch.com; ken@oregonhunters.org; arlene.kimura@gmail.com; Philip.P.Wu@kp.org; mmeskel@audubonportland.org; Ted.labbe@gmail.com; jguzman@vivenw.org; bryan.cookoha@gmail.com; Sylvia Ciborowski; Laura Odom  
**Subject:** Re: Title 10 Metro Sounding Board

Mike:

There are two aspects of this Sounding board that I find troubling.

1. The reliance on outdated scientific data, and Metro's biased analysis of new data to justify outdated policies instead of embracing evidence of successful ways to manage interactions between dogs and wildlife.

Despite honest efforts to resolve this conflict, Metro is still handing out decades-old data that was conducted before modern monitoring technology gave us a much sharper image of what's going on in the woods. Apparently little effort was made to find new studies on dog and wildlife interactions. After just a few minutes of searching I found a 2016 study published by the Journal of Biological Conservation that used more than 34,000 data points. When I submitted this study, the response was defensive and focused on a single sentence that asserted that dogs accompanying their owners had a marginally larger impact than lone human hikers. What they ignored was that according to the study, people represent a much higher perceived risk; dogs presented the lowest perceived risk. In Metro's view this justified the expulsion of the least disturbing influence. Metro's approach to the scientific data is not genuine. It's used not used to shed light on the issue, but rather to justify a predetermined policy. Metro's policy-driven analysis of the scientific data will do lasting damage to the agency's reputation. That's my primary concern.

My second concern is that Metro is "taking" away one of our fundamental rights. As the Oregonian expressed it in their March 23, 2016 editorial, "Metro taxpayers have a reasonable right to make customary use of parkland they own".

For more than 40 years I and many Burlington locals have been walking our dogs in Burlington Woods, near the Old Growth Grove whose purchase I helped negotiate 30 years ago. The Burlington Woods property was initially owned by John Hampton and later by Longview Fiber and both private companies explicitly permitted recreational dog walking. I even wrote a hiking book about this area - targeted to dog walkers that preferred more remote trails.

For 30 years I supported Metro's acquisitions. Then I volunteered to serve on a Metro task force where I learned to my astonishment that dogs were NOT permitted in any Metro park lands. I was stunned. When did we voters approve such a drastic move? How did Metro acquire the right to exclude all dog walkers from its parks?

I checked all the information provided to the public about the two Metro bonds and there was no mention of dogs. Even Metro's website was silent on the matter. None of the Metro's press releases about their new parks mentioned this crucial exclusion. Apparently, it was better to turn people with pets away at the park entrance than to publish the fact that Metro categorically banishes all dogs from their parks. That would have caused a stir, so Metro stayed silent.

Metro even refused to calculate the historical use of the Burlington Woods area by dog walkers, although they did so for every other activity. I challenged the taskforce to present a complete data set, including prior dog use, but they explicitly refused. That's because it had been regularly used by dog walkers like me for over thirty years and the data would have shown that Metro was effectively taking away that customary right.

Mike you're absolutely right that there was no fuss initially, but that's because the backers of the bond didn't want the "taking" of dog owners' rights to cause controversy and potentially spoil our appetite for this bond measure. That's why the documents, the press releases, and the websites were all silent on an issue that directly affects nearly half of Metro's inhabitants.

Mike you're also right that not all dog owners agree with me, but the latest SCORP report by the Oregon Parks and Recreation Department indicates that at least 49% of hikers in Metro's jurisdiction want more trails for walking their dogs.

Nonetheless lots of people do support the ban. Regardless of whether people agree or disagree with allowing dogs into parks, their opinion cannot be used to justify removing other people's rights - without an explicit referendum. People are free to hold whatever opinion they want. If they chose not to exercise their right it doesn't mean that others should also be prevented from exercising their rights. Let's put it more simply. If someone chooses not to vote it doesn't strip them of the right to do so later, nor does it affect the rights of others to vote. If some people don't want to walk their dogs in the woods that's fine, but it doesn't give them the right to "take" my rights away.

What really irks me about this conflict is that it could so easily be avoided. Modern trail design can accommodate many kinds of users from cyclists to dog walkers. I have never advocated that dogs should be given access to all parks. I have been vociferous in calling for better signage and stricter enforcement of leash laws. On the Columbia Land Trust board I have voted against granting access to both dogs and people on sensitive properties. Recent studies show that managing dog and dog owner behavior is effective and that wildlife will adapt. A total exclusion is unnecessary.

Jim Thayer

Sent from my iPad



# The ecological impact of humans and dogs on wildlife in protected areas in eastern North America

Arielle Waldstein Parsons<sup>a,\*</sup>, Christina Bland<sup>b</sup>, Tavis Forrester<sup>d,e</sup>, Megan C. Baker-Whattton<sup>f</sup>, Stephanie G. Schuttler<sup>a</sup>, William J. McShea<sup>d</sup>, Robert Costello<sup>c</sup>, Roland Kays<sup>a,b,c</sup>

<sup>a</sup> North Carolina Museum of Natural Sciences, 11 West Jones Street, Raleigh, NC 27601, USA

<sup>b</sup> Department of Forestry & Environmental Resources, North Carolina State University, 2800 Faucette Blvd, Raleigh, NC 27607, USA

<sup>c</sup> Smithsonian's National Museum of Natural History, 10th St. & Constitution Ave. NW, Washington, DC 20560, USA

<sup>d</sup> Smithsonian Conservation Biology Institute, 1500 Remount Rd, Front Royal, VA 22630, USA

<sup>e</sup> Oregon Department of Fish and Wildlife, 1401 Gekeler Lane, La Grande, OR 97850, USA

<sup>f</sup> The Nature Conservancy, 4245 Fairfax Drive, Arlington, VA 22203, USA

## ARTICLE INFO

### Article history:

Received 20 December 2015

Received in revised form 25 August 2016

Accepted 5 September 2016

Available online xxxx

### Keywords:

Camera traps

Coyote

Hikers

Domestic dog

Protected areas

Risk-disturbance

## ABSTRACT

The establishment of protected areas is a key strategy for preserving biodiversity. However, human use of protected areas can cause disturbance to wildlife, especially in areas that allow hunting and if humans are accompanied by dogs (*Canis familiaris*). We used citizen-science run camera traps to investigate how humans, dogs and coyotes (*Canis latrans*) used 33 protected areas and analyzed behavioral responses by three prey species: white-tailed deer (*Odocoileus virginianus*), eastern gray squirrel (*Sciurus carolinensis*) and northern raccoon (*Procyon lotor*). We obtained 52,863 detections of native wildlife, 162,418 detections of humans and 23,332 detections of dogs over 42,874 camera nights. Most dogs (99%) were on the trail, and 89% of off-trail dogs were accompanied by humans. Prey avoided dogs, humans and coyotes temporally, but did not avoid them spatially, or greatly increase vigilance. Our results indicate that humans are perceived as a greater risk than coyotes, and this increases when dogs accompany their owners. The concentration of dogs on the trail with their owners, and relatively minor behavioral impacts on prey, contrasts the strong negative ecological effects found in studies of free-ranging dogs. We found dog management to be effective: prohibiting dogs in protected areas reduced their use of an area by a factor of 10 and leash laws increased leashing rates by 21%. Although millions of dogs use natural areas in North America each year, regulations enacted by protected areas combined with responsible management of dog behavior greatly reduce the ecological impact of man's best friend.

© 2016 Elsevier Ltd. All rights reserved.

## 1. Introduction

The establishment of protected areas is a key strategy for preserving biodiversity. Although they preserve habitat, protected areas typically do not eliminate human presence. On the contrary, people visit protected areas an estimated 8 billion times around the world every year, including 2 billion in the United States (Balmford et al., 2015). Nature recreation is important for conservation because it helps connect people with nature and broadens the constituency that values protecting land from development (Balmford et al., 2002; Wells and Lekies, 2006). However, human use of these areas can cause disturbance to wildlife, threatening the biodiversity preservation goals of protected areas.

Disturbance of wildlife by recreationists may provoke anti-predator responses such as fleeing, increasing vigilance, and changes in habitat use (Frid and Dill, 2002). Since there is a trade-off between avoiding a perceived risk and other fitness-enhancing activities, like feeding and finding a mate, disturbances by recreationalists can reduce animal fitness by disrupting optimal feeding, parental care, or mate choice (Beale, 2007; Beale and Monaghan, 2004; Frid and Dill, 2002). The risk-disturbance hypothesis provides a framework for understanding wildlife-human interactions, where responses by disturbed animals can be directly attributed to disturbance stimuli, responses being stronger when perceived risk is greater (Frid and Dill, 2002).

Human-caused disturbance can be compounded in areas that allow hunting (Frid and Dill, 2002) and if humans are accompanied by dogs (*Canis familiaris*) (Banks and Bryant, 2007; Miller et al., 2001; Weston and Stankowich, 2014). There are an estimated 78 million domestic dogs living in the United States (Gompper, 2014) and many owners visit protected areas with their dogs each year (Hughes and MacDonald, 2013). Protected areas often have leash laws which could

\* Corresponding author at: NC Museum of Natural Sciences, 11 West Jones Street, Raleigh, NC 27601, USA.

E-mail address: [arielle.parsons@naturalsciences.org](mailto:arielle.parsons@naturalsciences.org) (A.W. Parsons).

limit the interactions of dogs with wildlife, while others prohibit the dogs altogether. However, little data exist to evaluate the effectiveness of these policies in terms of ecological impacts, the extent to which owners obey leash laws, or how often dogs move off-trail and interact with wildlife (Ritchie et al., 2014; Vanak et al., 2014). While the lethal impacts of dogs on wildlife have been shown (Young et al., 2011), the indirect effects of dogs on vigilance (Vanak et al., 2009), feeding rates (Vanak et al., 2009), space use (Grignolio et al., 2011) and fecundity (Sheriff et al., 2009) of native wildlife is of equal concern. In a review of 69 peer-reviewed studies on dog–wildlife interactions, only three concluded that dogs had no impact (Hughes and MacDonald, 2013).

As development encroaches around protected areas in the United States and human use of these areas increases (Radeloff et al., 2010), understanding the impacts of recreation on wildlife is a key priority. Our previous research found that hiking and managed hunting did have an effect on mammal distribution, though to a lesser extent than habitat, however an analysis of the effect of dogs as an agent of disturbance was not considered (Kays et al., 2016). Thus, in this study we used the same camera trapping survey to investigate the use of protected areas by humans and dogs in the eastern United States. We predicted that most humans and dogs would be found on trails, and that leash laws would significantly decrease off-trail dog activity. To put the effects of humans and dogs in perspective, we compared the strength of their indirect ecological effects on wildlife with those of the second largest natural predator, coyotes (*Canis latrans*). We quantified these effects by evaluating the spatial and temporal avoidance of potential predators by three common prey species that vary in activity patterns (crepuscular, diurnal, nocturnal): white-tailed deer (*Odocoileus virginianus*), eastern gray squirrel (*Sciurus carolinensis*) and northern raccoon (*Procyon lotor*). We also examined the effect of predator presence on white-tailed deer vigilance. Based on the risk-disturbance hypothesis, we predicted that wildlife would respond to humans, dogs and coyotes as predators and that the level of the response would be relative to the

perceived risk. Specifically, we expected humans to be the highest perceived risk, given that humans actively hunt deer throughout the region. Likewise, we expected humans with dogs to be perceived as a greater risk than humans without dogs given the additional perceived risk imposed by dogs. We expected unattended dogs and coyotes to be perceived as a similar level of risk given their similar size and less predictable movement patterns off trails.

## 2. Material and methods

### 2.1. Citizen science camera trap surveys

From 2012 to 2013, 376 trained volunteers deployed 1951 unbaited camera traps across 33 protected areas (15 hunted, 18 not hunted) in the Southeastern United States (Fig. 1). Surveys were predominantly done in summer and fall outside of the hunting season with only a few deployments (<5) extending into the main rifle season. All sites had similar hunting regulations including weapon type allowed and whether hunting with dogs was permitted (Appendix D). All wildlife species examined in this study are legally hunted in the study area and are common in the Southeastern United States with white-tailed deer thought to exist at the highest densities among mammal species in that area (Horsley et al., 2003; Kays et al., 2016). Coyotes are the largest predator in the region, however the similar-sized bobcats (*Lynx rufus*) are also present at some sites. We define “protected areas” as publicly owned and managed land protected from private development. Protected areas were large tracts of core forest from 4 km<sup>2</sup> to 1200 km<sup>2</sup> (average = 140 km<sup>2</sup>) surrounded by a range of rural (<0.5 house/km<sup>2</sup>) to urban (>1000 houses/km<sup>2</sup>) densities of development (Theobald, 2005). Twenty protected areas required that dogs be leashed, nine did not require leashes and four prohibited pets completely (Fig. 1). Each individual camera is considered a “camera site”, and these were set in groups of three (hereafter “transect”): on, near (50 m) and far

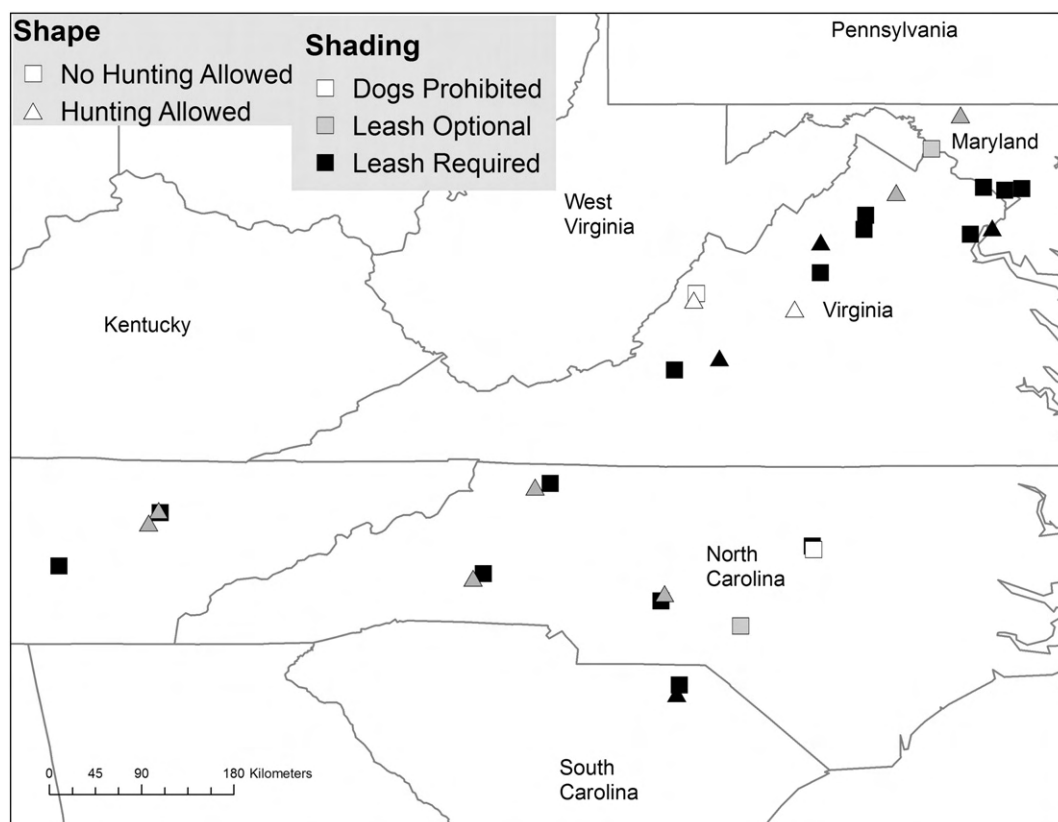


Fig. 1. Site map showing the 33 protected areas sampled and their dog and hunting regulations.

(200 m) from a hiking trail. Trail locations were chosen at random without regard for the distance to the trailhead. Associated 50 m and 200 m cameras were chosen at perpendicular Euclidean distances from the trail camera location and faced in the clearest direction to maximize detection distance. The direction from the trail was determined based on proximity to adjacent transects and accessibility (i.e. slope). Inappropriate off-trail locations (i.e. briar patches, steep slopes) were avoided and cameras were moved to a better location within 20 m of the original point. All adjacent cameras not within the same transect were spaced at least 200 m apart. Volunteers used Reconyx (RC55, PC800, and PC900, Reconyx, Inc. Holmen, WI) and Bushnell (Trophy Cam HD, Bushnell Outdoor Products, Overland Park, KS) camera traps equipped with an infrared flash and attached to trees at 40 cm above the ground and left them for three weeks before moving them to new locations. Cameras were not checked within that three-week period. Cameras recorded multiple photographs per trigger, at a rate of 1 frame/s, re-triggering immediately if the animal was still in view. For analysis we grouped consecutive photos into sequences if they were <60 s apart, and used these sequences as independent records for subsequent analysis. We assessed the adequacy of this temporal independence using by-minute temporal autocorrelation functions in Program JMP (SAS, Cary, NC, USA) for each species at their top 10 most active sites (i.e. the sites most likely to have temporal autocorrelation). Initial species identifications were made by volunteers using customized software ([eMammal.org](http://eMammal.org)) and all were subsequently reviewed for accuracy before being archived at the Smithsonian Digital Repository ([McShea et al., 2016](http://McShea et al., 2016)). We used the detection rate (the number of detections of a given species divided by the total number of camera-nights, hereafter “DR”) to compare the relative activity levels of each species. Though not immune to issues of heterogeneity in detection probabilities, because sites were selected at random relative to animal movement, and not baited, DR is a valid comparison across our sites ([Rowcliffe et al., 2013](http://Rowcliffe et al., 2013)).

## 2.2. Dog distribution

To evaluate if off-trail dogs were accompanied by a human we examined all three cameras from the same transect that detected the off-trail dog to see if a human passed within 5 min. We used an ANOVA in Program JMP to test for an effect of leash laws on dog activity (DR and % of dogs that went off-trail) and leashing rate (coded from a subset of  $n = 50$  randomly selected photos/protected area).

## 2.3. Spatial avoidance

We used two-species conditional occupancy models ([Richmond et al., 2014](http://Richmond et al., 2014)) to assess deer, squirrel and raccoon spatial avoidance of each predator (humans without dogs, attended dogs, unattended dogs, coyotes) using Package RMark in Program R ([Team, 2011](http://Team, 2011)). We included covariates to account for variation in detection and occupancy due to habitat and weather ([Appendix A](http://Appendix A)). We diagnosed univariate correlations between covariates using a Pearson correlation matrix, and omitted variables correlated  $>0.60$ . All continuous variables were mean-centered. We tested housing density, edge and the amount of forest at two scales, 5 km and 250 m, that most closely reflected reported home range sizes of each species ([Koprowski, 1994](http://Koprowski, 1994); [Lotze and Anderson, 1979](http://Lotze and Anderson, 1979); [Walter et al., 2009](http://Walter et al., 2009)) and protected area size. We ran a suite of 20 detection probability models for each species except the human predators where we removed *People\_site* as a covariate, then picked the most parsimonious model of each within the top three QAIC points ([Burnham and Anderson, 2002](http://Burnham and Anderson, 2002)) to use in our occupancy models ([Appendix B](http://Appendix B)). We ran a suite of 27 occupancy models for each species and used the top models in our two-species models ([Appendix B](http://Appendix B)). We compared four 2-species models for each predator/prey combination using QAIC, including models incorporating trail as a categorical grouping covariate, models incorporating the top single-species models

and models including DR covariates for each predator not explicitly being modeled (e.g. coyote DR was included in the attended dog models) to account for possible interactions between predators that may influence prey site occupancy ([Appendix C](http://Appendix C)).

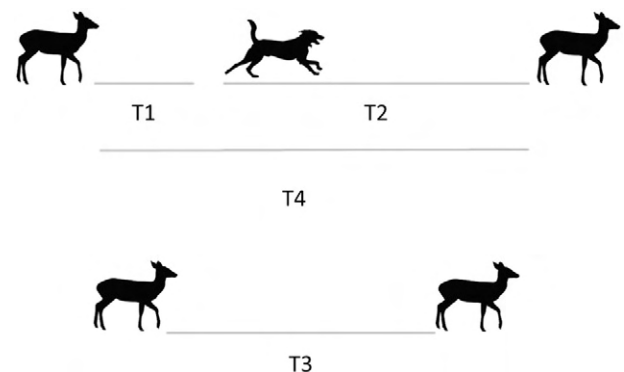
## 2.4. Temporal avoidance

We used the time series of detections from a given camera to test the relative avoidance of a site by prey after the passage of a predator. We call these measures Avoidance-Attraction Ratios (AAR), and they can be created either by comparing the time interval after/before a predator passes ( $T2/T1$ ) or with/without the passage of a predator ( $T4/T3$ , [Fig. 2](http://Fig. 2)).  $T1$  is the length of time between an initial prey passage and the predator passage and  $T2$  is the length of time between the passage of a predator and a subsequent prey passage ([Fig. 2](http://Fig. 2)).  $T3$  is the average length of time between successive prey detections without a predator in the middle while  $T4$  is the same measure with a predator between ([Fig. 2](http://Fig. 2)). Because we calculate these values for each camera site separately, these ratios are robust to differences in detection probability between predator and prey species since the passage rates are a relative, not absolute, measure of the use of a site.

$T2/T1$  could be influenced both by the avoidance of the prey and the attraction of the predator, while  $T4/T3$  is influenced solely by the avoidance of the predator by the prey. Where multiple predators of the same species passed consecutively before the next deer detection, the total time from the first predator detection to the next prey detection was calculated for  $T2$  to account for increases in scent deterring prey. We considered interactions where only one type of predator appeared between successive prey detections in order to avoid potential confounding effects of multiple predator types. We compared  $T2/T1$  ratios between perceived predators for each species using the Wilcoxon method in Program JMP. We tested the effect of hunting on the magnitude of the log transformed  $T2/T1$  ratio on and off trails for each perceived predator using t-tests in Program JMP.

## 2.5. Deer vigilance

To evaluate if deer perceive dogs as a threat, we analyzed the vigilance behavior of solitary deer in a subset of approximately 100 randomly selected sequences in every protected area. For each sequence of a solitary deer, we recorded whether the individual was exhibiting vigilant (head up, above shoulder), neutral (head below shoulder,



**Fig. 2.** Procedure for using data from a single camera trap to calculate Avoidance-Attraction Ratios (AARs) estimating within-site temporal avoidance or attraction of two species.  $T1$  is the time from the initial deer detection to the first subsequent predator detection.  $T2$  is the time from that first predator detection to the subsequent deer detection. If multiple predators pass before the next deer  $T2$  is still taken from the first predator.  $T4$  is the sum of  $T1$  and  $T2$  and represents the time between successive deer detections with a predator detection between them, while  $T3$  is the time between successive deer detections without a predator between them. Values  $>1$  for  $T2/T1$  or  $T4/T3$  suggest nonrandom movement between the two species indicating that the prey is avoiding the area after the passage of a predator. Attraction of a predator to a prey could also result in high  $T2/T1$  ratios, but would result in lower ratios of  $T4/T3$ .



above knee), or non-vigilant behavior (head below knee) (Lashley et al., 2014). To ensure a more accurate representation of the behavior of each individual, we only scored individuals that had at least five photos within a sequence. If a deer looked at the camera we stopped scoring the sequence to exclude data potentially biased from the presence of the camera. We used a Wilcoxon signed-rank test in Program JMP to compare deer vigilance between sites on and off trails that were and were not used by three classes of “predator”: humans without dogs (dogs not detected within 5 min, human not holding a leash), attended dogs (dogs < 5 min from a human, leashed or not), unattended dogs (dogs without humans) and coyotes.

### 3. Results

#### 3.1. Dog, human and wildlife distribution

We obtained 52,863 detections of native wildlife, 162,418 detections of humans and 23,332 detections of domestic dogs with 42,874 camera nights of survey effort across 1951 locations in 33 protected areas. Only 7% of site examined showed temporal autocorrelation > 25%. White-tailed deer was the most commonly detected native wildlife species overall (0.64/day) followed by eastern gray squirrel (0.25/day) and northern raccoon (0.08/day). Most dogs (99%) were detected on-trails, where they were more commonly detected than the most common native predator, coyotes (coyote: 0.10/day, dog: 1.58/day). Dogs were less frequently detected off-trails (0.00 dogs/day) than coyotes (0.02/day) but were still more common off-trails than red foxes (*Vulpes vulpes*) (0.006/day), bobcats (0.004/day) and gray foxes (*Urocyon cinereoargenteus*) (0.003/day) (Fig. 3). Most protected areas (88%) had at least some off-trail dogs. The only species examined that were caught actively being chased on camera were white-tailed deer being chased by unattended dogs (recorded 5 times) or coyotes (recorded 4 times). Three incidents of unattended dogs chasing deer were of packs of 2–4 dogs, the remaining incidents were of what appeared to be solitary individuals.

Most (82%) off-trail dogs were detected < 5 min from a nearby human. Humans were detected off trails very rarely (0.60% of all human detections). Therefore, we assumed that off-trail dogs not within 5 min of a human on the trail (or off the trail) were unattended. Across all detections, 97% of dogs were accompanied by humans and most unaccompanied dogs were on-trails (87%). Twenty-three percent of unattended dogs were running in packs of 2–4 individuals, likewise 24% of attended dogs were in groups of 2–8. Most dogs were off-leash (on-trail: 60%; off-trail: 84%). Leash laws reduced the frequency of unleashed dogs by 21% (55% with leash law, 76% without). Only 0.80% of dogs were photographed at night, and only 16 dogs were

documented running off-trail at night without a leash. Leashing rates decreased farther from the trailhead, suggesting that owners may have let their dogs off leash after their walk began.

We detected dogs in all protected areas sampled, even where dogs were prohibited. Areas prohibiting dogs had 16 times fewer dogs per day than sites allowing dogs ( $F = 10.28$ ,  $df = 1895$ ,  $p < 0.0001$ ), but a higher percentage (13%) of those dogs went off-trail ( $t = 7.61$ ,  $df = 280$ ,  $p = 0.0006$ , Fig. 4). Dog detections were strongly positively correlated with the rate that humans without dogs were detected, on and off-trails (On:  $F = 1029.73$ ,  $df = 665$ ,  $p < 0.001$ , Off:  $F = 454.96$ ,  $df = 1299$ ,  $p < 0.0001$ ). However, off-trail dog detections were not significantly correlated with on-trail human detection rate ( $F = 0.31$ ,  $df = 648$ ,  $p = 0.58$ ). Human DR was highest in areas where leashes were required (mean = 8.87, SE = 2.25) and lowest where dogs were prohibited (mean = 3.70, SE = 2.98).

#### 3.2. Spatial avoidance

Across all sites, occupancy was highest for deer followed by gray squirrel and raccoon. The amount of daily cloud cover explained the most variation in detection probability for coyote, raccoon, attended dogs, humans without dogs and squirrels (Appendix B). Measures of edge explained the most variation in occupancy for attended dogs, humans without dogs, deer and squirrels (Appendix B). Our two-species occupancy models showed no significant spatial avoidance, however all prey species tended to avoid trail sites with unattended dogs. The probability of raccoon site occupancy was actually higher where coyotes were present (Fig. 5). A similar increase in occupancy was found for squirrels where unattended dogs were present off trails (Fig. 5).

#### 3.3. Temporal avoidance

All species temporally avoided humans with and without dogs more than any other predator, with the exception of northern raccoons, which temporally avoided coyotes more than humans without dogs. AAR avoidance was significantly stronger for attended dogs than the other predators for all species and ranged from 7 to 3 times higher (eastern gray squirrel and white-tailed deer respectively) than any other predator (Fig. 6). Likewise, AAR avoidance was stronger over all species for humans without dogs than unattended dogs (7–5 times stronger, squirrel and raccoon respectively). AAR avoidance was 3 times stronger for humans without dogs than coyotes for all species except raccoon (Fig. 6). AAR avoidance was weakest for unattended dogs for all species (2–10 times weaker, deer/squirrel and raccoon respectively) but this was only statistically significant for deer (Fig. 6). Deer living in protected

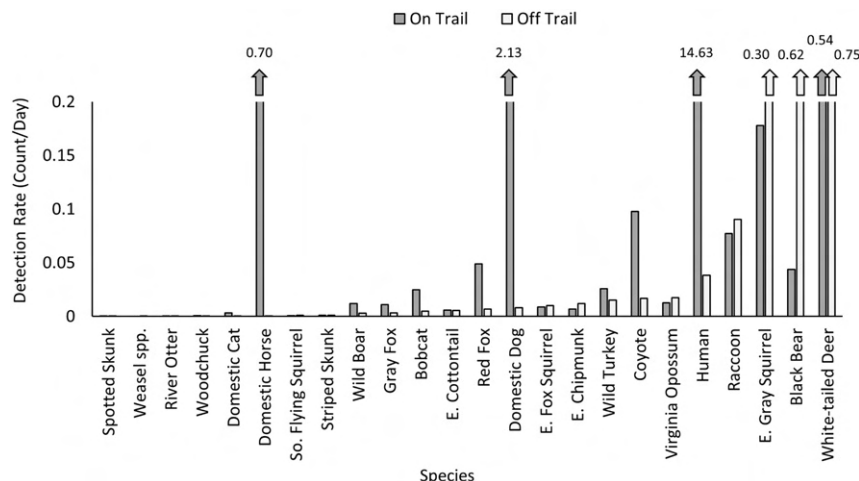
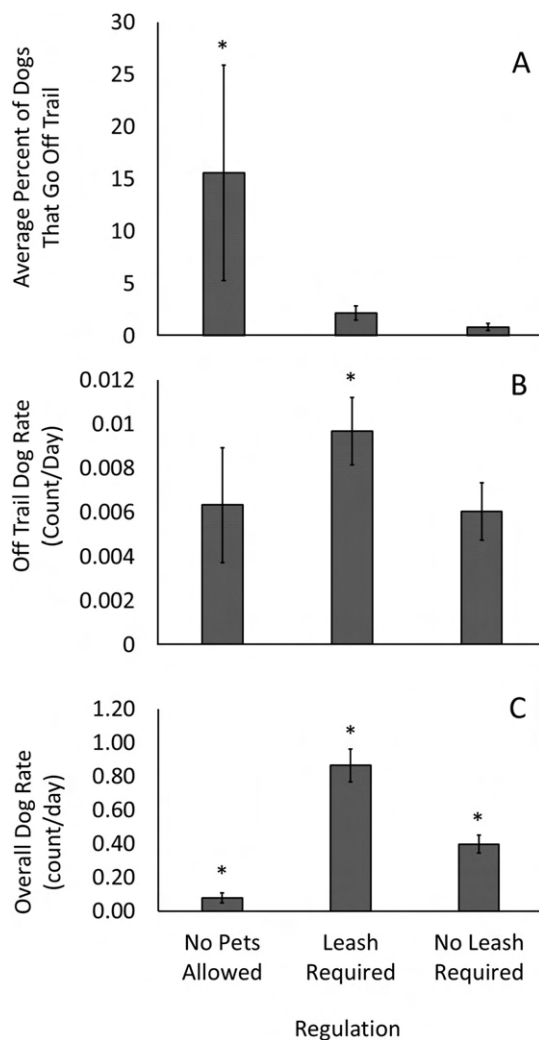


Fig. 3. Detection rates (count/day) for all species detected over all cameras sorted by highest off trail detection rate.



**Fig. 4.** Leash laws in relation to the (A) average percent of dogs off-trail, (B) average off-trail dog detection rate and (C) average dog detection rate for on and off-trail dogs. Data came from 145 camera sites in areas with no pets allowed, 302 with no leash required and 785 with leashes required. Error bars represent the standard error of the mean, and \* indicates a significant difference from the other two regulation categories.

areas with recreational hunting had lower temporal avoidance of attended dogs by (on trails:  $t = -3.70$ ,  $p = 0.0002$ , off trails:  $t = -2.13$ ,  $p = 0.04$ ). Squirrels also showed significantly less temporal avoidance of on-trail attended dogs in hunted areas (2 times less,  $t = -2.44$ ,  $p = 0.02$ ). We found no other significant differences in temporal avoidance between hunted and unhunted areas.

### 3.4. Deer vigilance

On average, deer were vigilant 22% of the time, head-down 44% of the time and head intermediate 34% of the time. Deer vigilance was 3% higher at sites where coyotes and humans without dogs were also detected and 2% higher at sites where attended dogs were also detected, though not all of these differences were significant (Table 1). Vigilance was 1% higher at sites without unattended dogs, though this difference was not statistically significant (Table 1). There were no significant differences in vigilance when on and off-trail sites were considered separately (Table 1).

## 4. Discussion

Our large scale camera trap survey showed that humans and dogs are the two most common mammals using protected areas across the

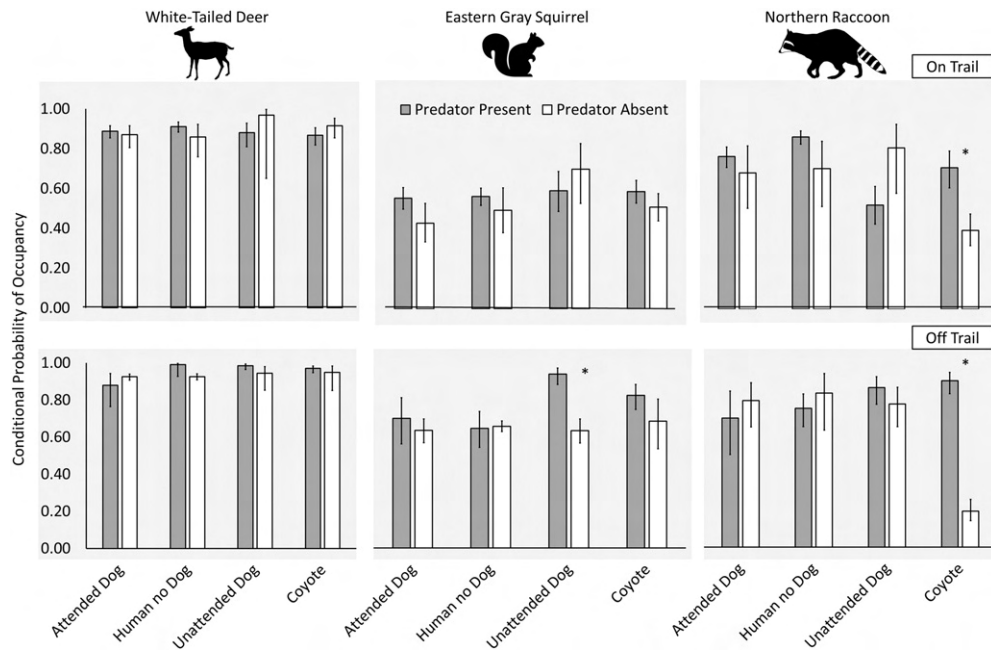
region, but that their activity is highly concentrated along hiking trails. Our analysis of behavioral responses by wildlife to humans and dogs found little significant spatial avoidance, small increases in vigilance behavior, and a variable but important temporal avoidance. These metrics allow us to evaluate the ecological impact of humans and dogs within the risk-disturbance framework (Frid and Dill, 2002) by comparing them with a natural predator (coyotes). Contrasting these factors across parks with different regulations about dogs and hunting also allows us to evaluate the effectiveness of these management decisions on the wildlife-human conflict associated with outdoor recreation.

Of our three approaches to quantify disturbance of wildlife, the measures of temporal avoidance showed the most significant effects. Humans, as predicted, were the highest perceived risk, with all three prey species avoiding sites longest after people passed. Dogs by themselves had the lowest perceived risk in our comparisons. However, temporal avoidance was greatest for people accompanied by a dog. This compounding effect of dogs on the disturbance of wildlife has also been found for birds (Banks and Bryant, 2007; Weston et al., 2014) and other mammals (Mainini et al., 1993; Miller et al., 2001).

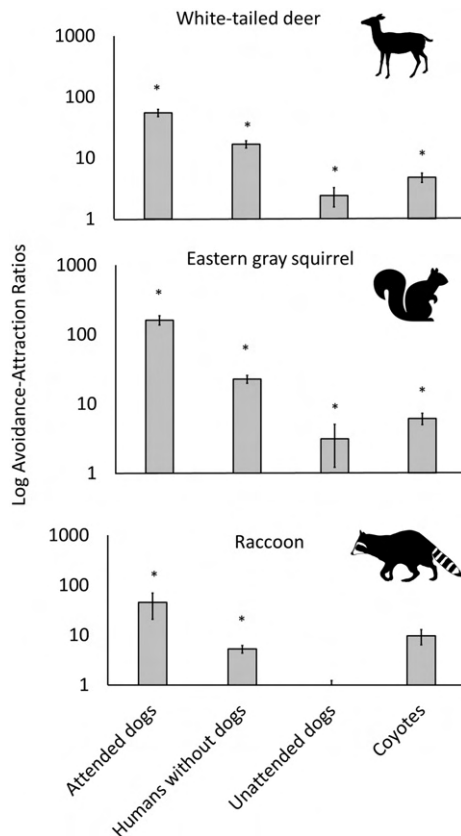
Our assessment of wildlife disturbance through spatial avoidance or increased vigilance showed few significant impacts. All species tended to spatially avoid unattended dogs on trails, but the results were not statistically significant. Deer increased their vigilance at sites with humans alone, but not at sites with dogs or coyotes. In a separate analysis of vigilance data incorporating intensity of human activity rather than simple presence/absence, we found that vigilance decreased as human activity increased (Schuttler et al. 2016, unpublished data). This difference is likely due to habituation in areas of heavy human traffic, something we did not examine in detail in this study (Recarte et al., 1998).

The three prey species in our study showed no significant spatial avoidance of unattended dogs, lower temporal avoidance in comparison with other predators, and no changes in deer vigilance related to dog activity. These minor impacts contrast a large body of work showing that free-ranging dogs are more detrimental to wildlife than leashed dogs (Hughes and MacDonald, 2013; Silva-Rodríguez and Sieving, 2012; Weston and Stankowich, 2014). We suspect that this difference is a reflection of the overall rarity of free ranging dogs in the protected areas we surveyed. Given that 99% of dogs are on the trails and 97% are with people, only a small fraction of the interactions between dogs and wildlife will be with truly free ranging dogs. Where these interactions occur, it seems that packs of free ranging dogs may present more of a threat than single dogs. Packs were responsible for at least 60% of recorded interactions with deer in our study, however the majority of dogs did not appear to be in packs and most were attended by people. We suspect that prey species in this region have adjusted their disturbance response to dogs in general to reflect the relatively low risk posed by an on-trail dog walking with its owner.

We expected unattended dogs and coyotes to be similar in perceived risk by prey given their similar size and unpredictable off-trail movement, however, all prey species temporally avoided coyotes more than unattended dogs and showed no significant spatial avoidance of either species. Indeed, spatially raccoons had higher occupancy at sites also occupied by coyotes which could indicate similar habitat preferences or active pursuit by coyotes. We found a similar result for squirrels and unattended dogs off trails. Despite evidence that unattended dogs and coyotes both pursue deer, deer showed no temporal avoidance of either species, no changes in vigilance and relatively low temporal avoidance. Since the extirpation of wolves from the Southeast in the mid-1900s, deer have no predators to regulate their populations, except human hunters (Wallach et al., 2015). Coyotes are a recent arrival to the Southeast and it is unclear whether deer are responding to coyotes as an apex predator in the same way they would wolves. Coyotes do depredate deer, although typically fawns rather than adults in the Southeast (Kilgo et al., 2010). The minimal reactions of deer found in our study suggest that neither coyotes nor humans are perceived as a strong threat by adult deer.



**Fig. 5.** Conditional probability of white-tailed deer, eastern gray squirrel and raccoon occupancy in the presence and absence of different potential predators on and off trails. Error bars show 95% confidence interval, \* indicates a significant difference in occupancy between predator presence and absence based on non-overlapping 95% confidence intervals.



**Fig. 6.** Temporal avoidance of an area by three prey species after the passage of four different potential predators. Avoidance-attraction ratios (AAR) larger than 1 show avoidance, with larger values indicating longer times before revisiting a site. (\*) denotes a significant difference ( $\alpha = 0.05$ ) in AAR from the other three predators. Humans with and without dogs were avoided more than coyotes or unattended dogs by all three species. Only raccoons showed significantly higher avoidance of coyotes compared to humans without dogs.

Our report is the first large scale assessment of dogs in protected areas in the United States, offering the best estimate of what proportion of dogs are free ranging in the region and the effect of management regulations on dog owner behavior. Dogs were abundant in each of the 33 protected areas sampled, and often were the most commonly detected nonhuman mammal. We found widespread disregard for leash laws in parks, especially when hikers got farther away from trailheads where enforcement was more likely. This rate was lower than smaller nearby parks (Leung et al., 2015), but consistent with past studies of compliance from around the world (Weston et al., 2014). Despite this blatant disregard for leashing laws, most dogs were still found on the trail walking with their owners, and thus were not a strong source of disturbance to the region's wildlife (Forrest and St. Clair, 2006; Reed and Merenlender, 2011).

Few studies have investigated the benefits of dog management on reducing impacts of pet recreation on wildlife. Past studies of dog management regulations have found no effect on wildlife diversity and abundance (Forrest and St. Clair, 2006; Reed and Merenlender, 2011), however management that increases leashing rates would conceivably decrease indirect effects of disturbance on fitness (Weston et al., 2014). Despite the general disregard for management regulations, requiring leashes did increase leashing rate by 21%. Likewise, rules prohibiting dogs decreased dog activity by 87% and decreased people walking dogs off trails by 90%. This shows that dog management regulations do help control dog behavior and can succeed in reducing the impact of dogs.

We predicted that protected areas that allowed hunting would have animals more easily disturbed by recreational hikers, since humans would be real threats to wildlife, at least during hunting season. To the contrary, we found that deer and squirrels living in areas that allowed hunting had weaker temporal avoidance of attended dogs. We found no significant effect of hunting for any other predator or prey species, consistent with our earlier study of the effects of recreation on wildlife (Kays et al., 2016). These results are contrary to other studies which have shown increased flight responses to people in hunted populations of ungulates versus unhunted populations (Stankowich, 2008).



**Table 1**

Deer vigilance compared at sites (on trails, off trail and combined) where potential predator species were and were not detected. Predators were humans without dogs, attended dogs (dogs < 5 min from a human, leashed or not), unattended dogs (dogs without humans) and coyotes. Comparisons were done using a Wilcoxon signed-rank test. Significant differences are in bold.

Predator	Effect size (with-without)	n (with, without)	SE (with, without)	$\chi^2$	df	p
On trail						
Attended dog	−0.11%	(170, 67)	(1.54%, 2.69%)	0.03	1	0.87
Human without dog	2.55%	(208, 29)	(1.45%, 3.41%)	0.22	1	0.64
Unattended dog	0.42%	(50, 187)	(3.33%, 1.45%)	0.12	1	0.73
Coyote	−1.96%	(130, 107)	(1.59%, 2.27%)	0.01	1	0.91
Off trail						
Attended dog	−6.81%	(38, 501)	(2.46%, 0.96%)	3.09	1	0.08
Human without dog	2.42%	(49, 490)	(2.98%, 0.96%)	0.98	1	0.32
Unattended dog	−3.62%	(21, 518)	(3.22%, 0.94%)	0.11	1	0.75
Coyote	2.81%	(98, 441)	(2.11%, 1.01%)	2.09	1	0.15
Combined						
Attended dog	−0.08%	(208, 568)	(1.36%, 0.90%)	0.19	1	0.66
Human without dog	<b>2.66%</b>	(257, 519)	(1.30%, 0.92%)	4.03	1	0.04
Unattended dog	0.09%	(71, 705)	(2.54%, 0.79%)	0.01	1	0.91
Coyote	1.51%	(228, 548)	(1.28%, 0.92%)	3.14	1	0.08

## 5. Conclusions

We found that dogs are the most common non-human mammal using protected areas in the Eastern USA, but that their activity is highly concentrated along trails. We found relatively little spatial or behavioral response of prey species to dogs or humans, but temporal avoidance suggests that humans are perceived as a greater risk by wildlife relative to unattended dogs and coyotes. Furthermore, dogs walking with humans increase the perceived risk, causing wildlife to avoid an area for a greater amount of time than in response to humans alone. Free-ranging dogs were not perceived as a high risk by wildlife, contrasting strong negative ecological effects found in other studies of free-ranging dogs (Vanak and Gompper, 2009; Vanak et al., 2009; Young et al., 2011). These results show how the responsible control of dog behavior by their owners can minimize disturbance of wildlife. We also found that regulations by protected area managers succeed in reducing the impact of dogs; prohibiting dogs in protected areas reduced their use of an area by a factor of 10 while leash laws increased leashing rates by 21% (45% leashed with leash law, 24% without). Although

millions of dogs use natural areas each year, regulations enacted by protected areas combined with responsible management of dog behavior by pet owners work together to reduce the ecological impact of dogs and increase outdoor enjoyment by hikers and their pets.

## Acknowledgements

We thank our 376 volunteers for their hard work collecting camera trap data for this study. For their field assistance and volunteer coordination we thank the staff of the NPS, USFWS, USFS, TNC, NC, SC, VA, MD and TN State Parks, NCWRC, TNDF, VDGIF, WVWA, the WNF, and RPRCR. We thank A. Mash, N. Fuentes, S. Higdon, T. Perkins, L. Gatens, R. Owens, R. Gayle, C. Backman, K. Clark, J. Grimes and J. Simkins for their help reviewing photographs. We thank P. Jansen and M. Cove for early discussions of AAR. This work was conducted with funding from the National Science Foundation [grant #1232442 and #1319293], the US Forest Service [grant #13-JV-11330101-021], the North Carolina Museum of Natural Sciences and the Smithsonian Institution.

## Appendix A. Covariates used for occupancy modeling

Covariates	Shorthand	Units	Source
Detection probability			
Cloud cover	Cloud	Percent, daily	NCEP-DOE surface total cloud cover entire atmospheric column
Temperature	Temp	Celsius, daily	ECMWF interim full daily SFC temperature (2 m above ground)
Precipitation	Precip	Milliliters, daily	NCEP NARR precipitation rate at surface
Year	Year	Year	
Canopy cover	NDVI	Percent, site-average	MODIS land terra vegetation indices 1 km monthly NDVI
Hiker count	People	Count/site	
Hunting	Hunting	Yes/no	
Detection distance	Det_dist	Meters, site specific	
Occupancy			
Housing density (5 km radius)	HDens_5 km	Houses/km <sup>2</sup>	Silvis housing density dataset
Large core forest (5 km radius)	LC_5 km	Percent	USGS GAP landcover dataset
Edge (5 km radius)	Edge_5 km	Percent	USGS GAP landcover dataset
Housing density (250 m radius)	HDens_250 m	Houses/km <sup>2</sup>	Silvis housing density dataset
Large core forest (250 m radius)	LC_250 m	Percent	USGS GAP landcover dataset
Edge (250 m radius)	Edge_250 m	Percent	USGS GAP landcover dataset
Hunting	Hunting	Yes/no	
Distance to nearest trailhead	Trailhead	Meters	
Latitude × longitude	LatbyLong	Decimal degrees	
On or off trail	Trail	Categorical group	

**Appendix B. Single-species occupancy model selection tables. Detection model selection was done using the most parameterized occupancy model. Because of high overdispersion, all model selection was done using QAIC**

Detection models attended dog	df	Neg2LnL	QAIC	Delta QAIC
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + hunting + trail)	8	15,827.39	2374.83	0
p(~Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + trail)	9	15,816.9	2375.27	0.44
p(~NVDL_site + Precip + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	15,792.61	2375.65	0.82
p(~Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	15,827.39	2376.83	2
p(~Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	15,816.9	2377.27	2.44
p(~Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	15,866.5	2380.66	5.83
p(~Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	15,866.5	2382.66	7.83
p(~1)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	7	15,897.32	2383.25	8.42
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	15,873.11	2383.64	8.81
p(~Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	15,897.32	2385.25	10.42
Occupancy models attended dog				
p(~Cloud)Psi(~Trailhead + Hunting)	5.00	16,840.34	1711.13	0.00
p(~Cloud)Psi(~Edge_5 km + Hunting)	5.00	16,848.77	1711.99	0.85
p(~Cloud)Psi(~Edge_5 km)	4.00	16,871.44	1712.28	1.14
p(~Cloud)Psi(~Edge_250 m)	4.00	16,874.50	1712.59	1.45
p(~Cloud)Psi(~Hunting)	4.00	16,910.15	1716.19	5.05
p(~Cloud)Psi(~1)	3.00	16,935.80	1716.78	5.64
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting)	8.00	16,844.84	1717.59	6.45
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting)	8.00	16,847.26	1717.83	6.70
p(~Cloud)Psi(~HDens_5 km + Hunting)	5.00	16,907.00	1717.87	6.73
p(~Cloud)Psi(~HDens_5 km)	4.00	16,927.12	1717.90	6.77
p(~Cloud)Psi(~LC_5 km + Hunting)	5.00	16,908.70	1718.04	6.91
p(~Cloud)Psi(~HDens_250 m + Hunting)	5.00	16,908.97	1718.07	6.93
p(~Cloud)Psi(~LC_250 m + Hunting)	5.00	16,910.08	1718.18	7.04
p(~Cloud)Psi(~HDens_250 m)	4.00	16,933.26	1718.52	7.39
p(~Cloud)Psi(~LC_5 km)	4.00	16,933.35	1718.53	7.40
p(~Cloud)Psi(~LatbyLong)	4.00	16,935.29	1718.73	7.59
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting + Trailhead)	9.00	16,836.69	1718.77	7.63
p(~Cloud)Psi(~LC_250 m)	4.00	16,935.78	1718.78	7.64
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting + Trailhead)	9.00	16,838.32	1718.93	7.80
p(~Cloud)Psi(~LC_5 km + HDens_5 km + Hunting)	6.00	16,906.93	1719.86	8.73
p(~Cloud)Psi(~LC_5 km + HDens_5 km)	5.00	16,927.11	1719.90	8.77
p(~Cloud)Psi(~LC_250 m + HDens_250 m + Hunting)	6.00	16,908.66	1720.04	8.90
p(~Cloud)Psi(~LC_250 m + HDens_250 m)	5.00	16,932.97	1720.49	9.36
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting)	7.00	16,905.64	1721.73	10.60
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Hunting)	7.00	16,907.83	1721.95	10.82
Detection models unattended dog				
p(~NVDL_site + People_site + Temp + Cloud + Precip + Year + Det_dist)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	14	2948.74	1946.15	0
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	2964.76	1946.58	0.42
p(~NVDL_site + People_site + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	2960.57	1947.85	1.7
p(~People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	2964.76	1948.58	2.42
p(~NVDL_site + People_site + Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	12	2960.57	1949.85	3.7
p(~NVDL_site + People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	2964.07	1950.13	3.97
p(~People_site + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	2970.97	1950.61	4.46
p(~People_site + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	2970.97	1952.61	6.46
p(~People_site)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	2979.42	1954.11	7.96
p(~People_site + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	2979.42	1956.11	9.96
p(~Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	2980.95	1957.11	10.96
p(~Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	2985.4	1958	11.85
p(~Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	2980.95	1959.11	12.96
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	2987.94	1959.65	13.5
p(~Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	2985.4	1960	13.85
p(~NVDL_site + Precip + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	2980.04	1960.51	14.36
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	2987.51	1961.37	15.22
p(~Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	2987.94	1961.65	15.5
p(~1)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	7	2996.35	1963.12	16.97
p(~Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	2996.35	1965.12	18.97
Occupancy models unattended dog				
p(~People_site + Temp)Psi(~LC_5 km)	5	3109.00	579.12	0.00
p(~People_site + Temp)Psi(~HDens_5 km)	5	3116.17	580.43	1.31
p(~People_site + Temp)Psi(~LC_5 km + HDens_5 km)	6	3106.31	580.62	1.51
p(~People_site + Temp)Psi(~LC_5 km + Hunting)	6	3106.73	580.70	1.58
p(~People_site + Temp)Psi(~1)	4	3133.72	581.64	2.53
p(~People_site + Temp)Psi(~HDens_5 km + Hunting)	6	3114.58	582.14	3.02
p(~People_site + Temp)Psi(~LC_5 km + HDens_5 km + Hunting)	7	3104.88	582.36	3.25
p(~Det_dist + Temp)Psi(~Hunting)	5	3128.26	582.64	3.53
p(~People_site + Temp)Psi(~LC_250 m)	5	3129.92	582.95	3.83

(continued)

Detection models attended dog	df	Neg2LnL	QAIC	Delta QAIC
p(~People_site + Temp)Psi(~HDens_250 m)	5	3131.50	583.23	4.12
p(~People_site + Temp)Psi(~Edge_5 km)	5	3131.92	583.31	4.19
p(~People_site + Temp)Psi(~Trailhead + Hunting)	6	3121.12	583.34	4.22
p(~People_site + Temp)Psi(~LatbyLong)	5	3132.51	583.42	4.30
p(~People_site + Temp)Psi(~Edge_250 m)	5	3132.87	583.49	4.37
p(~People_site + Temp)Psi(~LC_250 m + Hunting)	6	3124.96	584.04	4.92
p(~People_site + Temp)Psi(~HDens_250 m + Hunting)	6	3126.68	584.35	5.24
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting)	8	3104.84	584.35	5.24
p(~People_site + Temp)Psi(~Edge_5 km + Hunting)	6	3127.06	584.42	5.31
p(~People_site + Temp)Psi(~LC_250 m + HDens_250 m)	6	3128.69	584.72	5.60
p(~People_site + Temp)Psi(~LC_250 m + HDens_250 m + Hunting)	7	3124.15	585.89	6.77
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting)	9	3104.13	586.22	7.11
p(~People_site + Temp)Psi(~LatbyLong + LC_250 m + HDens_250 m + Hunting)	8	3123.57	587.78	8.67
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting + Trailhead)	10	3104.01	588.20	9.09
p(~People_site + Temp)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting)	9	3122.18	589.53	10.41
p(~People_site + Temp)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting + Trailhead)	10	3118.38	590.83	11.72
Detection models humans without dogs				
p(~Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	21,862.51	1951.67	0
p(~NVDI_site + Precip + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	21,818.95	1951.81	0.15
p(~Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	21,862.51	1953.67	2
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	21,916.92	1954.48	2.81
p(~Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	21,916.92	1956.48	4.81
p(~1)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	7	21,979.33	1958	6.33
p(~Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	21,956.74	1958	6.33
p(~Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	21,979.33	1960	8.33
p(~Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	21,956.74	1960	8.33
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	21,970.02	1961.17	9.51
Occupancy models humans without dogs				
p(~Cloud)Psi(~Edge_250 m)	4.00	23,152.54	2808.32	0.00
p(~Cloud)Psi(~Edge_5 km)	4.00	23,153.03	2808.38	0.06
p(~Cloud)Psi(~Trailhead + Hunting)	5.00	23,139.19	2808.70	0.39
p(~Cloud)Psi(~Edge_5 km + Hunting)	5.00	23,144.58	2809.36	1.04
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting)	8.00	23,136.01	2814.32	6.00
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting)	8.00	23,138.35	2814.60	6.28
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting + Trailhead)	9.00	23,132.50	2815.89	7.58
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting + Trailhead)	9.00	23,133.76	2816.05	7.73
p(~Cloud)Psi(~1)	3.00	23,247.03	2817.75	9.43
p(~Cloud)Psi(~Hunting)	4.00	23,237.01	2818.54	10.22
p(~Cloud)Psi(~HDens_5 km)	4.00	23,239.81	2818.87	10.56
p(~Cloud)Psi(~LC_5 km)	4.00	23,242.72	2819.23	10.91
p(~Cloud)Psi(~LC_250 m)	4.00	23,243.13	2819.28	10.96
p(~Cloud)Psi(~LatbyLong)	4.00	23,245.33	2819.54	11.22
p(~Cloud)Psi(~HDens_250 m)	4.00	23,245.82	2819.60	11.28
p(~Cloud)Psi(~HDens_5 km + Hunting)	5.00	23,233.12	2820.06	11.75
p(~Cloud)Psi(~LC_250 m + Hunting)	5.00	23,233.43	2820.10	11.78
p(~Cloud)Psi(~LC_5 km + Hunting)	5.00	23,233.58	2820.12	11.80
p(~Cloud)Psi(~HDens_250 m + Hunting)	5.00	23,236.41	2820.46	12.14
p(~Cloud)Psi(~LC_5 km + HDens_5 km)	5.00	23,239.28	2820.81	12.49
p(~Cloud)Psi(~LC_250 m + HDens_250 m)	5.00	23,242.72	2821.23	12.91
p(~Cloud)Psi(~LC_5 km + HDens_5 km + Hunting)	6.00	23,232.27	2821.96	13.64
p(~Cloud)Psi(~LC_250 m + HDens_250 m + Hunting)	6.00	23,233.32	2822.09	13.77
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting)	7.00	23,228.10	2823.46	15.14
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Hunting)	7.00	23,230.36	2823.73	15.41
Detection models coyote				
p(~Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	10,196.05	2384.25	0
p(~NVDI_site + People_site + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	10,179.65	2384.44	0.19
p(~People_site + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	10,202.14	2385.66	1.41
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	10,211.14	2385.75	1.5
p(~Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	10,196.05	2386.25	2
p(~NVDI_site + People_site + Temp + Cloud + Precip + Year + Det_dist)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	14	10,162.07	2386.36	2.11
p(~NVDI_site + People_site + Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	12	10,179.65	2386.44	2.19
p(~NVDI_site + Precip + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	10,188.83	2386.57	2.32
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	10,209.01	2387.25	3.01
p(~Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	10,219.27	2387.64	3.39
p(~People_site + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	10,202.14	2387.66	3.41
p(~Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	10,211.14	2387.75	3.5
p(~NVDI_site + People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	10,198.32	2388.77	4.53
p(~People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	10,209.01	2389.25	5.01
p(~Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	10,219.27	2389.64	5.39
p(~People_site)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	10,238.55	2392.11	7.86
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	10,230.07	2392.14	7.89

(continued on next page)

(continued)

Detection models attended dog	df	Neg2LnL	QAIC	Delta QAIC
p(~1)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	7	10,247.89	2392.28	8.03
p(~People_site + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	10,238.55	2394.11	9.86
p(~Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	10,247.89	2394.28	10.03
Occupancy models coyote				
p(~Cloud)Psi(~LC_250 m)	4.00	10,455.31	2434.42	0.00
p(~Cloud)Psi(~LC_250 m + Hunting)	5.00	10,448.26	2434.78	0.36
p(~Cloud)Psi(~Edge_250 m)	4.00	10,459.44	2435.37	0.96
p(~Cloud)Psi(~HDens_5 km + Hunting)	5.00	10,451.14	2435.45	1.03
p(~Cloud)Psi(~LC_250 m + HDens_250 m)	5.00	10,453.57	2436.01	1.60
p(~Cloud)Psi(~HDens_5 km)	4.00	10,464.24	2436.49	2.07
p(~Cloud)Psi(~LC_250 m + HDens_250 m + Hunting)	6.00	10,447.12	2436.51	2.10
p(~Cloud)Psi(~LC_5 km + HDens_5 km + Hunting)	6.00	10,448.11	2436.74	2.33
p(~Cloud)Psi(~LC_5 km + HDens_5 km)	5.00	10,462.27	2438.03	3.61
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Hunting)	7.00	10,446.03	2438.26	3.85
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting)	7.00	10,446.35	2438.34	3.92
p(~Cloud)Psi(~1)	3.00	10,480.97	2438.37	3.95
p(~Cloud)Psi(~Edge_5 km + Hunting)	5.00	10,464.12	2438.46	4.04
p(~Cloud)Psi(~Edge_5 km)	4.00	10,473.17	2438.56	4.15
p(~Cloud)Psi(~Hunting)	4.00	10,474.97	2438.98	4.56
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting)	8.00	10,444.08	2439.81	5.39
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting)	8.00	10,444.87	2439.99	5.58
p(~Cloud)Psi(~LC_5 km)	4.00	10,479.80	2440.10	5.68
p(~Cloud)Psi(~LatbyLong)	4.00	10,480.83	2440.34	5.92
p(~Cloud)Psi(~HDens_250 m)	4.00	10,480.95	2440.37	5.95
p(~Cloud)Psi(~Trailhead + Hunting)	5.00	10,473.09	2440.54	6.13
p(~Cloud)Psi(~LC_5 km + Hunting)	5.00	10,473.42	2440.62	6.20
p(~Cloud)Psi(~HDens_250 m + Hunting)	5.00	10,474.96	2440.98	6.56
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting + Trailhead)	9.00	10,441.87	2441.30	6.88
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting + Trailhead)	9.00	10,442.69	2441.49	7.07
Detection models white-tailed deer				
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	47,465.81	1944.46	0
p(~NVDL_site + People_site + Temp + Cloud + Precip + Year + Det_dist)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	14	47,392.05	1951.47	7.01
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	47,808.3	1956.36	11.9
p(~1)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	7	47,871.91	1956.94	12.48
p(~People_site + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	47,796.75	1957.89	13.43
p(~Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	47,808.3	1958.36	13.9
p(~People_site)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	47,859.5	1958.44	13.98
p(~Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	47,811.33	1958.48	14.02
p(~Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	47,871.91	1958.94	14.48
p(~Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	47,873.3	1959	14.54
p(~People_site + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	47,796.75	1959.89	15.43
p(~People_site + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	47,859.5	1960.44	15.98
p(~Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	47,811.33	1960.48	16.02
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	47,861.21	1960.51	16.05
p(~Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	47,873.3	1961	16.54
p(~NVDL_site + People_site + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	47,796.85	1961.9	17.44
p(~NVDL_site + Precip + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	47,807.59	1962.33	17.87
p(~People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	47,861.21	1962.51	18.05
p(~NVDL_site + People_site + Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	12	47,796.85	1963.9	19.44
p(~NVDL_site + People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	47,858.3	1964.39	19.93
Occupancy models white-tailed deer				
p(~Det_dist + Year)Psi(~Edge_250 m)	5.00	47,458.22	1952.59	0.00
p(~Det_dist + Year)Psi(~Edge_5 km)	5.00	47,460.07	1952.66	0.08
p(~Det_dist + Year)Psi(~HDens_5 km)	5.00	47,491.71	1953.96	1.37
p(~Det_dist + Year)Psi(~1)	4.00	47,544.16	1954.11	1.52
p(~Det_dist + Year)Psi(~Trailhead + Hunting)	6.00	47,448.15	1954.18	1.59
p(~Det_dist + Year)Psi(~Edge_5 km + Hunting)	6.00	47,455.36	1954.47	1.88
p(~Det_dist + Year)Psi(~LC_5 km)	5.00	47,505.93	1954.54	1.95
p(~Det_dist + Year)Psi(~HDens_250 m)	5.00	47,536.17	1955.78	3.19
p(~Det_dist + Year)Psi(~Hunting)	5.00	47,538.68	1955.88	3.29
p(~Det_dist + Year)Psi(~HDens_5 km + Hunting)	6.00	47,491.40	1955.95	3.36
p(~Det_dist + Year)Psi(~LatbyLong)	5.00	47,541.83	1956.01	3.42
p(~Det_dist + Year)Psi(~LC_250 m)	5.00	47,543.81	1956.09	3.50
p(~Det_dist + Year)Psi(~LC_5 km + Hunting)	6.00	47,500.26	1956.31	3.72
p(~Det_dist + Year)Psi(~LC_5 km + HDens_5 km)	6.00	47,504.52	1956.48	3.90
p(~Det_dist + Year)Psi(~HDens_250 m + Hunting)	6.00	47,531.77	1957.60	5.01
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting)	9.00	47,387.07	1957.67	5.09
p(~Det_dist + Year)Psi(~LC_250 m + HDens_250 m)	6.00	47,534.80	1957.72	5.13
p(~Det_dist + Year)Psi(~LC_250 m + Hunting)	6.00	47,538.27	1957.86	5.28
p(~Det_dist + Year)Psi(~LC_5 km + HDens_5 km + Hunting)	7.00	47,499.80	1958.29	5.70
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting)	8.00	47,473.23	1959.20	6.61
p(~Det_dist + Year)Psi(~LC_250 m + HDens_250 m + Hunting)	7.00	47,530.51	1959.55	6.96



(continued)

Detection models attended dog	df	Neg2LnL	QAIC	Delta QAIC
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting + Trailhead)	10.00	47,386.91	1959.67	7.08
p(~Det_dist + Year)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting)	9.00	47,443.87	1960.00	7.41
p(~Det_dist + Year)Psi(~LatbyLong + LC_250 m + HDens_250 m + Hunting)	8.00	47,528.72	1961.47	8.89
p(~Det_dist + Year)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting + Trailhead)	10.00	47,438.30	1961.77	9.18
Detection models northern raccoon				
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	16,809.33	1952.53	0
p(~Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	16,801.06	1953.58	1.05
p(~People_site + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	16,802.88	1953.79	1.26
p(~Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	16,809.33	1954.53	2
p(~Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	16,801.06	1955.58	3.05
p(~People_site + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	16,802.88	1955.79	3.26
p(~NVDI_site + People_site + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	16,786.32	1955.88	3.35
p(~NVDI_site + Precip + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	16,793.21	1956.67	4.14
p(~NVDI_site + People_site + Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	12	16,786.32	1957.88	5.35
p(~Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	16,856.81	1958	5.47
p(~1)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	7	16,883.99	1959.13	6.6
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	16,849.88	1959.2	6.67
p(~NVDI_site + People_site + Temp + Cloud + Precip + Year + Det_dist)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	14	16,766.11	1959.55	7.02
p(~Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	16,856.81	1960	7.47
p(~People_site)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	16,877.95	1960.44	7.91
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	16,860.9	1960.47	7.94
p(~Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	16,883.99	1961.13	8.6
p(~People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	16,849.88	1961.2	8.67
p(~People_site + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	16,877.95	1962.44	9.91
p(~NVDI_site + People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	16,846.99	1962.87	10.34
Occupancy models northern raccoon				
p(~Cloud)Psi(~HDens_5 km)	4.00	16,849.72	1952.70	0.00
p(~Cloud)Psi(~LC_5 km)	4.00	16,853.15	1953.10	0.40
p(~Cloud)Psi(~LC_5 km + HDens_5 km)	5.00	16,842.53	1953.87	1.17
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting)	7.00	16,809.86	1954.10	1.40
p(~Cloud)Psi(~1)	3.00	16,881.58	1954.38	1.68
p(~Cloud)Psi(~Edge_5 km)	4.00	16,866.11	1954.59	1.89
p(~Cloud)Psi(~LatbyLong)	4.00	16,866.36	1954.62	1.92
p(~Cloud)Psi(~Trailhead + Hunting)	5.00	16,849.09	1954.63	1.93
p(~Cloud)Psi(~HDens_5 km + Hunting)	5.00	16,849.63	1954.69	1.99
p(~Cloud)Psi(~LC_5 km + Hunting)	5.00	16,851.48	1954.90	2.20
p(~Cloud)Psi(~Edge_250 m)	4.00	16,870.36	1955.08	2.38
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting)	8.00	16,806.12	1955.67	2.97
p(~Cloud)Psi(~HDens_250 m)	4.00	16,875.96	1955.73	3.03
p(~Cloud)Psi(~LC_5 km + HDens_5 km + Hunting)	6.00	16,842.25	1955.84	3.14
p(~Cloud)Psi(~Hunting)	4.00	16,878.65	1956.04	3.34
p(~Cloud)Psi(~LC_250 m)	4.00	16,881.40	1956.36	3.66
p(~Cloud)Psi(~Edge_5 km + Hunting)	5.00	16,864.87	1956.45	3.75
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting + Trailhead)	9.00	16,801.20	1957.10	4.40
p(~Cloud)Psi(~HDens_250 m + Hunting)	5.00	16,874.02	1957.50	4.80
p(~Cloud)Psi(~LC_250 m + HDens_250 m)	5.00	16,875.86	1957.72	5.02
p(~Cloud)Psi(~LC_250 m + Hunting)	5.00	16,878.53	1958.03	5.32
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting)	8.00	16,834.99	1959.00	6.30
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting + Trailhead)	9.00	16,820.52	1959.33	6.63
p(~Cloud)Psi(~LC_250 m + HDens_250 m + Hunting)	6.00	16,873.91	1959.49	6.79
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Hunting)	7.00	16,858.75	1959.74	7.04
Detection models eastern gray squirrel				
p(~Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	30,429.77	1947.4	0
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	30,466.31	1947.72	0.32
p(~Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	30,429.77	1949.4	2
p(~People_site + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	30,462.97	1949.51	2.1
p(~Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	30,466.31	1949.72	2.32
p(~NVDI_site + People_site + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	30,423.85	1951.03	3.62
p(~NVDI_site + Precip + Temp + Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	30,426.38	1951.19	3.79
p(~People_site + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	30,462.97	1951.51	4.1
p(~NVDI_site + People_site + Temp + Cloud + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	12	30,423.85	1953.03	5.62
p(~NVDI_site + People_site + Temp + Cloud + Precip + Year + Det_dist)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	14	30,380.12	1954.26	6.85
p(~Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	30,644.19	1959	11.6
p(~People_site + Temp)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	30,642.14	1960.87	13.47
p(~Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	30,644.19	1961	13.6
p(~Det_dist + Year)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	30,670.21	1962.65	15.25
p(~People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	10	30,642.14	1962.87	15.47
p(~1)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	7	30,749.68	1963.69	16.28
p(~NVDI_site + People_site + Temp + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	11	30,626.26	1963.86	16.46

(continued on next page)

(continued)

Detection models attended dog	df	Neg2LnL	QAIC	Delta QAIC
p(~People_site)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	30,746.46	1965.48	18.08
p(~Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	8	30,749.68	1965.69	18.28
p(~People_site + Precip)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting + Trail)	9	30,746.46	1967.48	20.08
Occupancy models eastern gray squirrel				
p(~Cloud)Psi(~Edge_5 km)	4.00	30,391.63	1950.21	0.00
p(~Cloud)Psi(~Edge_5 km + Hunting)	5.00	30,389.77	1952.09	1.88
p(~Cloud)Psi(~Edge_250 m)	4.00	30,469.21	1955.17	4.96
p(~Cloud)Psi(~Trailhead + Hunting)	5.00	30,452.51	1956.10	5.89
p(~Cloud)Psi(~LatbyLong)	4.00	30,489.81	1956.48	6.27
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting)	8.00	30,369.33	1956.78	6.57
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Edge_5 km + Hunting + Trailhead)	9.00	30,357.48	1958.03	7.82
p(~Cloud)Psi(~1)	3.00	30,553.16	1958.53	8.32
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting)	8.00	30,404.02	1959.00	8.79
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Edge_250 m + Hunting + Trailhead)	9.00	30,380.66	1959.51	9.30
p(~Cloud)Psi(~HDens_5 km)	4.00	30,543.37	1959.91	9.70
p(~Cloud)Psi(~LC_250 m)	4.00	30,546.10	1960.08	9.87
p(~Cloud)Psi(~LC_5 km)	4.00	30,551.52	1960.43	10.22
p(~Cloud)Psi(~HDens_250 m)	4.00	30,552.71	1960.50	10.29
p(~Cloud)Psi(~Hunting)	4.00	30,553.12	1960.53	10.32
p(~Cloud)Psi(~LC_5 km + HDens_5 km)	5.00	30,531.26	1961.13	10.92
p(~Cloud)Psi(~HDens_5 km + Hunting)	5.00	30,543.04	1961.88	11.68
p(~Cloud)Psi(~LC_250 m + HDens_250 m)	5.00	30,544.34	1961.97	11.76
p(~Cloud)Psi(~LatbyLong + LC_5 km + HDens_5 km + Hunting)	7.00	30,482.94	1962.04	11.83
p(~Cloud)Psi(~LC_250 m + Hunting)	5.00	30,546.03	1962.08	11.87
p(~Cloud)Psi(~LatbyLong + LC_250 m + HDens_250 m + Hunting)	7.00	30,486.24	1962.25	12.05
p(~Cloud)Psi(~LC_5 km + Hunting)	5.00	30,551.44	1962.42	12.21
p(~Cloud)Psi(~HDens_250 m + Hunting)	5.00	30,552.69	1962.50	12.29
p(~Cloud)Psi(~LC_5 km + HDens_5 km + Hunting)	6.00	30,530.52	1963.08	12.88
p(~Cloud)Psi(~LC_250 m + HDens_250 m + Hunting)	6.00	30,544.33	1963.97	13.76

**Appendix C. Two-species occupancy model selection tables.** Single-species detection models were either the most parsimonious detection model within the top 3 QAIC points in **Appendix B** (p(top)), a trail-only model (p(Trail)) or a null model (p(.)). Single-species occupancy models were either the top models in **Appendix B** with the addition of predator and trail covariates (psi(topPredsTrail)) or a trail-only model (psi(Trail)). Trail only models had only a categorical Trail covariate. Preds indicates that predator DR other than the one explicitly being modeled were included as covariates. Because of high overdispersion, all model selection was done using QAIC. When models did not converge (\*), the next best model was used to generate Psi estimates

Deer-attended dog	df	neg2L	QAIC	Delta QAIC	Model did not converge
p(Trail)psi(Trail)	16	18,630.80	1894.21	0.00	*
p(.)psi(Trail)	11	19,509.97	1972.08	77.88	
p(top)psi(Trail)	19	19,377.41	1974.83	80.63	
p(top)psi(topPredsTrail)	27	19,249.04	1978.00	83.79	
Deer-human without dog					
p(Trail)psi(Trail)	16	18,962.43	1846.47	0.00	*
p(top)psi(Trail)	19	20,139.79	1965.13	118.66	
p(.)psi(Trail)	11	20,309.32	1965.35	118.88	
p(top)psi(topPredsTrail)	26	20,128.02	1978.00	131.53	*
Deer-coyote					
p(Trail)psi(Trail)	16	19,218.63	1904.93	0.00	
p(.)psi(Trail)	11	19,866.63	1958.08	53.15	
p(top)psi(Trail)	19	19,798.78	1967.47	62.54	*
p(top)psi(topPredsTrail)	26	19,773.45	1979.00	74.07	*
Deer-unattended dog					
p(Trail)psi(Trail)	16	15,298.25	1957.27	0.00	*
p(top)psi(topPredsTrail)	28	15,280.20	1979.00	21.73	
p(top)psi(Trail)	21	15,404.43	1980.63	23.36	
p(.)psi(Trail)	11	15,606.86	1986.11	28.84	
Squirrel-attended dog					
p(Trail)psi(Trail)	16	16,097.46	1905.70	0.00	*
p(top)psi(topPredsTrail)	24	16,555.41	1975.00	69.30	
p(top)psi(Trail)	16	16,720.94	1978.27	72.57	
p(.)psi(Trail)	11	16,902.77	1989.43	83.74	
Squirrel-human without dog					
p(Trail)psi(Trail)	16	16,379.07	1866.89	0.00	*
p(top)psi(Trail)	16	17,301.50	1970.23	103.34	
p(top)psi(topPredsTrail)	23	17,210.23	1974.00	107.11	

(continued)

Deer-attended dog	df	neg2L	QAIC	Delta QAIC	Model did not converge
p(.)psi(Trail)	11	17,467.47	1978.82	111.93	
Squirrel-coyote					
p(Trail)psi(Trail)	16	16,874.01	1933.70	0.00	
p(top)psi(Trail)	16	17,172.45	1967.33	33.63	
p(top)psi(topPredsTrail)	23	17,107.40	1974.00	40.30	
p(.)psi(Trail)	11	17,351.01	1977.45	43.76	
Squirrel-unattended dog					
p(top)psi(Trail)	18	12,995.25	1974.62	0.00	
p(top)psi(topPredsTrail)	25	12,910.68	1976.00	1.38	
p(Trail)psi(Trail)	16	13,056.16	1979.70	5.09	
p(.)psi(Trail)	11	13,262.15	2000.43	25.82	
Raccoon-attended dog					
p(Trail)psi(Trail)	16	13,549.90	1958.33	0.00	
p(top)psi(topPredsTrail)	24	13,561.62	1976.00	17.67	*
p(top)psi(Trail)	16	13,921.39	2011.15	52.81	
p(.)psi(Trail)	11	14,011.23	2013.92	55.59	*
Raccoon-human without dog					
p(Trail)psi(Trail)	16	13,721.70	1906.27	0.00	
p(top)psi(topPredsTrail)	23	14,137.05	1977.00	70.73	*
p(.)psi(Trail)	11	14,496.48	2002.09	95.83	*
p(top)psi(Trail)	16	14,431.41	2003.21	96.94	*
Raccoon-coyote					
p(Trail)psi(Trail)	16	14,312.47	1933.6	0.00	
p(.)psi(Trail)	11	14,635.66	1966.5	32.94	
p(top)psi(Trail)	16	14,571.67	1968	34.44	
p(top)psi(topPredsTrail)	23	14,497.55	1972.2	38.59	
Raccoon-unattended dog					
p(top)psi(topPredsTrail)	25	10,582.86	1960.8	0.00	*
p(top)psi(Trail)	18	10,705.76	1969	8.19	*
p(Trail)psi(Trail)	16	10,729.36	1969.3	8.45	*
p(.)psi(Trail)	11	10,864.22	1983.6	22.80	

#### Appendix D. List of protected areas surveyed and their characteristics

Name	Size (km <sup>2</sup> )	Hunting weapons allowed	Dog hunting allowed?	Species hunted	Deer firearm season length (days)	Camera sites
C & O Canal National Historical Park	82	No Hunting				57
Carvins Cove Nature Reserve	51	No Hunting				65
Catoctin Mountain Park/Cunningham Falls State Park	44	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	15	72
Cheraw State Park	28	No Hunting				66
Fall Creek Falls State Park	105	No Hunting				68
Frozen Head State Natural Area	53	No Hunting				68
Frozen Head State Park Emory Tract	125	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	51	50
Gambrill State Park	4.5	No Hunting				27
George Washington National Forest	4289	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	15	55
Greenbelt Park	4.8	No Hunting				46
Harpers Ferry National Historical Park	15	No Hunting				36
Jefferson National Forest	2792	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	15	60
Lone Mountain State Forest	14	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	51	53
Mason Neck State Park and Wildlife Refuge	16	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	15	75
Morrow Mountain State Park	18	No Hunting				66
Prince William Forest Park	65	No Hunting				80
Rock Creek Park	11	No Hunting				112
Sandhills State Forest	189	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	92	66
Shenandoah National Park North	203	No Hunting				58
Shenandoah National Park Central	281	No Hunting				52
Shenandoah National Park South	315	No Hunting				55
South Mountains Gameland	88	Archery, Muzzleloader, Firearm	No	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	75	62

(continued on next page)

(continued)

Name	Size (km <sup>2</sup> )	Hunting weapons allowed	Dog hunting allowed?	Species hunted	Deer firearm season length (days)	Camera sites
South Mountains State Park	405	No Hunting				60
Stone Mountain State Park	58	No Hunting				61
Thompson Wildlife Management Area	16	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	15	71
Thurmond Chatham Gameland	26	Archery, Muzzleloader, Firearm	No	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	75	61
Umstead State Park	23	No Hunting				69
Uwharrie National Forest	205	Archery, Muzzleloader, Firearm	No	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	75	68
Warm Springs Mountain TNC Reserve Hunted	69.4	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	15	60
Warm Springs Mountain TNC Reserve Not Hunted	56.3	No Hunting				65
Weymouth Woods-Sandhills Nature Preserve	3.70	No Hunting				58
Wintergreen Resort	44.5	Archery, Muzzleloader, Firearm	Yes	White-tailed deer (antlered and antlerless), coyote, raccoon, squirrel	15	60

## References

- Balmford, A., Clegg, L., Coulson, T., Taylor, J., 2002. Why conservationists should heed [Pokemon](#). *Science* 295, 2367.
- Balmford, A., Green, J.M., Anderson, M., Beresford, J., Huang, C., Naidoo, R., Walpole, M., Manica, A., 2015. Walk on the wild side: estimating the global magnitude of visits to protected areas. *PLoS Biol.* 13, e1002074.
- Banks, P.B., Bryant, J.V., 2007. Four-legged friend or foe? Dog walking displaces native birds from natural areas. *Biol. Lett.* 3, 611–613.
- Beale, C.M., 2007. The behavioral ecology of disturbance responses. *Int. J. Comp. Psychol.* 20, 9.
- Beale, C.M., Monaghan, P., 2004. Human disturbance: people as predation-free predators? *J. Appl. Ecol.* 41, 9.
- Burnham, K.P., Anderson, D.R., 2002. *Model Selection and Multimodel Inference: A Practical Information-Theoretic Approach*. Springer-Verlag, New York, NY USA.
- Forrest, A., St. Clair, C.C., 2006. Effects of dog leash laws and habitat type on avian and small mammal communities in urban parks. *J. Urban Econ.* 9, 51–66.
- Frid, A., Dill, L., 2002. Human-caused disturbance stimuli as a form of predation risk. *Conserv. Ecol.* 6, 16.
- Gompper, M.E., 2014. The dog-human-wildlife interface: assessing the scope of the problem. In: Gompper, M.E. (Ed.), *Free-Ranging Dogs and Wildlife Conservation*. Oxford University Press, Oxford, UK, pp. 9–54.
- Grignolio, S., Merli, E., Bongio, P., Ciuti, S., Apollonio, M., 2011. Effects of hunting with bounds on a non-target species living on the edge of a protected area. *Biol. Conserv.* 144, 641–649.
- Horsley, S.B., Stout, S.L., DeCalesta, D.S., 2003. White-tailed deer impact on the vegetation dynamics of a northern hardwood forest. *Ecol. Appl.* 13, 98–118.
- Hughes, J., MacDonald, D.W., 2013. A review of the interactions between free-roaming domestic dogs and wildlife. *Biol. Conserv.* 157, 341–351.
- Kays, R., Parsons, A.W., Baker, M.C., Kalies, E.L., Forrester, T., Costello, R., Rota, C.T., Millspaugh, J.J., McShea, W.J., 2016. Does hunting or hiking affect wildlife communities in protected areas? *J. Appl. Ecol.* (in press).
- Kilgo, J.C., Ray, H.S., Ruth, C., Miller, K.V., 2010. Can coyotes affect deer populations in southeastern North America? *J. Wildl. Manag.* 74, 929–933.
- Koprowski, J.L., 1994. *Sciurus carolinensis*. *Mamm. Species* 480, 1–9.
- Lashley, M.A., Chitwood, M.C., Biggerstaff, M.T., Morina, D.L., Moorman, C.E., DePerno, C.S., 2014. White-tailed deer vigilance: The influence of social and environmental factors. *PLoS One* 9, e90652.
- Leung, Y.-F., Walden-Schreiner, C., Conlon, K., Miller, A., 2015. A simple method for monitoring dog leash compliance behavior in parks and natural areas. *J. Outdoor Recreat. Stud.* 9, 11–16.
- Lotze, J.H., Anderson, S., 1979. *Procyon lotor*. *Mamm. Species* 119, 1–8.
- Mainini, B., Neuhaus, P., Ingold, P., 1993. Behaviour of marmots *Marmota marmota* under the influence of different hiking activities. *Biol. Conserv.* 64, 161–164.
- McShea, W.J., Forrester, T., Costello, R., He, Z., Kays, R., 2016. Volunteer-run cameras as distributed sensors for macro-system mammal research. *Landsc. Ecol.* 31, 55–66.
- Miller, S.G., Knight, R.L., Miller, C.K., 2001. Wildlife responses to pedestrians and dogs. *Wildl. Soc. Bull.* 29, 124–132.
- Radeloff, V.C., Stewart, S.L., Hawbaker, T.J., Gimmi, U., Pidgeon, A.M., Flather, C.H., Hammer, R.B., Helmers, D.P., 2010. Housing growth in and near United States protected areas limits their conservation value. *Proc. Natl. Acad. Sci. U. S. A.* 107, 940–945.
- Recarte, J.M., Vincent, J.P., Hewison, A.J.M., 1998. Flight response of park fallow deer to the human observer. *Behav. Process.* 44, 65–72.
- Reed, S.E., Merenlender, A.M., 2011. Effects of management of domestic dogs and recreation on carnivores in protected areas in northern California. *Conserv. Biol.* 25, 504–513.
- Richmond, O.M.W., Hines, J.E., Beissinger, S.R., 2014. Two-species occupancy models: a new parameterization applied to co-occurrence of secretive rails. *Ecol. Appl.* 20, 2036–2046.
- Ritchie, E.G., Dickman, C.R., Letnic, M., Vanak, A.T., 2014. Dogs as predators and trophic regulators. In: Gompper, M.E. (Ed.), *Free Ranging Dogs and Wildlife Conservation*. Oxford University Press, Oxford, UK, pp. 55–68.
- Rowcliffe, J.M., Kays, R., Carbone, C., Jansen, P.A., 2013. Clarifying assumptions behind the estimation of animal density from camera trap rates. *J. Wildl. Manag.* 77, 876.
- Sheriff, M.J., Krebs, C.J., Boonstra, R., 2009. The sensitive hare: sublethal effects of predator stress on reproduction in snowshoe hares. *J. Anim. Ecol.* 78, 1249–1258.
- Silva-Rodríguez, E.A., Sieving, K.E., 2012. Domestic dogs shape the landscape-scale distribution of a threatened forest ungulate. *Biol. Conserv.* 150, 103–110.
- Stankowich, T., 2008. Ungulate flight responses to human disturbance: a review and meta-analysis. *Biol. Conserv.* 141, 2159–2173.
- Team, R.D.C., 2011. *R: A Language and Environment for Statistical Computing*, Version 2.13.1. R Foundation for Statistical Computing, Vienna, Austria.
- Theobald, D.M., 2005. Landscape patterns of exurban growth in the USA from 1980 to 2020. *Ecol. Soc.* 10, 32–68.
- Vanak, A.T., Gompper, M.E., 2009. Dogs *Canis familiaris* as carnivores: their role and function in intraguild competition. *Mammal Rev.* 39, 265–283.
- Vanak, A.T., Thaker, M., Gompper, M.E., 2009. Experimental examination of behavioural interactions between free-ranging wild and domestic canids. *Behav. Ecol. Sociobiol.* 64, 279–287.
- Vanak, A.T., Dickman, C.R., Silva-Rodríguez, E.A., Butler, J.R.A., Ritchie, E.G., 2014. Top-dogs and under-dogs: competition between dogs and sympatric carnivores. In: Gompper, M.E. (Ed.), *Free-Ranging Dogs and Wildlife Conservation*. Oxford University Press, Oxford, UK, pp. 69–93.
- Wallach, A.D., Izhaki, I., Toms, J.D., Ripple, W.J., Shanas, U., 2015. What is an apex predator? *Oikos* 124, 1453–1461.
- Walter, W.D., VerCauteren, K.C., Campa, H.I., Clark, W.R., Fischer, J.W., Hygnstrom, S.E., Mathews, N.E., Nielsen, C.K., Schaubert, E.M., Van Deelen, T.R., Winterstein, S.R., 2009. Regional assessment on influence of landscape configuration and connectivity on range size of white-tailed deer. *Landsc. Ecol.* 24, 1405–1420.
- Wells, N.M., Lekies, K.S., 2006. Nature and the life course: Pathways from childhood nature experiences to adult environmentalism. *Child. Youth Environ.* 16, 1–24.
- Weston, M.A., Stankowich, T., 2014. Dogs as agents of disturbance. In: Gompper, M.E. (Ed.), *Free-Ranging Dogs and Wildlife Conservation*. Oxford University Press, Oxford, UK, pp. 94–116.
- Weston, M.A., Fitzsimons, J.A., Wescott, G., Miller, K.K., Ekanayake, K.B., Schneider, T., 2014. Bark in the park: a review of domestic dogs in parks. *Environ. Manag.* 54, 373–382.
- Young, J.K., Olson, K.A., Reading, R.P., Amgalanbaatar, S., Berger, J., 2011. Is wildlife going to the dogs? Impacts of feral and free-roaming dogs on wildlife populations. *Bioscience* 61, 125–132.



## The impacts of dogs on wildlife and water quality: A literature review

*Compiled by Lori Hennings, Metro Parks and Nature, April 2016*

### SUMMARY

Metro periodically reviews the science literature behind its natural resource policies to ensure policies are based on the most current science. Recently staff reviewed the scientific literature regarding the impacts of dogs on wildlife to inform Metro Regulatory Code Title 10.01, which excludes pets from most Metro properties. The only exceptions are service dogs, leashed dogs on some regional trails, Broughton Beach, boat ramps and properties managed by others through intergovernmental agreements that are integrated into larger parks where leashed dogs are allowed (e.g., Forest Park).

Any human related activity can disturb wildlife. In order to meet Metro's dual goals of protecting natural resources and providing access to nature, Metro has tried to strategically locate trails in less sensitive habitat and to ensure that human activity is as non-disruptive as possible. Part of that strategy has been to allow public access, while limiting certain activities such as bringing dogs into natural areas.

The evidence that dogs negatively impact wildlife is overwhelming. It is clear that people with dogs – on leash or off – are much more detrimental to wildlife than people without dogs. Dogs (*Canis lupus familiaris*) are considered to be a subspecies of wolves (*Canis lupus*), and wildlife perceive dogs as predators.<sup>(30)</sup> Impacts include:

1. **Physical and temporal displacement** – The presence of dogs causes wildlife to move away, temporarily or permanently reducing the amount of available habitat in which to feed, breed and rest. Animals become less active during the day to avoid dog interactions. Furthermore, the scent of dogs repels wildlife and the effects remain after the dogs are gone.
2. **Disturbance and stress response** – Animals are alarmed and cease their routine activities. This increases the amount of energy they use, while simultaneously reducing their opportunities to feed. Repeated stress causes long-term impacts on wildlife including reduced reproduction and growth, suppressed immune system and increased vulnerability to disease and parasites.
3. **Indirect and direct mortality** – Dogs transmit diseases (such as canine distemper and rabies) to and from wildlife. Loose dogs kill wildlife.
4. **Human disease and water quality impacts** - Dog waste pollutes water and transmits harmful parasites and diseases to people.

### INTRODUCTION

Metro owns 17,000 acres of parks and natural areas and does not allow dogs or other pets on the vast majority of these lands. Exceptions include service animals, leashed dogs on some regional trails, Broughton Beach, boat ramps and certain properties managed by others through intergovernmental

agreements that are integrated into larger parks where leashed dogs are allowed (e.g., Forest Park). The policy that prohibits visitors from bringing pets to most of Metro's managed parks and natural areas was initiated by Multnomah County in the 1980s and continued in practice after Metro assumed management of those parks in the early 1990s. After a review of the scientific literature and meaningful public discourse, Metro formally adopted the pets policy into its code in 1997 (Metro Council Regulatory code Title 10.01 adopted in Ordinance 96-659A).

To ensure this decision reflects the most up-to-date information, Metro staff examined 54 peer-reviewed scientific journal articles and several research reports relating to the impacts of dogs in natural areas, including numerous literature reviews on the impacts of various types of recreation on wildlife and habitat.<sup>(10, 28, 42,54,61,63, 65,68,71,73,77)</sup> The results of our literature review are summarized below.

## **PHYSICAL AND TEMPORAL DISPLACEMENT**

Displacement may be the most significant impact due to the amount of habitat affected. The presence of dogs causes most wildlife to move away from an area, which temporarily or permanently reduces the amount of functionally available habitat to wildlife. The research is clear that people with dogs disturb wildlife more than humans alone.<sup>(5,10,33,38,39,41,44,61,68,69)</sup> These effects reduce a natural area's carrying capacity for wildlife, and also reduces wildlife viewing experiences for visitors.

Studies on a variety of wildlife in many countries and settings demonstrate that dogs along trails and in natural areas significantly alter wildlife behavior.<sup>(9,33,39,41,49,53,58)</sup> A 2011 literature review found negative dog effects in all 11 papers that examined such effects.<sup>(65)</sup> Studies demonstrate dog-specific impacts on reptiles,<sup>(29,31,48)</sup> shorebirds and waterfowl,<sup>(24,32,51,69)</sup> songbirds,<sup>(5,9,10)</sup> small mammals,<sup>(33,39,56)</sup> deer, elk and bighorn sheep,<sup>(4,36,38,44,49,59,63)</sup> and carnivores.<sup>(22,33,52,58)</sup>

A study in France found that two hikers disturbed an area of 3.7 hectares walking near wild sheep, whereas two hikers with dogs disturbed 7.5 hectares around the sheep.<sup>(41)</sup> In Chicago, migratory songbirds were less abundant in yards with dogs.<sup>(9)</sup> Dog walking in Australian woodlands led to a 35% reduction in bird diversity and a 41% reduction in the overall number of birds.<sup>(5)</sup> The same study showed some disturbance of birds by humans, but typically less than half that induced by dogs.

Studies in California and Colorado showed that bobcats avoided areas where dogs were present, including spatial displacement<sup>(22,33,52)</sup> and temporal displacement in which bobcats switched to night time for most activities.<sup>(22)</sup> The Colorado study also demonstrated significantly lower deer activity near trails specifically in areas that allowed dogs, and this effect extended at least 100 meters off-trail.<sup>(33)</sup> This negative effect was also true for small mammals including squirrels, rabbits, chipmunks and mice, with the impact extending at least 50 meters off-trail.

Evidence suggests that some wildlife species can habituate to certain predictable, non-threatening disturbances such as people walking on a trail in a natural area; this effectively lowers the stress response. Part of this adaptation may be due to wildlife learning what is and isn't a threat, and also

avoidance of hunters.<sup>(19,55,63,70)</sup> Habituated animals still react, but amount of habitat affected is not as large.<sup>(55,56,63,70)</sup> However, dogs – especially off-leash dogs – may prevent wildlife habituation because wildlife consistently see them as predators. Dog-specific disturbance has been studied for birds, with no evidence of habituation even with leashed dogs, even where dog-walking was frequent; this effect was much weaker for people without dogs.<sup>(5)</sup>

Even the scent of dog urine or feces can trigger wildlife to avoid an area. Therefore, the impacts of dog presence can linger long after the dog is gone, even days later. One literature review found that predator odors caused escape, avoidance, freezing, and altered behavior in a large suite of wildlife species including scores of amphibian, reptile, bird, and mammal species from other studies.<sup>(30)</sup> The scent of domestic dogs has been shown to repel American beaver (*Castor Canadensis*), mountain beaver (*Aplodontia rufa*), deer (*Odocoileus* species), elk (*Cervus elaphus*), and a wide variety of wildlife native to other countries.<sup>(20,30)</sup> Mountain beaver cause economic damage to young tree stands in the Pacific Northwest, and foresters are considering using dog urine as a repellent.<sup>(20)</sup> An experimental study demonstrated that dog feces are an effective repellent for sheep, with no habituation observed over seven successive days.<sup>(1)</sup>

One Colorado study showed mixed effects of dogs on wildlife.<sup>(44)</sup> The study compared effects of pedestrians alone, pedestrians with leashed dogs and unleashed dogs alone on grassland birds. Vesper Sparrows (*Pooecetes gramineus*) and Western Meadowlarks (*Sturnella neglecta*) waited until dogs were closest to flush – that is, they fly or run away. This could be an attempt to remain undetected against the greatest threat, but could also mean that these bird species perceive humans as a greater threat than dogs. However, the same study found strong dog-specific impacts on mule deer in woodlands. A literature review found that ungulates (deer, elk and sheep) had stronger flight responses in open habitats compared to forested habitats.<sup>(63)</sup> Unlike small ground-nesting songbirds, larger animals would have no cover and could easily be seen in open habitats.

The disturbance effects of off-leash dogs are stronger than on-leash and substantially expand the amount of wildlife habitat affected,<sup>(32,59,63,69)</sup> and the unpredictability of off-leash dogs may prevent wildlife habituation in large areas of habitat.<sup>(5,10,32,61,69)</sup> The negative effects are increased even further when dogs and people venture off-trail, probably because their behavior is less predictable.<sup>(44,67)</sup> Off-leash dogs are likely to reduce the number and types of wildlife in large areas of habitat.

A Colorado study found off-leash dogs ventured up to 85 meters from the trail, although this result was from 1 square meter plots covering a very small percentage of the area.<sup>(33)</sup> Remote cameras in another study documented the same dog 1.5 miles apart in the same day.<sup>(61)</sup> In Utah, mule deer showed a 96% probability of flushing within 100 meters of recreationists located off trails; their probability of flushing did not drop to 70% until the deer were 390 meters from the recreationists.<sup>(67)</sup> A California shorebird study found that off-leash dogs were a disproportionate source of disturbance, and that plovers did not habituate to disturbance; birds were disturbed once every 27 minutes on weekends.<sup>(32)</sup>

To illustrate the potential of dogs to displace wildlife we explored two well-known local park examples that allow dogs on leash. Forest Park is one of the largest urban parks in the U.S. and was always intended to connect urban dwellers with nature; people have been walking their dogs there since before the park's 1948 dedication. Forest Park covers 5,172 acres of forest, including approximately 80 miles of trails and service. Using a very conservative 25-meter buffer around mapped trails to represent the "human + dog on leash" area of disturbance and assuming 100% compliance with leash rules, the area affected would be 1,406 acres – that's 28% of the entire park. In 651-acre Tryon Creek Natural Area, 207 acres of land (32%) is within 25 meters of a trail.

## **DISTURBANCE AND STRESS RESPONSE**

Stress response is the functional response of an animal to an external stressor, such as seasonal changes in temperature and food availability or sudden disturbance.<sup>(3)</sup> Specific stress hormones are released to enable the animal to physically respond to the stressor. Acute stress response, when an animal reacts to an immediate situation, can benefit an animal by triggering it to respond appropriately to a threat. However, chronic stress such as repeated disturbances over time may reduce wildlife health, reproduction, growth, impair the immune system and increase vulnerability to parasites and diseases.<sup>(16,27,75)</sup>

Dogs cause wildlife to be more alert, which reduces feeding, sleeping, grooming and breeding activities and wastes vital energy stores that may mean life or death when resources are low, such as during winter or reproduction.<sup>(8,32,40,41,69)</sup> Animals release stress hormones and their heart rates elevate in response.<sup>(3,27,37,38)</sup> When stress becomes too high, animals may flush, freeze, or hide.<sup>(26,30)</sup>

Several studies document that disturbance reduces reproductive success for some wildlife species.<sup>(11,35,40,50,63)</sup> Numerous studies found that female deer and elk, and deer and elk groups with young offspring, show greater flight responses to human disturbances than other groups.<sup>(63)</sup> Stress hormones may cause male songbirds to reduce their territorial defense, females to reduce feeding of their young, nestlings to have reduced weight and poor immune systems, and adult birds to abandon nests.<sup>(11,34,35,76)</sup> A Colorado study showed that elk repeatedly approached by humans had fewer young.<sup>(50)</sup> Although research is lacking on whether dogs specifically reduce the reproductive success of wildlife, the fact that humans with dogs create much stronger disturbance effects than without dogs<sup>(5,33,38,41,44,61,68,69)</sup> implies that these stress effects would be magnified if people had dogs with them.

## **INDIRECT AND DIRECT MORTALITY**

Dogs chase and kill many wildlife species including reptiles, small mammals, deer and foxes.<sup>(12,13,29,31,48,58,62)</sup> A Canadian study found that domestic dogs were one of the top three predators that killed white-tailed deer fawns.<sup>(4)</sup> In northern Idaho winter deer grounds, an Idaho Fish and Game conservation officer witnessed or received reports of 39 incidents of dogs chasing deer, directly resulting in the deaths of at least 12 animals.<sup>(36)</sup> A study in southern Chile revealed that domestic dogs preyed on

most of the mammal species present in the study area.<sup>(60)</sup> A 2014 literature review of dogs in parks identified 19 studies that investigated the effects of dogs preying on wildlife.<sup>(73)</sup> Of these, 13 reported observing or finding strong evidence of dog predation on wildlife. The Audubon Society of Portland's Wildlife Care Center took in 1,681 known "dog-caught" injured animals from 1987 through March 2016.<sup>(2)</sup>

Dogs transmit diseases to wildlife and vice versa including rabies, Giardia, distemper and parvovirus.<sup>(18,23,66,74)</sup> A Mexico City study concluded that feral dogs continually transmitted parvovirus, toxoplasmosis and rabies to wildlife including opossums, ringtails, skunks, weasels and squirrels.<sup>(66)</sup> Large carnivores such as cougars are especially vulnerable to domestic dog diseases including canine distemper.<sup>(74)</sup>

## HUMAN DISEASE AND WATER QUALITY IMPACTS

Under the Oregon Department of Environmental Quality (DEQ), Metro is a Designated Management Agency to protect water quality in compliance with the federal Clean Water Act. Limiting dog access at most natural areas is one of Metro's commitments to DEQ, because dog feces pollute water. Feces are often delivered to waterways through stormwater.<sup>(57)</sup> The average dog produces ½ to ¾ pound of fecal matter each day – a hundred dogs can produce more than 500 pounds of waste per week.<sup>(45)</sup> The DEQ identifies pet waste as a significant contributor to one of the region's most ubiquitous and serious pollutants, *E. coli* bacteria. Contact with *E. coli*-polluted water can make people sick. Because dog waste can be a relatively simple source to reduce or eliminate exposure to *E. coli*, DEQ considers reducing or eliminating dog waste an important action item in jurisdictions' clean water implementation plans for the Willamette Basin watershed.<sup>(47)</sup>

Humans can catch parasites and diseases such as hookworms (causes rash), roundworms (may cause vision loss in small children, rash, fever, or cough) and salmonella (causes gastrointestinal illness) from dog waste.<sup>(7,57)</sup> Aside from potential illnesses, dog waste can negatively affect visitors' experience in a natural area. Dog waste left on the ground is a leading complaint in Portland parks, and violators may be fined up to \$150 per incident.<sup>(14)</sup>

Several examples illustrate local dog impacts. A Clean Water Services DNA study found that dog waste alone accounts for an average of 13% of fecal bacteria in stream study sites in the Tualatin River Basin.<sup>(17)</sup> Off-leash dog walking is documented to cause erosion in Portland's Marshall Park, creating sediment problems in stream water.<sup>(15)</sup> In 2014 Portland school administrators expressed concern because playgrounds had become "a minefield for animal waste" from people using school grounds as after hours, off-leash dog parks, threatening the health of school children.<sup>(21)</sup> The City of Gresham found extremely high levels of *E. coli* bacteria in water quality samples of a very specific stretch of a stream, where dog feces were found along stream banks behind several yards with dogs.<sup>1</sup> The city sent letters to

---

<sup>1</sup> Personal communication with Katie Holzer, Watershed Scientist at the City of Gresham, Oregon, 4/11/2016.

residents in the neighborhood about the incident and how to properly dispose of dog feces; the levels have not been elevated in follow-up sampling.

## **BELIEF, BEHAVIOR AND REALITY**

People do not always take responsibility for their impacts on wildlife. Several studies demonstrate that natural area visitors, including dog owners, often don't believe they are having much of an effect on wildlife, or assign blame to different user groups rather than accepting responsibility themselves.<sup>(6,64,67,68)</sup> Some natural area visitors assume that when they see wildlife, it means that they are not disturbing the animals – or worse, that because they didn't see any wildlife, they didn't disturb any.<sup>(64)</sup>

For example, in Utah, about half of recreational visitors surveyed did not believe that recreation was having a negative impact on wildlife; of those that did, each user group blamed other groups for the strongest impacts.<sup>(67)</sup> In Austria, 56% of people surveyed at a national park agreed that wildlife is in general disturbed by human activity.<sup>(64)</sup> However, only 12% believed that they had disturbed wildlife in their visit that day, and dog-walkers ranked their activities as less disturbing than other user groups' activities. When asking different user groups to rate the impacts of overall human disturbance on wildlife, dog-walkers rated the impacts the lowest, at 2.6 out of 5 possible impact points.

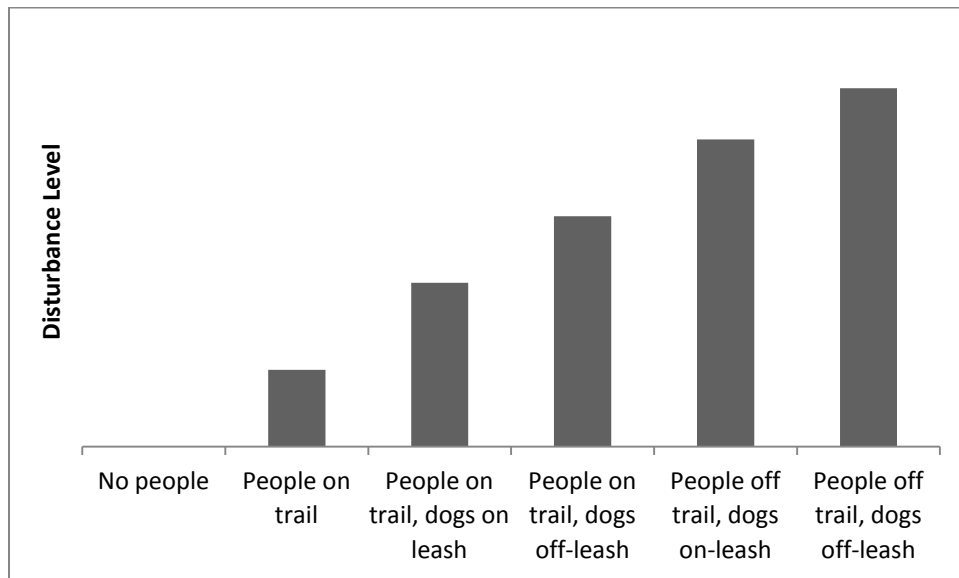
Surveys indicate that many dog owners desire fewer restrictions, while non-dog owners often feel the opposite.<sup>(72,73)</sup> However dog owners don't always follow the rules, and some dog owners allow their dogs to run free in leash-only natural areas.<sup>(32,52,73)</sup> In a Santa Barbara study, only 21% of dogs were leashed despite posted leash requirements.<sup>(32)</sup> And despite regulations and claims to the contrary, dog owners often don't pick up their dog's waste.<sup>(6,32)</sup> An English study revealed that although 95% of visitors claimed to pick up their dog's waste only 19-46% actually did so, depending on location within the park.<sup>(6)</sup>

## **DISCUSSION**

In summary, people and their dogs disturb wildlife, and people are not always aware of or willing to acknowledge the significance of their own impacts. Wildlife perceive dogs as predators. Dogs subject wildlife to physical and temporal displacement from habitat, and dog scent repels wildlife with lingering impacts. Dogs disturb wildlife which can induce long-term stress, impact animals' immune system and reduce reproduction. Dogs spread disease to and outright kill wildlife. People with dogs are much more detrimental to wildlife than people alone; off-leash dogs are worse; and off-trail impacts are the highest (Figure 1).

Urban wildlife is subjected to many human-induced stressors including habitat loss, degraded and fragmented habitat, impacts from a variety of user groups, roads, trails, infrastructure, noise and light pollution.<sup>(26)</sup> These stressors will increase with population; from July 2014 to 2015 the Portland-Vancouver metropolitan region added 40,621 new residents.<sup>(43)</sup> Current population in the region stands at 2.4 million, with another 400,000 residents expected over the next 20 years.

**Figure 1.** Conceptual illustration of the relative impacts on wildlife due to people without and with dogs.



Among medium to high density cities, Portland currently ranks second in the total area covered by parks at nearly 18%, and also second in the number of park acres per resident.<sup>(25)</sup> Of 34 park providers in the Portland region, all but four allow dogs in most or all of their natural areas, typically on-leash; more than two-thirds also offer dog parks or off-leash dog areas (Table 1 at end of document).

Wildlife conservation is not the only valid reason to preserve natural areas. Park providers must weigh the trade-offs between wildlife, habitat, water quality and recreational values. But when considering different types of public access in a natural area, it is important to understand that the research is clear: people with dogs substantially increase the amount of wildlife habitat affected and are more detrimental to wildlife than people without dogs.

## LITERATURE CITED

*Items in bold are from peer-reviewed journals*

1. **Arnould C, Signoret J-P. 1993. Sheep food repellents: Efficacy of various products, habituation, and social facilitation. *Journal of Chemical Ecology* 19:225-236.**
2. Audubon Society of Portland. 2016. Wildlife Care Center intake summary, 1987-2015. Derived from Audubon Society of Portland's database by Joe Liebezeit on April 13, 2016. Audubon Society of Portland, Portland, OR.
3. **Baker MR, Gobush K, Vynne C. 2013. Review of factors influencing stress hormones in fish and wildlife. *Journal for Nature Conservation* 21:309-318.**
4. **Ballard WB, Whitlaw HA, Young SJ, Jenkins RA, Forges GJ. 1999. Predation and survival of white-tailed deer fawns in northcentral New Brunswick. *Journal of Wildlife Management* 63:574-579.**
5. **Banks PB, Bryant JV. 2007. Four-legged friend or foe? Dog walking displaces native birds from natural areas. *Biological Letters* [online] doi:10.1098/rsbl.0374:1-4.**
6. Barnard A. 2003. Getting the facts – Dog walking and visitor number surveys at Burnham Beeches and their implications for the management process. *Countryside Recreation* 11:16-19.
7. Becker, K. 2010. Top 5 diseases you can get from your pet.  
<http://healthypets.mercola.com/sites/healthypets/archive/2010/08/24/top-5-diseases-you-can-get-from-your-pet.aspx>. Healthy Pets with Dr. Karen Becker.
8. **Bekoff M, Ickes RW. 1999. Behavioral interactions and conflict among domestic dogs, black-tailed prairie dogs, and people in Boulder, Colorado. *Anthrozoos* 12:105-110.**
9. **Belaire JA, Whelan CJ, Minor ES. 2014. Having our yards and sharing them too: The collective effects of yards on native bird species in an urban landscape. *Ecological Applications* 24:2132-2143.**
10. **Blanc R, Guillemain M, Mouronval J-B, Desmonts D, Fritz H. 2006. Effects of non-consumptive leisure disturbance to wildlife. *Revue d'Ecologie (La Terre et la Vie)* 61:117-133.**
11. Breuner CW. 2011. Stress and reproduction in birds. In Norris DO, Lopez KH (eds): *Hormones and Reproduction of Vertebrates, Volume 4 - Birds*. Cambridge, MA, Academic Press, pp 129-151.
12. **Butler JRA, Du Toit JT, Bingham J. 2004. Free-ranging domestic dogs (*Canis familiaris*) as predators and prey in rural Zimbabwe: Threats of competition and disease to large wild carnivores. *Biological Conservation* 115:369-378.**
13. **Campos CB, Esteves CF, Ferraz KMPMB, Crawshaw PG, Jr., Verdade LM. 2009. Diet of free-ranging cats and dogs in a suburban and rural environment, southeastern Brazil. *Journal of Zoology* 273:14-20.**
14. City of Portland Bureau of Environmental Services and City of Portland Parks and Recreation. 2008. Dogs for the environment. Portland, OR, City of Portland.
15. City of Portland Bureau of Environmental Services. 2005. Fanno and Tryon Creeks watershed management plan. Portland, Oregon, City of Portland.
16. **Cizauskas CA, Turner WC, Pittes N, Getz WM. 2015. Seasonal patterns of hormones, macroparasites, and microparasites in wild African ungulates: The interplay among stress, reproduction, and disease. *PLoS ONE* 10:e0120800.**
17. Clean Water Services. 2005. DNA fingerprinting of bacteria sources in the Tualatin sub-basin. Hillsboro, OR, Clean Water Services.
18. **Cleaveland S, Appel MGJ, Chalmers WSK, Chillingworth C, Kaare M, Dye C. 2000. Serological and demographic evidence for domestic dogs as a source of canine distemper virus infection for Serengeti wildlife. *Veterinary Microbiology* 72:217-227.**



19. Cleveland SM, Hebblewhite M, Thompson M, Henderson R. 2012. Linking elk movement and resource selection to hunting pressure in a heterogeneous landscape. *Wildlife Society Bulletin* 36:658-668.
20. Epple G, Mason J, Nolte D, Campbell D. 1993. Effects of predator odors on feeding in the mountain beaver *Aplodontia rufa*. *Journal of Mammalogy* 74:715-722.
21. FOX 23 staff. Cracking down on doggie droppings at Portland schools. 2014. <http://www.kptv.com/story/25197482/cracking-down-on-doggie-droppings-at-portland-schools>. KPTV-KPDX Broadcasting Corporation.
22. George SL, Crooks KR. 2006. Recreation and large mammal activity in an urban nature reserve. *Biological Conservation* 133:107-117.
23. Gondim LFP, McAllister MM, Mateus-Pinilla NE, Pitt WC, Mech LD, Nelson ME. 2004. Transmission of *Neospora caninum* between wild and domestic animals. *Journal of Parasitology* 90:1361-1365.
24. Gray AC. 2006. Impacts of human disturbance on the behavior of sanderlings on the Georgia Coast. Thesis. Statesboro, GA, Georgia Southern University, Jack N. Averitt College of Graduate Studies.
25. Harnik P, Martin A, Barnhart K. 2015 City Park Facts. 2015. Washington, D.C., The Trust for Public Lands, Center for City Park Excellence.
26. Hennings L A, Soll J. 2010. Wildlife corridors and permeability. A literature review. Portland, OR, Metro.
27. Hing S, Narayan EJ, Thompson RCA, Godfrey SS. 2016. The relationship between physiological stress and wildlife disease: Consequences for health and conservation. *Wildlife Research* 43:51-60.
28. Hughes J, Macdonald DW. 2013. A review of the interactions between free-roaming domestic dogs and wildlife. *Biological Conservation* 157:341-351.
29. Iverson J. 1978. The impact of feral cats and dogs on populations of the West Indian rock iguana, *Cyclura carinata*. *Biological Conservation* 14:63-73.
30. Kats LB, Dill LM. 1998. The scent of death: Chemosensory assessment of predation risk by prey animals. *EcoScience* 5:361-394.
31. Koenig J, Shine R, Shea G. 2002. The dangers of life in the City: Patterns of activity, injury and mortality in suburban lizards (*Tiliqua scincoides*). *Journal of Herpetology* 36:62-68.
32. Lafferty KD. 2004. Disturbance to wintering western Snowy Plovers. *Biological Conservation* 101:315-325.
33. Lenth BE, Knight RL, Brennan ME. 2008. The effects of dogs on wildlife communities. *Natural Areas Journal* 28:218-227.
34. Love OP, Breuner CW, Vezina F, Williams TD. 2004. Mediation of a corticosterone-induced reproductive conflict. *Hormones and Behavior* 46:59-65.
35. Love OP, Chin EH, Wynne-Edwards KE, Williams TD. 2005. Stress hormones: A link between maternal condition and sex-biased reproductive investment. *The American Naturalist* 166:751-766.
36. Lowry DA, McArthur KL. 1978. Domestic dogs as predators on deer. *Wildlife Society Bulletin* 6:38-39.
37. MacArthur RA, Johnston RH, Geist V. 1979. Factors influencing heart rate in free-ranging bighorn sheep: a physiological approach to the study of wildlife harassment. *Canadian Journal of Zoology* 57:2010-2021.
38. MacArthur RA. 1982. Cardiac and behavioral responses of mountain sheep to human disturbance. *Journal of Wildlife Management* 46:351-358.
39. Mainini B, Neuhaus P, Ingold P. 1993. Behaviour of marmots *Marmota marmot* under the influence of different hiking activities. *Biological Conservation* 64:161-164.

40. Manor R, Saltz D. 2004. The impact of free-roaming dogs on gazelle kid / female ratio in a fragmented area. *Biological Conservation* 119:231-236.
41. Martinetto K, Cugnasse JM. 2001. Reaction distance in Mediterranean Mouflon (*Ovis gmelini musimon* x *Ovis* sp.) in the presence of hikers with a dog on the Caroux plateau (Herauld, France). *Revue d'Ecologie-La Terre et La Vie* 56:231-242.
42. Marzano M, Dandy N. 2015. Recreational use of forests and disturbance of wildlife. A literature review. Edinburgh, U.K., Forestry Commission.
43. Metro. 2015. 2014 Urban Growth Report. Portland, OR, Metro.
44. Miller SG, Knight RL, Miller CK. 2001. Wildlife responses to pedestrians and dogs. *Wildlife Society Bulletin* 29:124-132.
45. Natural Resources Conservation Service, Fairbanks Soil and Water Conservation District. 2005. Composting dog waste. Palmer, AK, U.S.D.A. Natural Resources Conservation Service, Fairbanks Soil and Water Conservation District.
46. Nickum, R. 2013. 17 best U.S. cities for dogs. <http://blog.estate.com/2013/05/17-best-u-s-cities-for-dogs/>.
47. Oregon Department of Environmental Quality. 2015. Reducing bacterial pollution in the Willamette Basin. 10-WQ-032, 1-2. Portland, OR, Oregon Department of Environmental Quality.
48. Oregon Department of Fish and Wildlife. 2015. Guidance for conserving Oregon's native turtles including best management practices. Salem, OR, Oregon Department of Fish and Wildlife.
49. Pelletier F. 2006. Effects of tourist activities on ungulate behaviour in a mountain protected area. *Journal of Mountain Ecology* 8:15-19.
50. Phillips GE, Alldredge AW. 2000. Reproductive success of elk following disturbance by humans during calving season. *Journal of Wildlife Management* 64:521-530.
51. Randler R. 2006. Disturbances by dog barking increases vigilance in coots *Fulica atra*. *European Journal of Wildlife and Research* 52:265-270.
52. Reed SE, Merenlender AM. 2011. Effects of management of domestic dogs and recreation on carnivores in protected areas in Northern California. *Conservation Biology* 25:504-513.
53. Reed SE, Merenlender AM. 2008. Quiet, nonconsumptive recreation reduces protected area effectiveness. *Conservation Letters* 1:146-154.
54. Reed SE, Larson CL, Crooks KR, Merenlender AM. 2014. Wildlife response to human recreation on NCCP reserves in San Diego County. Report number P1182112. Bozeman, MT, Wildlife Conservation Society.
55. Schultz RD, Bailey JA. 1978. Responses of national park elk to human activity. *Journal of Wildlife Management* 42:91-100.
56. Shannon G, Cordes LS, Hardy AR, Angeloni LM, Crooks KR. 2014. Behavioral responses associated with a human-mediated predator shelter. *PLoS ONE* 9:e94630.
57. Shueler T. 2000. Microbes and urban watersheds: Concentrations, sources, & pathways. *Watershed Protection Techniques* 3:1-12.
58. Silva-Rodriguez EA, Ortega-Solis GR, Jimenez JE. 2010. Conservation and ecological implications of the use of space by chilla foxes and free-ranging dogs in a human-dominated landscape in southern Chile. *Austral Ecology* 35:765-777.
59. Silva-Rodriguez EA, Sieving KE. 2012. Domestic dogs shape the landscape-scale distribution of a threatened forest ungulate. *Biological Conservation* 150:103-110.
60. Silva-Rodriguez EA, Sieving KE. 2011. Influence of care of domestic carnivores on their predation on vertebrates. *Conservation Biology* 25:808-815.
61. Sime CA. 1999. Domestic dogs in wildlife habitats: Effects of recreation on Rocky Mountain wildlife. A review for Montana. Montana Chapter of The Wildlife Society.

62. Spinks PQ, Pauly GB, Crayon JC, Shaffer HB. 2003. Survival of the western pond turtle (*Emys marmorata*) in an urban California environment. *Biological Conservation* 113:257-267.
63. Stankowich T. 2008. Ungulate flight response to human disturbance: A review and meta-analysis. *Biological Conservation* 141:2159-2173.
64. Sterl P, Brandenburg C, Arnberger A. 2008. Visitors' awareness and assessment of recreational disturbance of wildlife in the Donau-Auen National Park. *Journal for Nature Conservation* 16:135-145.
65. Steven R, Pickering C, Castley JG. 2011. A review of the impacts of nature based recreation on birds. *Journal of Environmental Management* 92:2287-2294.
66. Suzan G, Ceballos G. 2005. The role of feral mammals on wildlife infectious disease prevalence in two nature reserves within Mexico City limits. *Journal of Zoo and Wildlife Medicine* 36:479-484.
67. Taylor AR, Knight RL. 2003. Wildlife responses to recreation and associated visitor perceptions. *Ecological Applications* 13:951-963.
68. Taylor K, Taylor R, Anderson P, Longden K, Fisher P. 2005. Dogs, access and nature conservation. English Nature Research Report 649, 1-2.
69. Thomas K, Kvitek RG, Bretz C. 2003. Effects of human activity on the foraging behavior of sanderlings *Calidris alba*. *Biological Conservation* 109:67-71.
70. Thompson MJ, Henderson RE. 1998. Elk habituation as a credibility challenge for wildlife professionals. *Wildlife Society Bulletin* 26:477-483.
71. UK CEED. 2000. A review of the effects of recreational interactions within UK European marine sites. 1-264. Countryside Council for Wales (UK Marine SACs Project).
72. Webley P, Siviter C. 2006. Why do some owners allow their dogs to foul the pavement? The social psychology of a minor rule infraction. *Journal of Applied Social Psychology* 30:1371-1380.
73. Weston MA, Fitzsimons JA, Wescott G, Miller KK, Ekanayake KB, Schneider T. 2014. Bark in the park: A review of domestic dogs in parks. *Environmental Management* 54:373-382.
74. Whiteman CW, Matushima ER, Cavalcanti-Confalonieri UE, Palha MDDC, Da Silva ADSL, Monteiro VC. 2009. Human and domestic animal populations as a potential threat to wild carnivore conservation in a fragmented landscape from the Eastern Brazilian Amazon. *Biological Conservation* 138:290-296.
75. Wingfield JC, Hunt K, Breuner C, Dunlap K, Fowler GS, Freed L, Lepson J. 1997. Environmental stress, field endocrinology, and conservation biology; in Clemons JR, Buchholz R (eds). In: *Behavioral Approaches to Conservation in the Wild*. London, England, Cambridge University Press, pp 95-131.
76. Wingfield JC, Silverin B. 1986. Effects of corticosterone on territorial behavior of free-living male song sparrows *Melospiza melodia*. *Hormones and Behavior* 20:405-417.
77. Young JK, Olson KA, Reading RP, Amgalanbaatar S, Berger J. 2011. Is Wildlife Going to the Dogs? Impacts of Feral and Free-Roaming Dogs on Wildlife Populations. *BioScience* 61:125-132.

**Table 1.** Park providers' dog policies in the greater Portland, Oregon metropolitan area.

Parks provider	No dogs allowed	Some parks allow dogs	Dogs allowed	On-leash	Free to roam	Off-leash areas or dog park
Audubon Society of Portland	X					
City of Beaverton		X <sup>2</sup>		X		X
City of Cornelius			X	X <sup>3</sup>		
City of Durham			X	X		X
City of Fairview		X <sup>4</sup>		X		
City of Forest Grove			X	X		X
City of Gladstone			X	X		X
City of Gresham			X	X		X
City of Happy Valley			X	X <sup>5</sup>		X
City of Hillsboro			X	X		X
City of Lake Oswego			X	X		X
City of Milwaukie <sup>6</sup>			X	X		X
City of Oregon City			X	X		X <sup>7</sup>
City of Portland		X		X <sup>8</sup>		X <sup>9</sup>
City of Sherwood			X	X		X
City of Tigard			X	X		X
City of Troutdale		X <sup>10</sup>		X		X <sup>11</sup>
City of Tualatin			X	X		X
City of West Linn			X	X		X <sup>12</sup>
City of Wilsonville			X	X		X
City of Wood Village			X	X		
Clackamas County			X	X		X
Clean Water Services (Fernhill Wetlands)	X					

<sup>2</sup> All parks except fountain provided by Tualatin Hills Parks & Recreation District.

<sup>3</sup> Considering off-leash dog area at Water Park.

<sup>4</sup> Dogs on leash allowed at all parks except Salish Ponds (no dogs).

<sup>5</sup> Dogs on leash except prohibited in playgrounds.

<sup>6</sup> All city parks are operated by North Clackamas Parks and Recreation Department.

<sup>7</sup> The City of Oregon City is currently testing off-leash areas in three parks.

<sup>8</sup> Dogs on-leash except prohibited at Foster Floodplain Natural Area, Tanner Springs Park, Whitaker Ponds Nature Park, Riverview Natural Area, and the amphitheater at Mt Tabor Park.

<sup>9</sup> 33 off-leash dog areas.<sup>46</sup>

<sup>10</sup> Most parks: dogs not allowed. Exception: Sunrise Park and large Beaver Creek Greenway, leash only. Considering two more on-leash dogs allowed parks.

<sup>11</sup> Plans for an off-leash area at Sunrise Park.

<sup>12</sup> One off-leash dog area: field near parking lot at Mary S. Young Park. Off-leash dogs were identified as an issue by parks board.

Parks provider	No dogs allowed	Some parks allow dogs	Dogs allowed	On-leash	Free to roam	Off-leash areas or dog park
Federal / State (Sandy River Natural Area)			X <sup>13</sup>	X	X	X
Metro		X <sup>14</sup>				
N. Clackamas Parks & Recreation			X			X
OR Department of Fish and Wildlife			X	X <sup>15</sup>	X	X
OR Parks & Recreation Department			X	X		X
Port of Portland		X <sup>16</sup>		X		
The Nature Conservancy	X					
The Wetlands Conservancy			X <sup>17</sup>	X	X	
Tualatin Hills Park and Rec. District		X <sup>18</sup>		X		X
U.S. Fish & Wildlife Service	X					
U.S. Forest Service <sup>19</sup>			X	X	X	X

<sup>13</sup> Leashes required only on/near Confluence Trail and in parking area. Leash-off everywhere else. Region's largest off-leash area, and heavily used.

<sup>14</sup> Metro does not allow dogs except for service dogs, leashed dogs on regional trails, Broughton Beach, boat ramps and properties managed by others through intergovernmental agreements that are integrated into larger parks where leashed dogs are allowed (e.g., Forest Park).

<sup>15</sup> All dogs must be on leash, except while hunting during seasons authorized on Sauvie Island Wildlife Area, or pursuant to a valid "Competitive Hunting Dog Trial Permit" or "Sauvie Island Wildlife Area Individual Dog Training Permit."

<sup>16</sup> Includes Vanport Wetlands and mitigation sites. No dogs allowed except Government Island State Recreation Area (leased to Oregon Parks Department).

<sup>17</sup> No formal policy.

<sup>18</sup> Dogs allowed on-leash except Tualatin Hills Nature Park and Cooper Mountain Nature Park.

<sup>19</sup> Refers specifically to the Sandy River Delta, owned and administered by the National Forest Service, Columbia River Gorge National Scenic Area.

Materials following this page were distributed at the meeting.



# Transforming the Heart of the Oregon Zoo

Don Moore and Grant Spickelmier  
April 2018

OREGON  
ZOO

# Construction homestretch



**Polar Passage**  
In Design



2020



**Primate Forest**  
In Design



2020



**Rhino Habitat**  
In Design



2020

**Education Center**



2017

**Elephant Lands**



2015

**Condors of the Columbia**



2014

**Penguinarium Filtration**



2012

**Veterinary Medical Center**



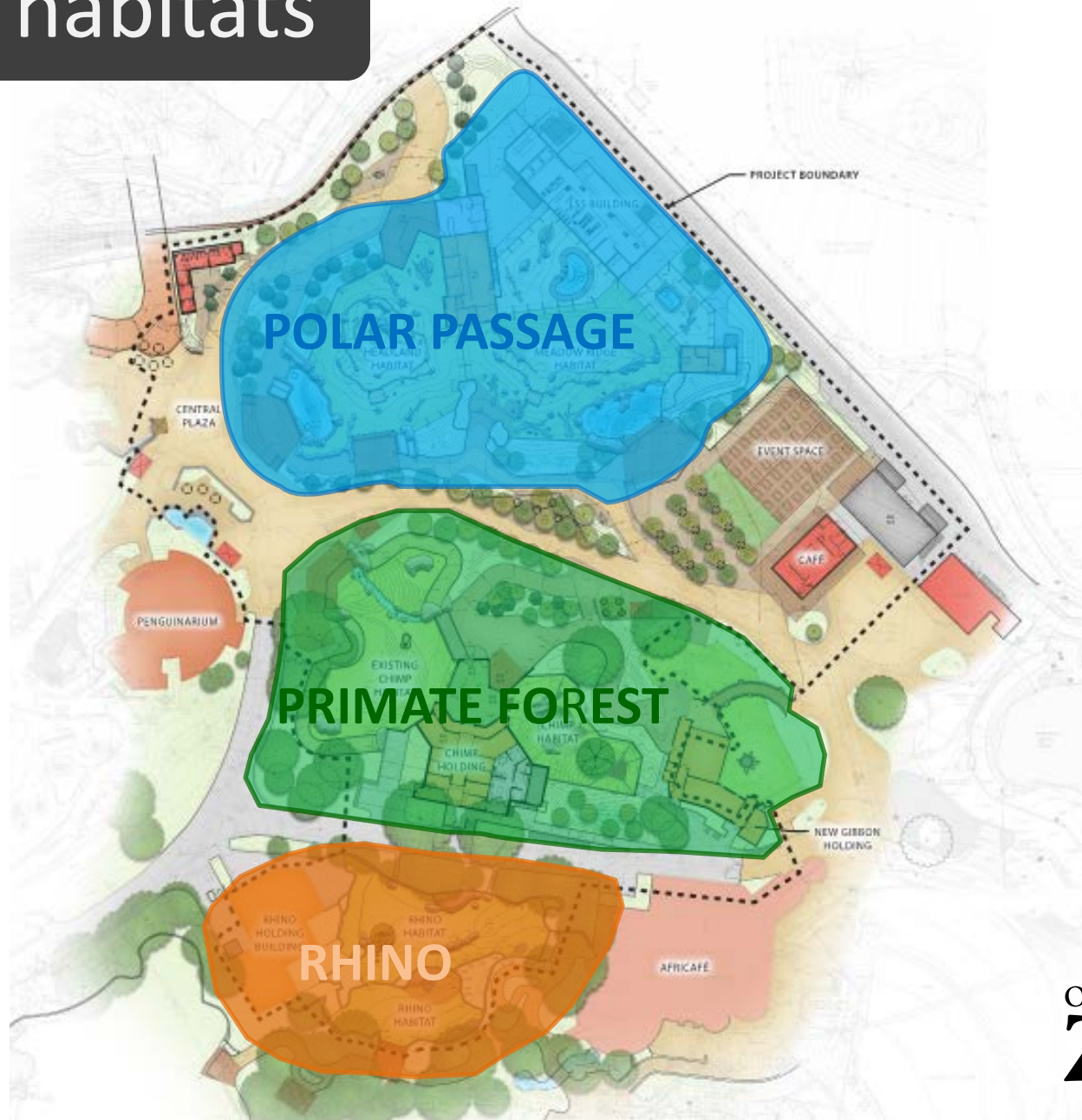
2012



# One construction project

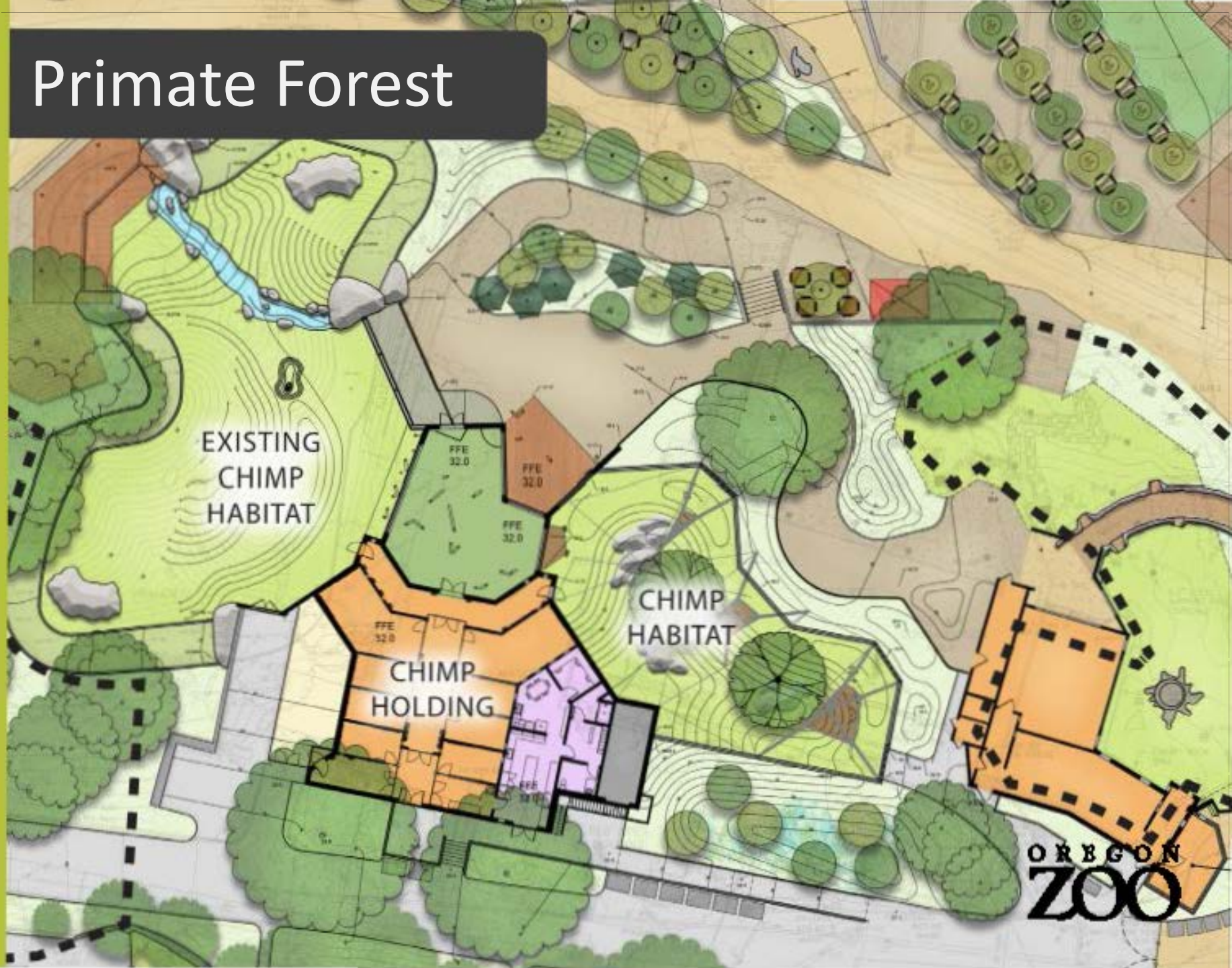


# Three habitats



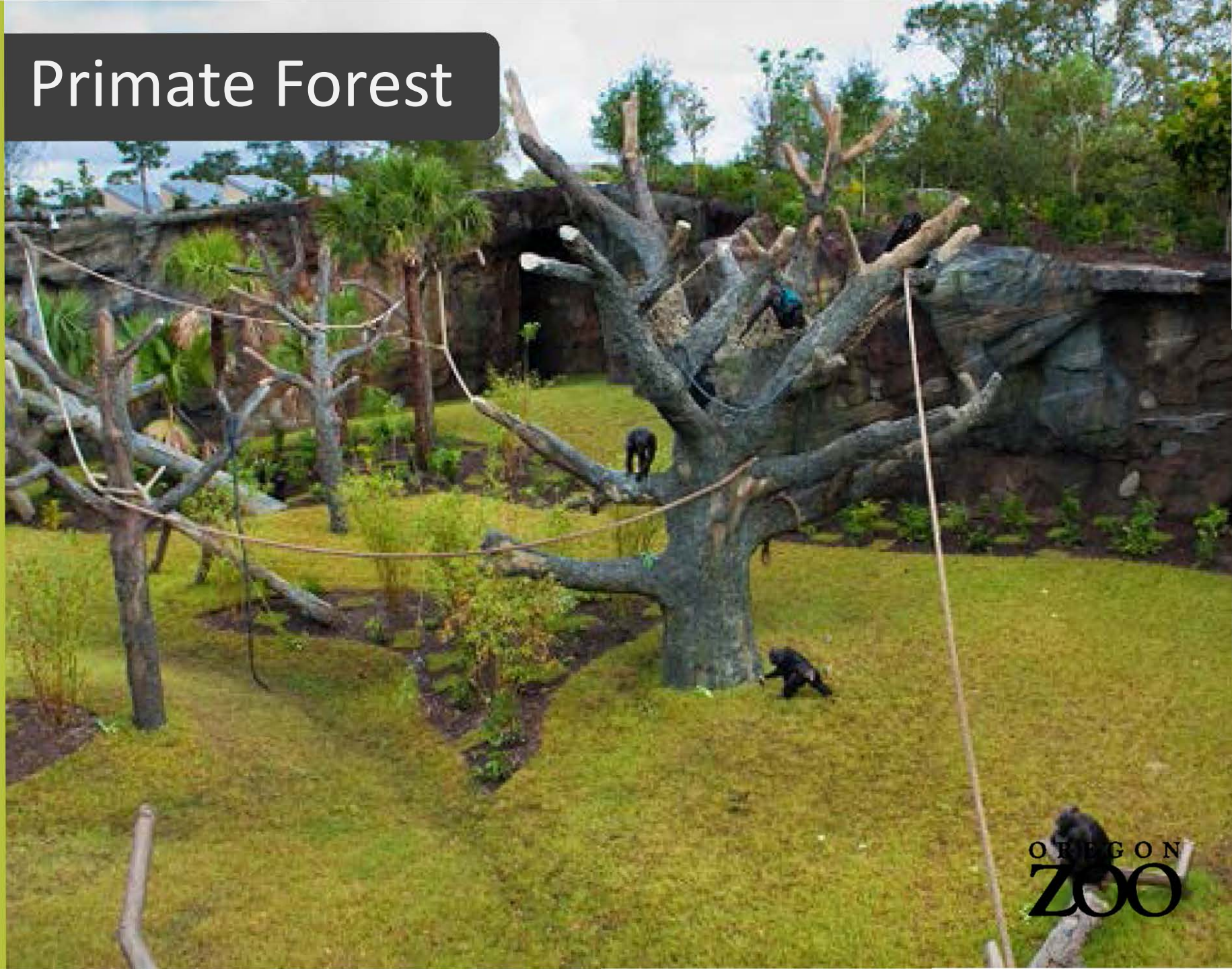


# Primate Forest





# Primate Forest





# Primate Forest



OREGON  
ZOO



# Primate Forest



OREGON  
ZOO

# Primate Forest





# Primate Forest

...y of a chimp's brain  
...y similar to ours.  
...s, chimps like  
...ey are listening to

OREGON  
ZOO



# Primate Forest



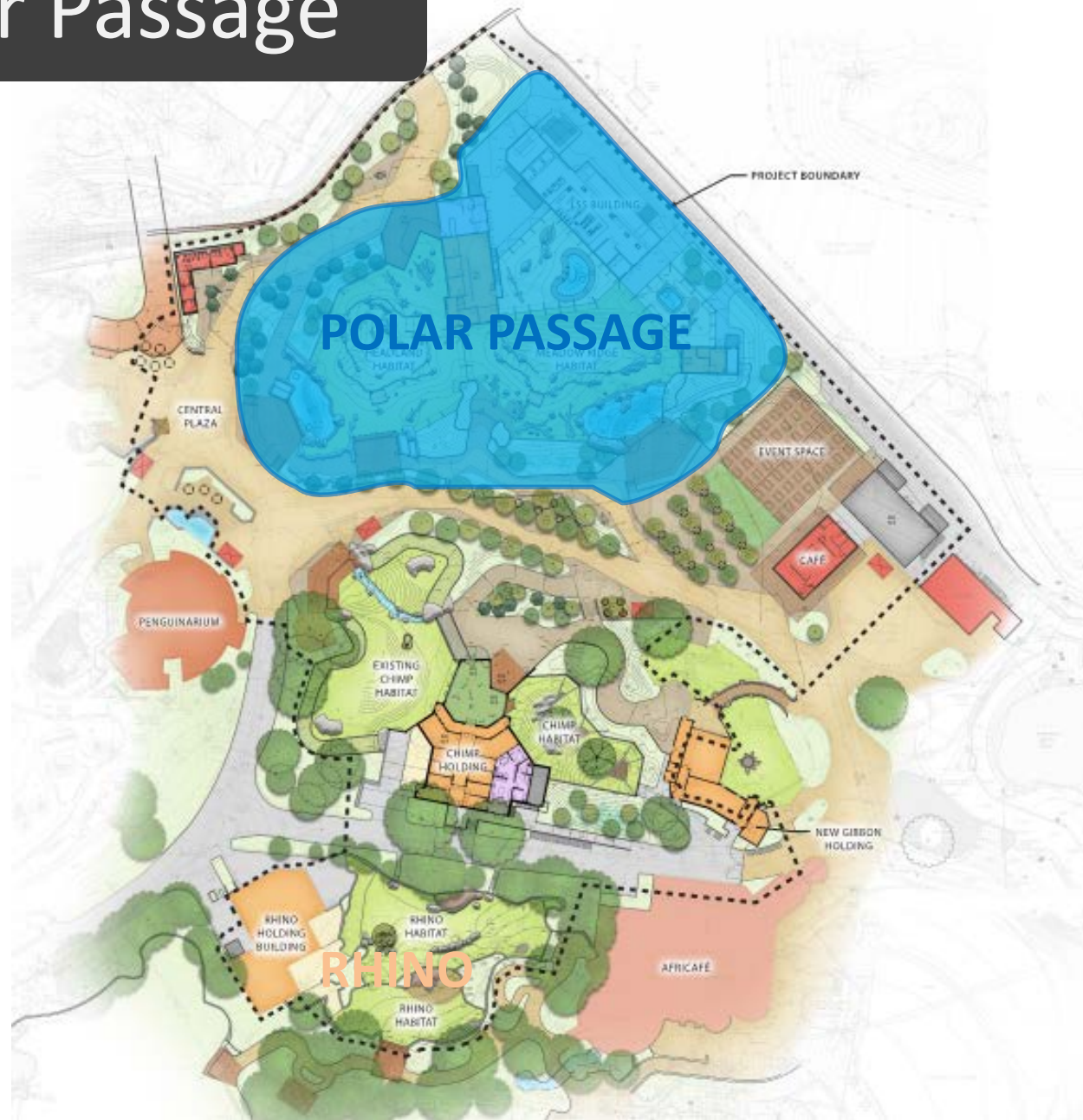
OREGON  
ZOO



# Primate Forest



# Polar Passage





# Polar Passage



# Polar Passage



OREGON  
ZOO



# Polar Passage



# Polar Passage



# Polar Passage



OREGON  
ZOO



# Black rhinos



# Black rhinos

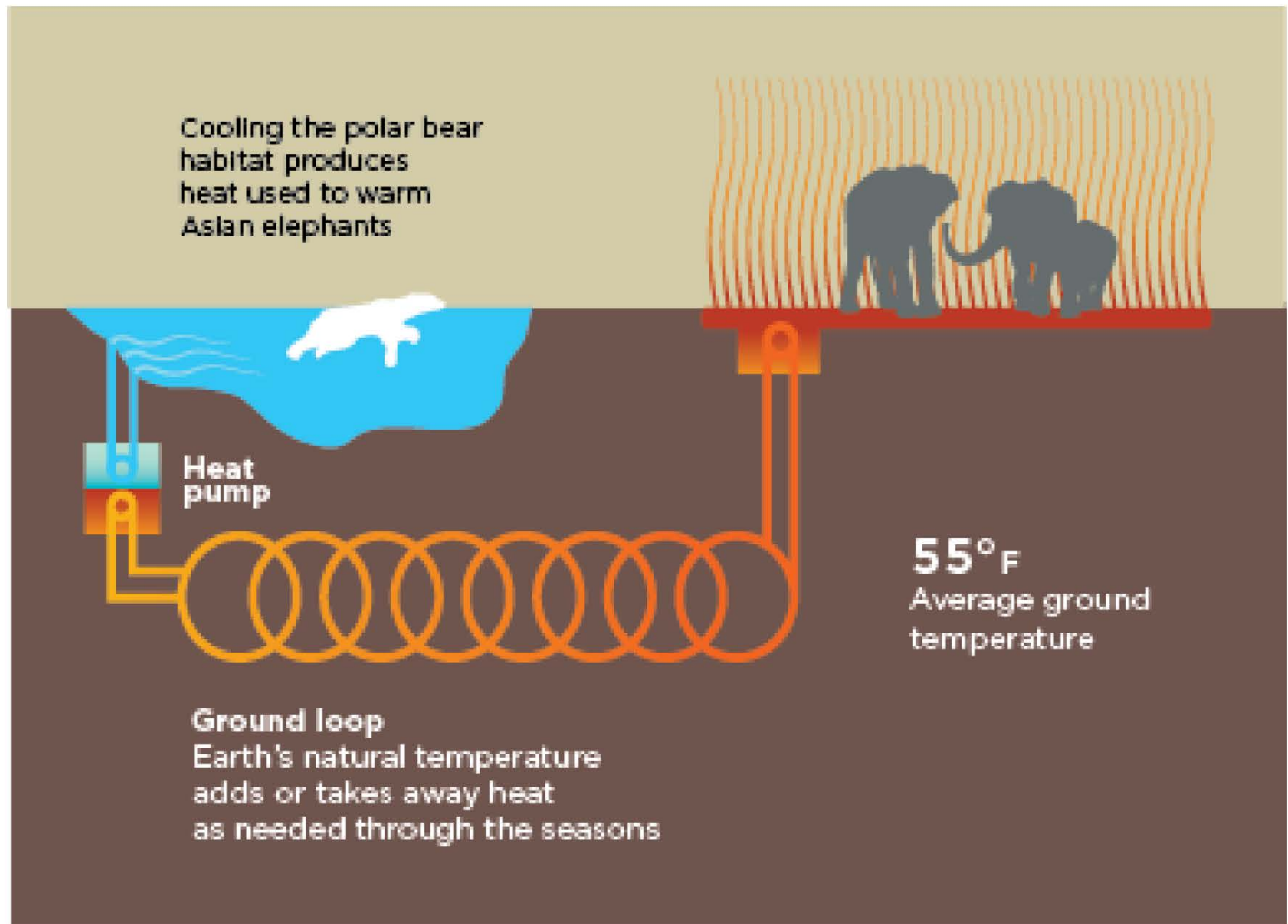




# Black rhinos

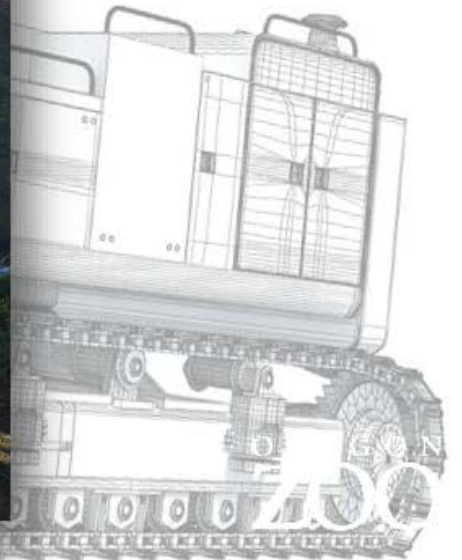


# Saving water and energy





# Watch the changes





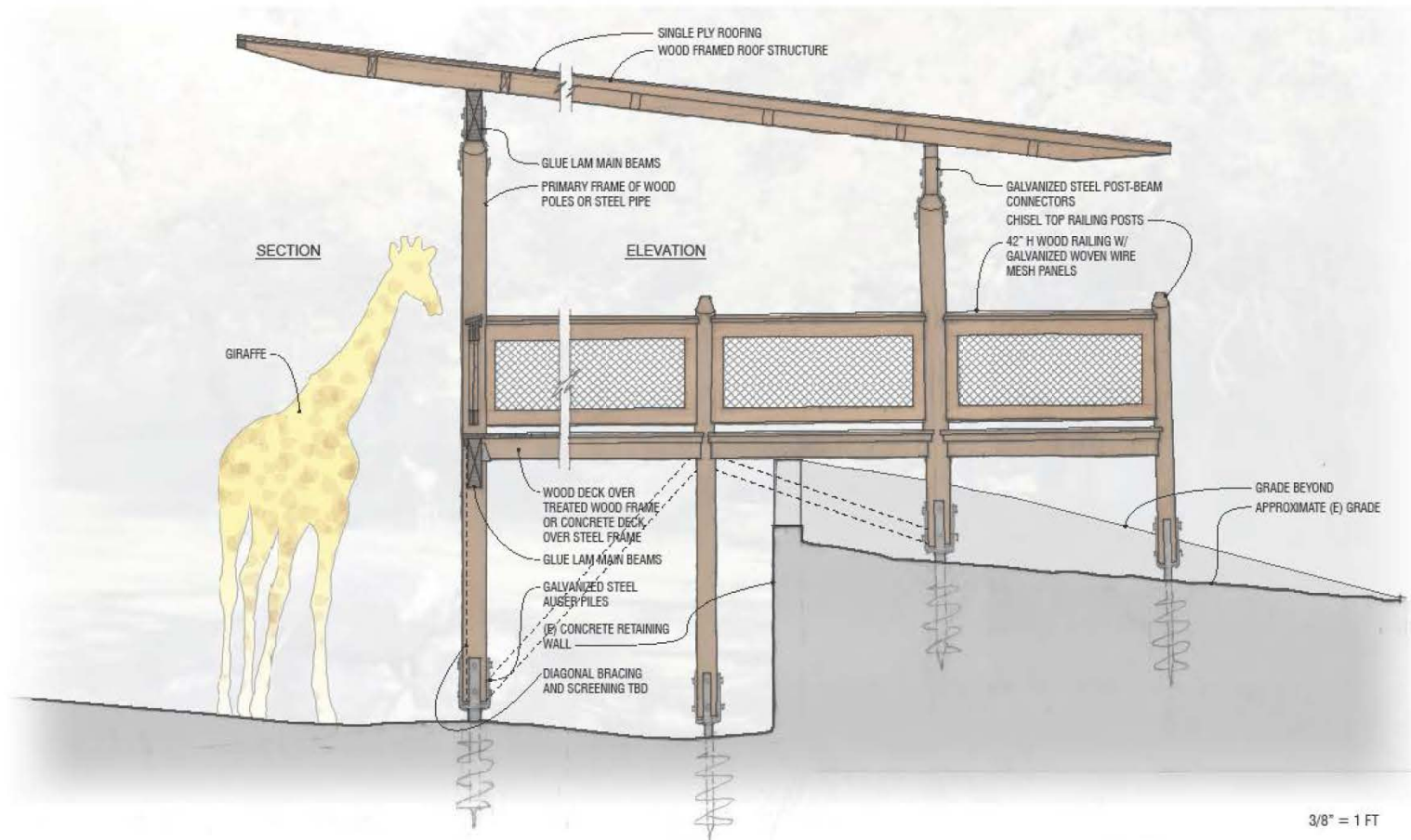
# Explore new places



OREGON  
ZOO



# New activities





OREGON  
ZOO



# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
[oregonmetro.gov](http://oregonmetro.gov)*



**Metro**

## **Minutes**

**Thursday, April 5, 2018**

**2:00 PM**

**Metro Regional Center, Council chamber**

**Council meeting**

**1. Call to Order and Roll Call**

Council President Tom Hughes called the Metro Council meeting to order at 2:02 p.m.

**Present:** 7 - Council President Tom Hughes, Councilor Sam Chase, Councilor Betty Dominguez, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

**2. Public Communication**

There was none.

**3. Consent Agenda****Approval of the Consent Agenda**

**A motion was made by Councilor Craddick, seconded by Councilor Stacey, to adopt items on the consent agenda. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Dominguez, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

3.1 Consideration of the Council Meeting Minutes for March 29, 2018

**4. Ordinances (First Reading and Public Hearing)**

4.1 Ordinance No. 18-1419, For the Purpose of Amending Metro Code Title 10 to Update the Parks, Cemeteries and Natural Areas Rules and Regulations

Council President Hughes called on Mr. Dan Moeller and Ms. Suzanne Piluso, Metro staff, to present Ordinance No. 18-1419. Mr. Moeller explained that the ordinance proposed changes to Metro's Title 10 rules that regulated the recreational uses of Metro's parks and natural areas. Mr. Moeller noted that the rules were an important tool that helped the agency operate safe, welcoming places that were consistent with its mission to protect clean water, restore fish and wildlife habitat, and connect people to nature close to home.

Mr. Moeller explained that the goals of the revision were to protect wildlife and water quality, support the safety and well-being of visitors, reflect current conditions and management needs, and increase clarity and transparency. He informed the council that the revisions were developed with significant stakeholder input from a variety of groups, including an advisory group, the Oregon Department of Fish and Wildlife, enforcement agencies, community partners, and the Natural Areas Bond Oversight Committee.

Ms. Piluso provided an overview of the process and the proposed changes. She stated that the proposed revisions included a number of housekeeping edits as well as several modest adjustments to the current rules. She explained that the housekeeping edits were meant to clean up the code, remove antiquated provisions, eliminate duplications, and/or increase clarity. Ms. Piluso then shared the more substantive changes: allow pets on regional trails and some boat ramps, hunting if necessary for conservation, prohibit smoking, delegate authority to set fees to chief operating officer or designee, prohibit drone use, limit exclusions to no more than one year, and prohibit improper exposure and sexual activity. She provided background on each of the changes and why they were recommended.

#### *Council Discussion*

Councilor Craddick asked about rules regarding smoking on regional trails. Councilors discussed trail alignments, how to determine the best routes to meet with Metro's goals, and past policies related to dogs in parks and natural areas. Councilor Chase expressed appreciation for the public

testimony and the updates to the rules. He spoke to the importance of balancing preserving wildlife and creating public access. Councilor Dominguez emphasized the need to protect vulnerable wildlife habitats. Councilors asked how the code would be communicated to the public on trails or in the park system and how it would be enforced. Councilor Harrington thanked staff for their work and the advisory groups for their valuable feedback.

#### 4.1.1 Public Hearing on Ordinance No. 18-1419

Council President Hughes opened up a public hearing on Ordinance No. 18-1419 and requested that those wishing to testify come forward to speak.

Susan Barthel, City of Portland: Ms. Barthel, of the Friends of Smith & Bybee Lakes, provided testimony asking the Metro Council to prohibit dogs on all parts of the Smith and Bybee Wetlands Natural Area. She highlighted studies that reviewed the negative impacts dogs have on wildlife and noted that the local habitat was vulnerable and warranted protection.

Troy Clark, City of Portland: Mr. Clark, of the Friends of Smith & Bybee Lakes, testified to request that the Metro Council amend the policy that allowed dogs on regional trails through Metro properties, in order to prohibit dogs on the regional trail in the Smith and Bybee Wetlands Natural Area. He spoke to the impacts of dogs on natural areas and the importance of preserving wildlife. (Mr. Clark also provided written testimony; please see the April 5 meeting packet.)

James Thayer, City of Portland: Mr. Thayer, of the Oregon Recreational Trail Advisory Council, testified in support of

sufficient access for pets in Metro's natural areas and parks. He proposed that Metro include more trails where leashed dogs were allowed and noted that one local study showed strong support for allowing dogs on trails.

Ted Labbe, City of Portland: Mr. Labbe, Program and Policy Director for the Urban Greenspaces Institute, spoke in support of the Title 10 updates. He spoke about the significant public engagement done during the development of the updates and explained that he felt the new rules struck an important balance between the needs for resource protection and the needs for public access.

Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 18-1419 would take place on Thursday, April 12.

**5. Chief Operating Officer Communication**

Ms. Martha Bennett provided an update on the following events or items: Procurement Services and the Governor's Marketplace conference, focused on informing equitable contracting practices, and checkerspot butterfly recovery at the Oregon Zoo.

**6. Councilor Communication**

Councilor Harrington provided an update on the community placemaking grants.

**7. Adjourn**

There being no further business, Council President Hughes adjourned the Metro Council meeting at 3:11 p.m. The Metro Council will convene the next regular council meeting on April 12 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nellie Papsdorf". The signature is fluid and cursive, with a long horizontal stroke at the end.

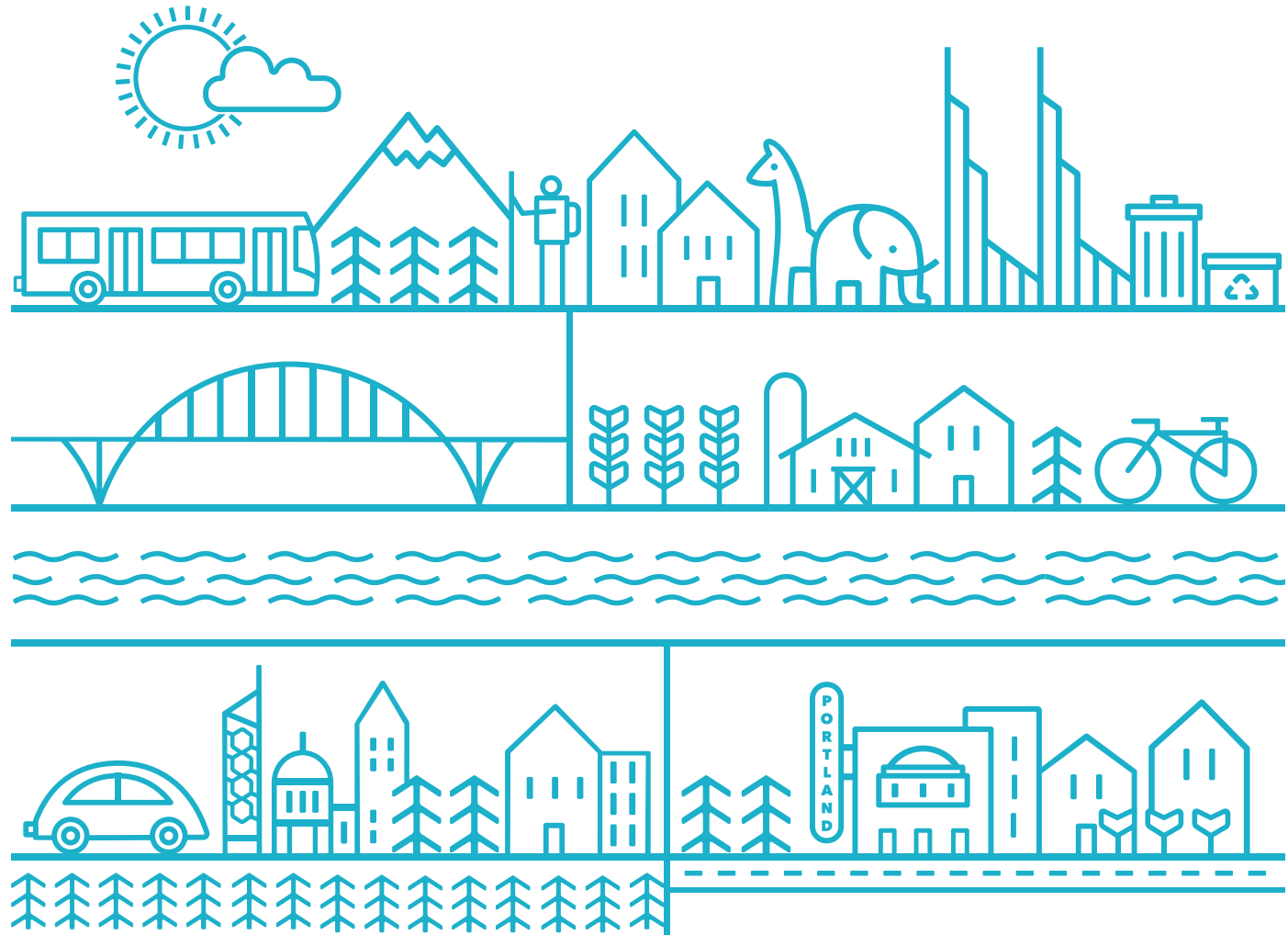
Nellie Papsdorf, Legislative and Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 5, 2018**

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
<b>3.1</b>	Minutes	03/29/18	Council Meeting Minutes for March 29, 2018	040518c-01
<b>4.1</b>	PowerPoint	04/05/18	Metro Parks and Natural Area Rules Code Update	040518c-02
<b>4.1</b>	Handout	04/05/18	Redlined Code Changes	040518c-03
<b>4.1.1</b>	Testimony	03/01/18	RE: Metro Dog Policy at St. Johns Prairie, within the Smith and Bybee Wetland Natural Area	040518c-04
<b>4.1.1</b>	Testimony	04/04/18	Letter from Ken McCall	040518c-05



Metro



# Proposed Budget

FY 2018-19





# Overview

- Budget message
- Budget by the numbers
- Office of Metro Auditor
- Moving the budget forward
- Public Hearing

# Budget message

## Budget Focus

Continue to deliver high quality public services

Diversity, Equity and Inclusion

Tackle financial headwinds

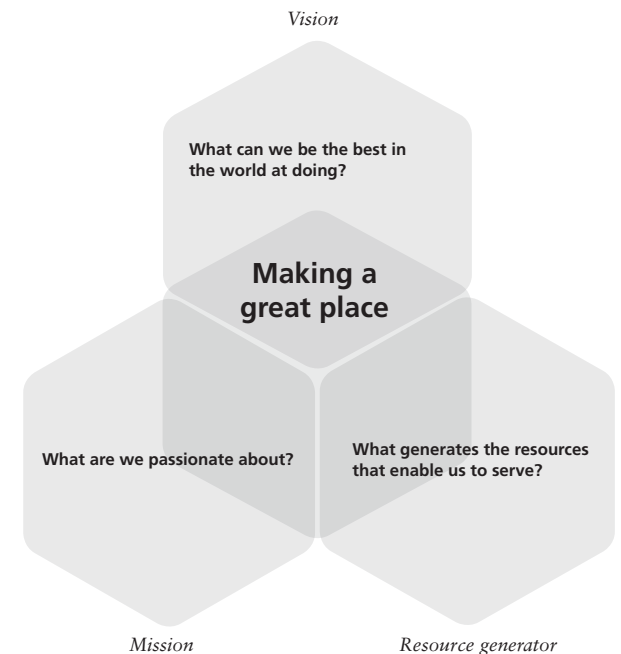
Invest in agency infrastructure

# Decision-making tools

- 6 desired regional outcomes



- Metro Compass



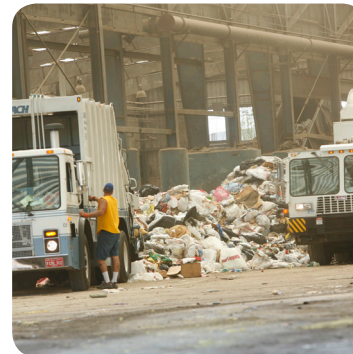
- Guidance from Council work session
- Internal Agency Goals
- Department mission-critical plans

# What the budget looks like

	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget	% Change
<b>Operating Funds</b>	\$432,700,000	\$462,400,000	7%
<b>Bond/Capital Funds</b>	\$81,300,000	\$117,100,000	44%
<b>Debt Service Funds</b>	\$123,000,000	\$72,200,000	(41%)
<b>Other Funds</b>	\$9,700,000	\$9,400,000	(3%)
<b>Total All Funds</b>	<b>\$646,700,000</b>	<b>\$661,100,000</b>	<b>2%</b>
<b>FTE</b>	<b>883.56</b>	<b>915.26</b>	<b>4%</b>

## What the budget delivers

- Council Direction for FY 2018-2019
  - Metro is a good steward of the things that create regional livability.
  - Metro connects urban/rural, built/natural in one vision of a highly livable place for all.
  - Metro is working to ensure that all communities and all people in the region have access to the six desired regional outcomes.



# What the budget delivers

Strategic goals and key initiatives identified by Council

## Transportation

- 2018 Regional Transportation plan
- Long term funding coalition and possible 2020 funding measure

## Land Use

- 2018 Urban Growth Management Decision
- Equitable Housing Strategy and 2018 Affordable Housing Measure

# What the budget delivers

Strategic goals and key initiatives identified by Council

## Parks and Nature

- Possible 2019 Parks and Nature Bond Measure
- Convening discussions about long term funding for natural areas operations

## Solid Waste

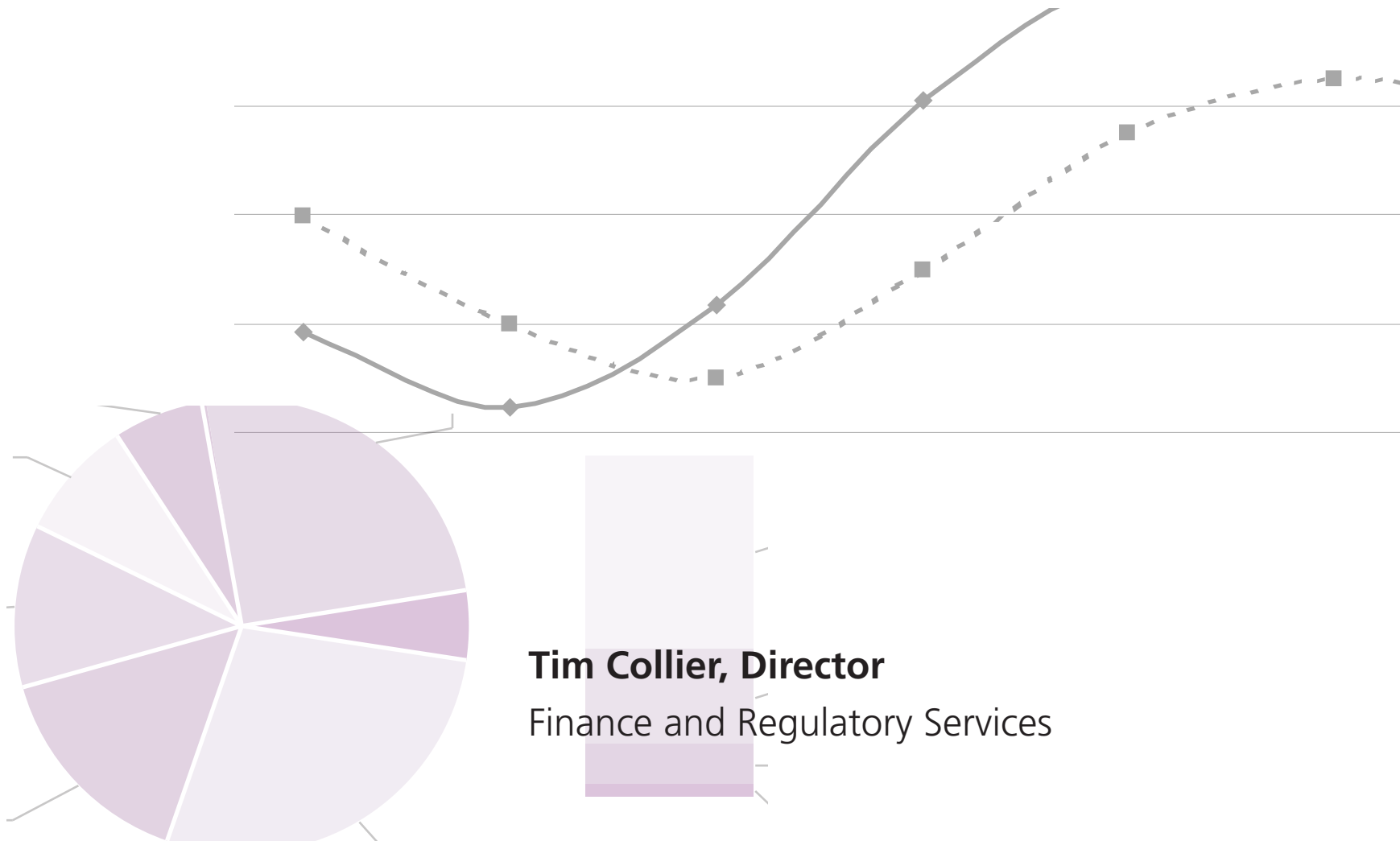
- Solid Waste Roadmap Decisions to support post-2019 operating environment



Metro

# 2018-19 Proposed Budget

## Budget by the numbers



**Tim Collier, Director**

Finance and Regulatory Services



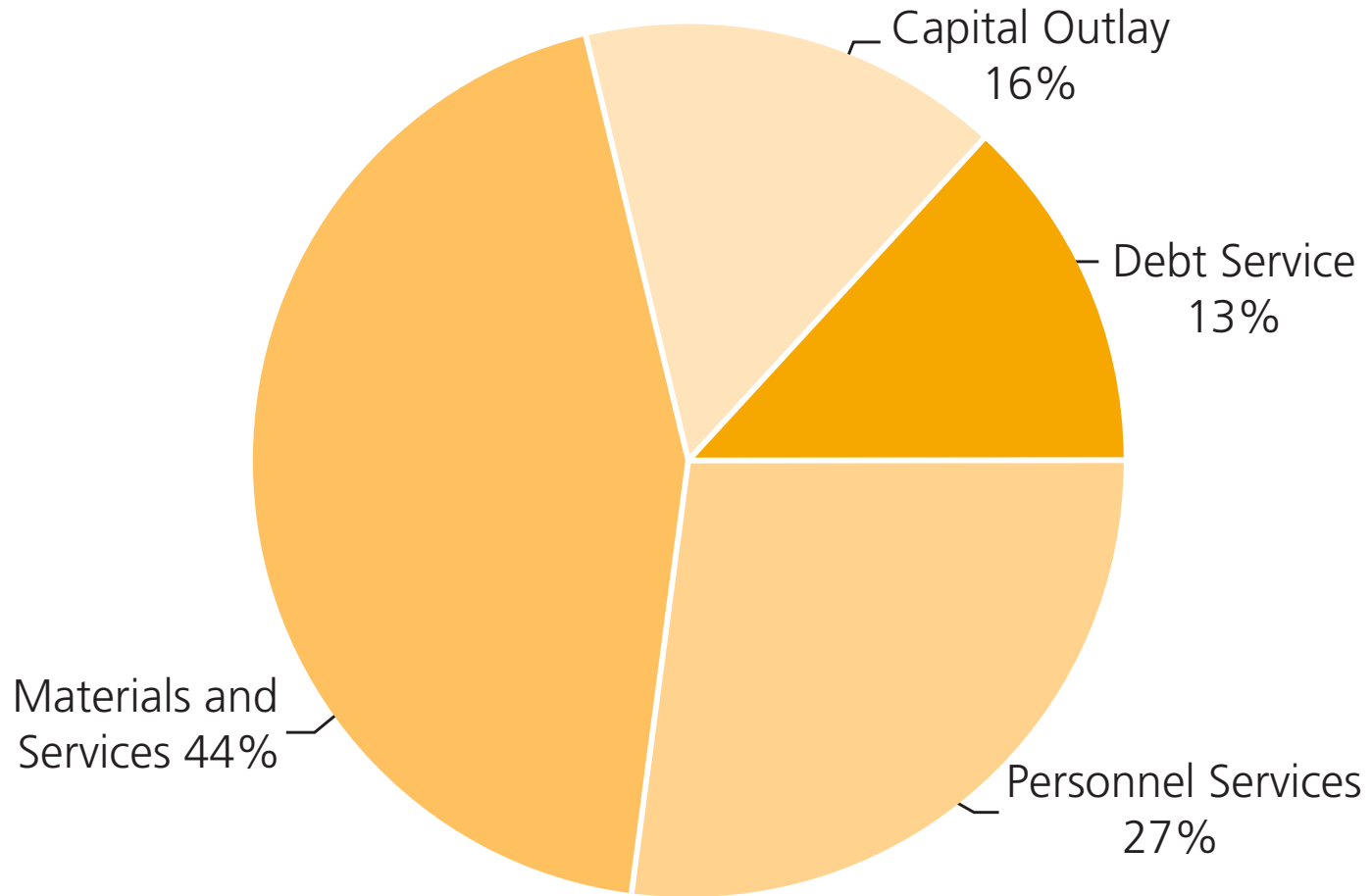
# The Budget Summary

	<b>FY 17-18 Amended Budget</b>	<b>FY 18-19 Proposed Budget</b>	<b>Budget % Change</b>
<b>Total Budget</b> <i>(all resources and requirements)</i>	\$647 million	\$661 million	2%
Current Revenues	356 million	320 million	(10%)
Current Expenditures	431 million	419 million	(3%)
Wages and benefits	105 million	113 million	8%
Full-time positions	883.56 FTE	915.26 FTE	31.70 FTE

# Budget by fund

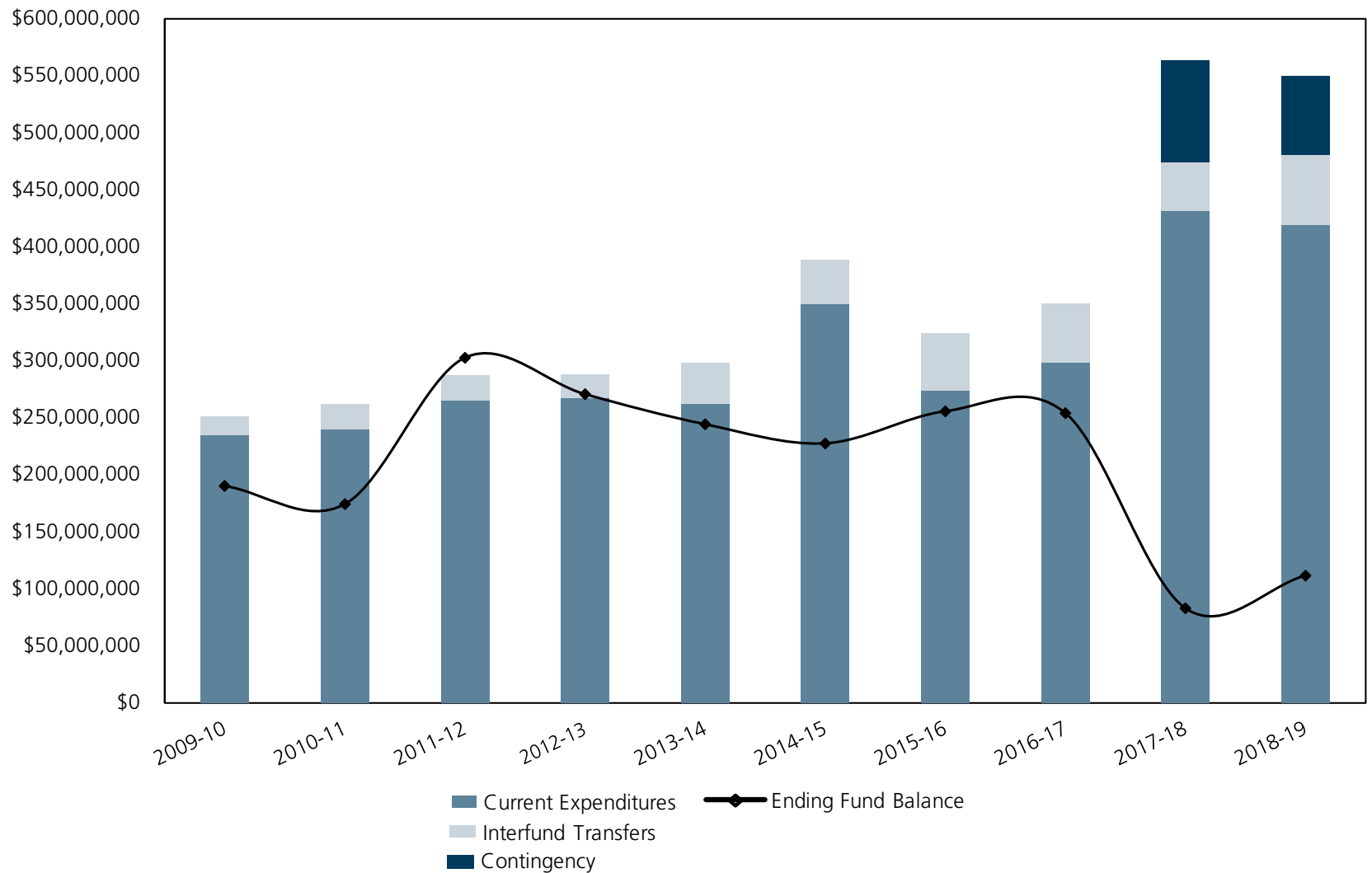
	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget	% Change
<b>Operating Funds</b>			
General Fund	\$114,000,000	\$125,900,000	10%
MERC Fund	134,300,000	137,500,000	2%
Oregon Zoo Operating Fund	42,300,000	46,500,000	10%
Parks and Natural Areas Local Option Levy Fund	21,300,000	21,900,000	3%
Solid Waste Revenue Fund	120,800,000	130,600,000	8%
<i>Total Operating</i>	\$432,700,000	\$462,400,000	7%
<b>Bond/Capital Funds</b>			
General Assets Management Fund	16,400,000	39,100,000	
Natural Areas Fund	25,400,000	32,100,000	
Open Spaces Fund	300,000	300,000	
Oregon Zoo Asset Management Fund	5,600,000	5,500,000	
Oregon Zoo Infrastructure Bond Fund	33,600,000	40,100,000	
<i>Total Bond/Capital</i>	\$81,300,000	\$117,100,000	44%
<b>Debt Service Funds</b>			
General Obligation Bond Debt Service Fund	35,000,000	46,800,000	
General Revenue Bond Fund	88,000,000	25,400,000	
<i>Total Debt Service</i>	\$123,000,000	\$72,200,000	(41%)
<b>Other Funds</b>			
Cemetery Perpetual Care Fund	700,000	700,000	
Community Enhancement Fund	2,200,000	2,200,000	
Risk Management Fund	4,100,000	4,500,000	
Smith & Bybee Wetlands Fund	2,700,000	2,000,000	
<i>Total Other</i>	\$9,700,000	\$9,400,000	(3%)
<b>Total All Funds</b>	<b>\$646,700,000</b>	<b>\$661,100,000</b>	<b>2%</b>
<b>FTE</b>	<b>883.56</b>	<b>915.26</b>	<b>4%</b>

# Category of Expense

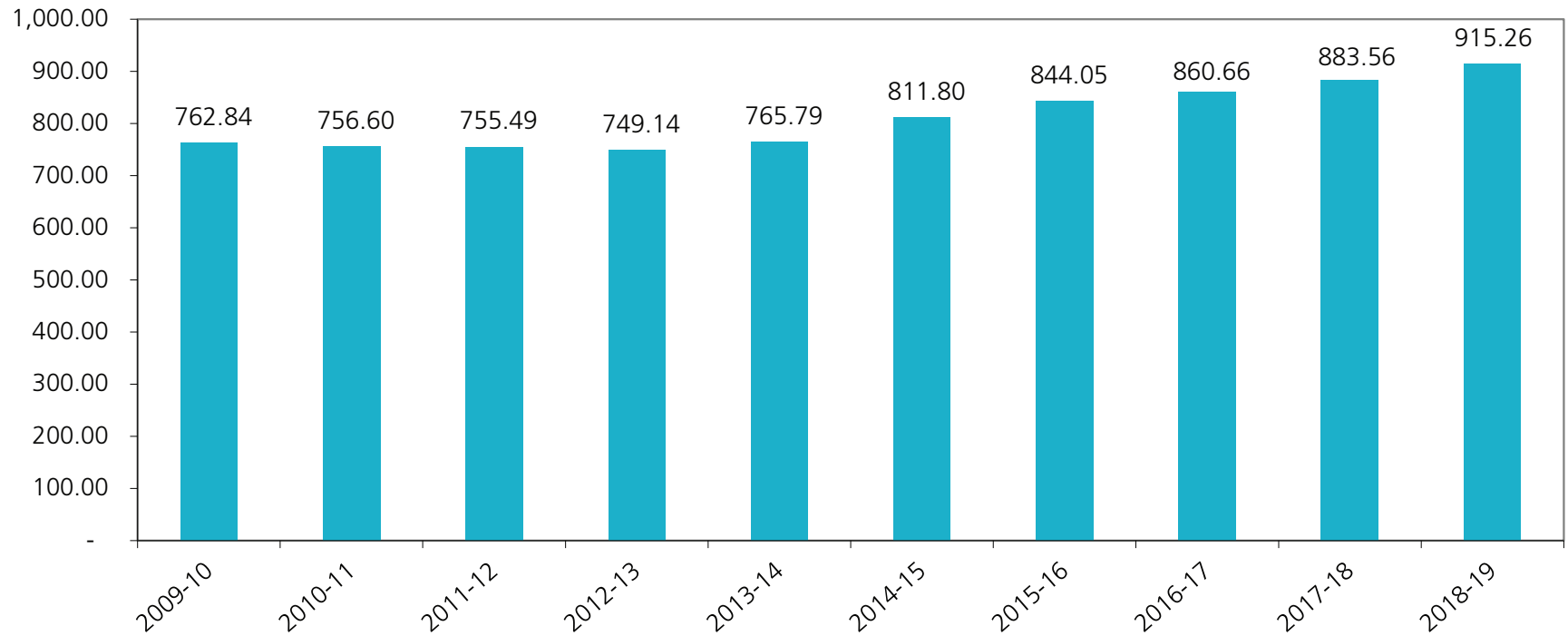


Total current expenditures: \$419,201,429

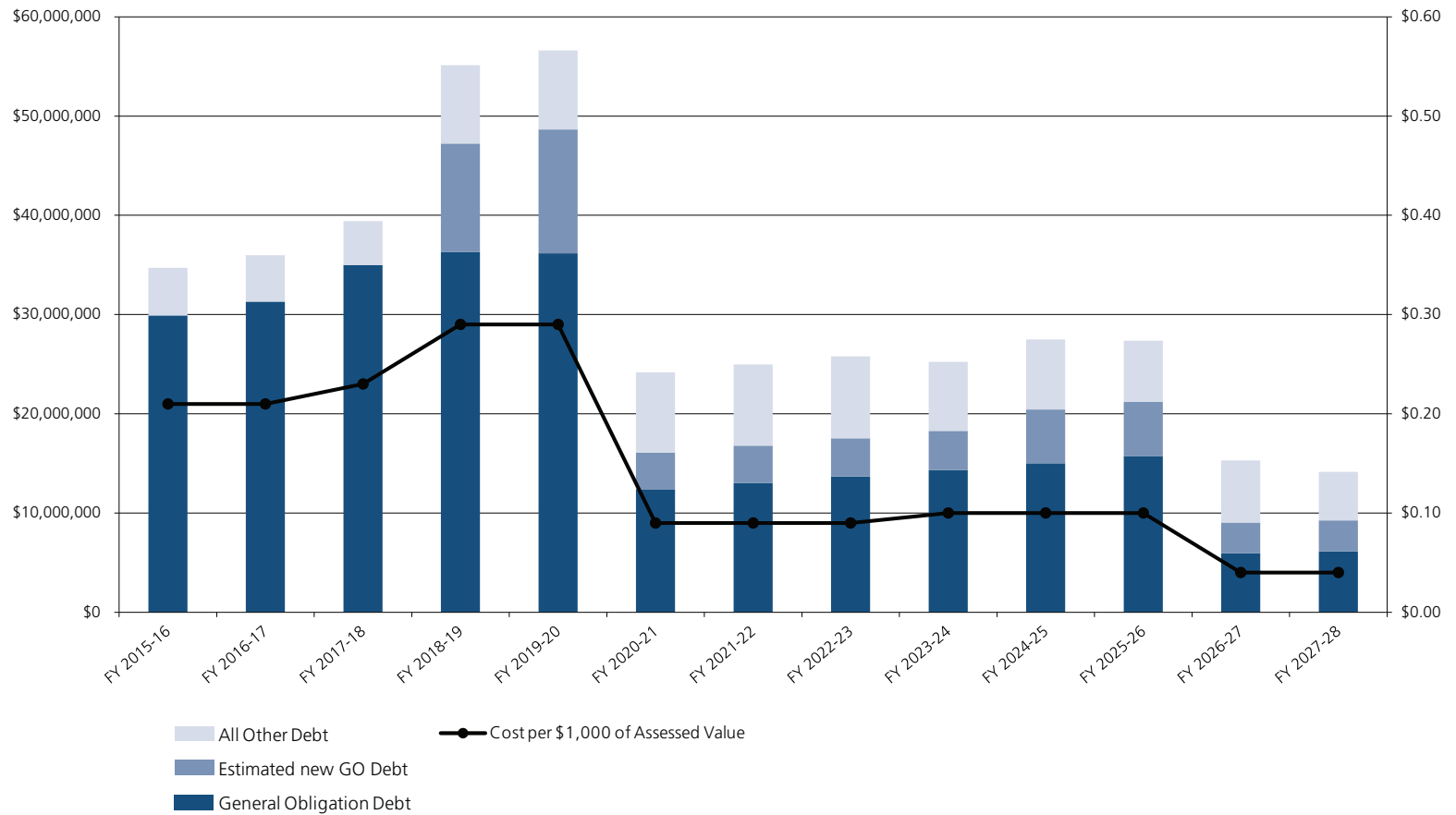
## 10-year expenditure history



# 10-year total agency FTE history



# Debt service obligations



# Property tax levy

	Principal	Interest	Total
<i>General Obligation Bonds</i>			
Natural Areas 2012A Series	\$3,960,000	\$2,533,950	\$6,493,950
Natural Areas 2018 Series	7,945,000	1,467,706	9,412,706
Oregon Zoo Infrastructure 2012A Series	2,770,000	1,929,825	4,699,825
Oregon Zoo Infrastructure 2016 Series	8,825,000	846,500	9,671,500
Oregon Zoo Infrastructure 2018 Series	530,000	522,222	1,052,222
<i>General Obligation Refunding Bonds</i>			
Natural Areas 2014 Series	14,115,000	1,320,350	15,435,350
	<b>\$38,145,000</b>	<b>\$8,620,553</b>	<b>\$46,765,553</b>

Property Taxes	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget
Permanent Operating Rate (per thousand)	9.66¢	9.66¢
Parks and Natural Areas Local Option Levy (per thousand)	9.60¢	9.60¢
Debt service (per thousand)	22¢	28¢
Average homeowner (\$200,000 assessed value) (\$250,000 market value)	\$83	\$95

# Transient Lodging Tax (TLT)

<b>Revenues</b>	<b>2014-15 Actual</b>	<b>2015-16 Actual</b>	<b>2016-17 Actual</b>	<b>2017-18 Amended</b>	<b>2018-19 Budget*</b>
OCC	\$9,519,000	\$10,186,000	\$10,899,000	\$11,662,000	\$17,990,000
Portland'5	1,311,000	1,341,000	1,356,000	1,391,000	1,425,000
Expo	-	-	-	-	1,120,000
Pooled Capital	5,242,000	6,741,000	6,526,000	6,741,000	-
<b>TOTAL</b>	<b>\$16,072,000</b>	<b>\$18,268,000</b>	<b>\$18,781,000</b>	<b>\$19,794,000</b>	<b>\$20,535,000</b>

\* In FY 2018-19 Pooled Capital is budgeted directly to Venue (OCC 85% and Expo 15%)



# Venue Summary

	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget	% Change
<b>Venue Total Budget</b>			
OCC	\$81,500,000	\$86,600,000	6%
Oregon Zoo	42,300,000	46,500,000	10%
Portland'5	31,600,000	32,800,000	4%
Expo	13,100,000	11,400,000	(13%)
Admin	8,100,000	6,700,000	(17%)
<i>Total</i>	\$176,600,000	\$184,000,000	4%
<b>Venue Full Time Positions</b>			
OCC	115.65	118.42	2%
Oregon Zoo	204.60	206.25	1%
Portland'5	56.40	60.71	8%
Expo	15.80	16.42	4%
Admin	7.80	4.42	(43%)
<i>Total</i>	400.25	406.22	1%



# **Office of the Metro Auditor**

## **FY 2018-19 Proposed Budget**



# Mission

- Ensure that Metro is accountable to the public
- Ensure that Metro activities are transparent
- Improve the efficiency, effectiveness and quality of Metro services and activities

# Accomplishments FY 2017-18



- Completed 6 audits
- Managed 31 reports to the Accountability Hotline
- Administered contract with external auditor firm for the annual financial audit
- Reduced cost of financial audit services for FY2017-18 and FY2018-19

# Accomplishments FY 2017-18

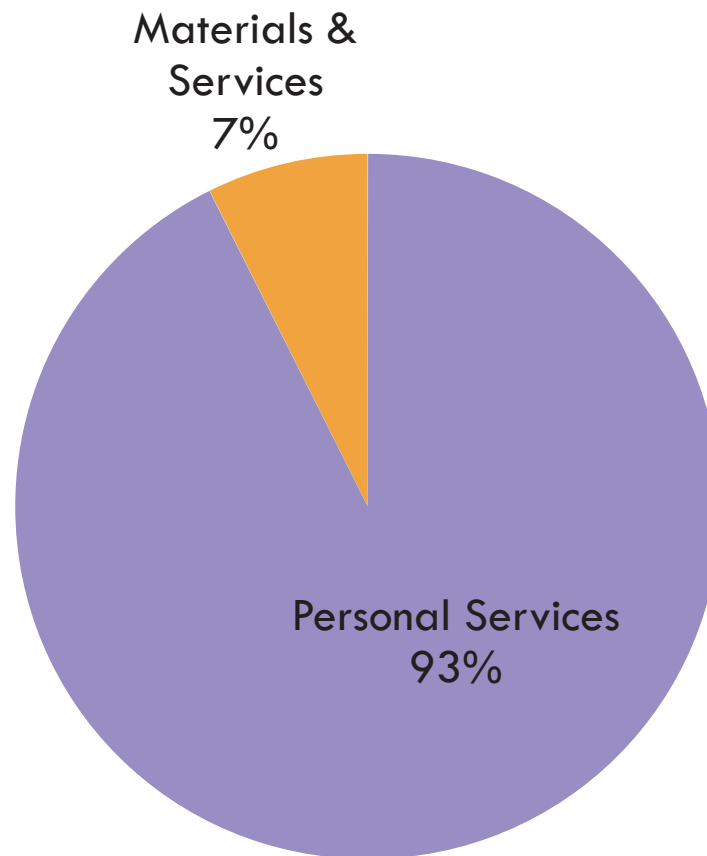


## Audits completed

- ▣ Zoo Quality of Life Program (November 2017)
- ▣ Payroll (December 2017)
- ▣ Public Records Requests (January 2018)
- ▣ Social Media (January 2018)
- ▣ Risk Management Program follow-up (April 2018)
- ▣ Financial Condition of Metro (to be released May 2018)



## Proposed FY2018-19 Budget





## Comparison to Previous Years

	FY2016-17 Actual	FY2017-18 Adopted	FY2018-19 Proposed
Personnel	\$592,050	\$712,834	\$707,647
Materials & Services	\$30,315	\$38,500	\$56,500
TOTAL	\$622,365	\$751,334	\$764,147



## Audits Underway:

- Financial condition of Metro (FY2007-08 to FY2016-17)
- Sponsorships follow-up
- Emergency preparedness
- Information security/technology





Metro

2018-19 Proposed Budget

# Moving the budget forward

**Martha Bennett**

Chief Operating Officer

# Moving the budget forward

- Approving, and ultimately adopting, a balanced budget now becomes the Council's challenge

Does the budget move Metro and the region in the right direction?

Does the budget strike the right balance in responding to both program needs and ensuring funding for future years?

Does the budget reflect your guidance?

Does the budget continue to maintain the confidence of Metro's citizens?

# Next important dates

			Public Hearing
<b>April</b>	April 12	Budget introduced	*
	April 17	Council worksession on proposed budget	
<b>May</b>	May 3	Public Hearing Resolution to approve budget, set tax levy, forward budget to TSCC Budget ordinance continued to June	*
	May 15	Budget documents to TSCC	
<b>June</b>	June 7	TSCC review and hearing	*
	June 14	Final amendments	*
	June 21	Budget adoption	*
<b>July</b>	July 1	New budget begins	
	July 15	Tax levy submitted to counties	

# Acknowledgements

## **Thanks to:**

Finance Team

Program Managers and Analysts

Senior Leadership Team

Cover Design

Creative Services

# Thank you



To view Metro's budget and the budget message in its entirety please visit:

**[www.oregonmetro.gov/budget](http://www.oregonmetro.gov/budget)**

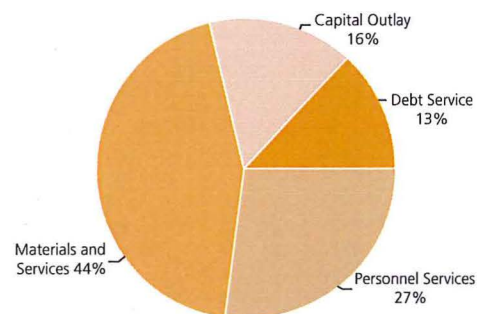
# FY 2018-19 Proposed Budget

## by the numbers

	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget	% Change
<b>Operating Funds</b>			
General Fund	\$114,000,000	\$125,900,000	10%
MERC Fund	134,300,000	137,500,000	2%
Oregon Zoo Operating Fund	42,300,000	46,500,000	10%
Parks and Natural Areas Local Option Levy Fund	21,300,000	21,900,000	3%
Solid Waste Revenue Fund	120,800,000	130,600,000	8%
<b>Total Operating</b>	<b>\$432,700,000</b>	<b>\$462,400,000</b>	<b>7%</b>
<b>Bond/Capital Funds</b>			
General Assets Management Fund	16,400,000	39,100,000	
Natural Areas Fund	25,400,000	32,100,000	
Open Spaces Fund	300,000	300,000	
Oregon Zoo Asset Management Fund	5,600,000	5,500,000	
Oregon Zoo Infrastructure Bond Fund	33,600,000	40,100,000	
<b>Total Bond/Capital</b>	<b>\$81,300,000</b>	<b>\$117,100,000</b>	<b>44%</b>
<b>Debt Service Funds</b>			
General Obligation Bond Debt Service Fund	35,000,000	46,800,000	
General Revenue Bond Fund	88,000,000	25,400,000	
<b>Total Debt Service</b>	<b>\$123,000,000</b>	<b>\$72,200,000</b>	<b>(41%)</b>
<b>Other Funds</b>			
Cemetery Perpetual Care Fund	700,000	700,000	
Community Enhancement Fund	2,200,000	2,200,000	
Risk Management Fund	4,100,000	4,500,000	
Smith & Bybee Wetlands Fund	2,700,000	2,000,000	
<b>Total Other</b>	<b>\$9,700,000</b>	<b>\$9,400,000</b>	<b>(3%)</b>
<b>Total All Funds</b>	<b>\$646,700,000</b>	<b>\$661,100,000</b>	<b>2%</b>
<b>FTE</b>	<b>883.56</b>	<b>915.26</b>	<b>4%</b>

	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget	% Δ
<b>Enterprise revenues</b>			
Enterprise revenues	\$156 million	\$163 million	4%
Solid Waste	73 million	71 million	
Venues			
Oregon Zoo	27 million	30 million	
MERC	47 million	54 million	
<b>Property Taxes</b>			
Permanent Operating Rate (per thousand)	9.66¢	9.66¢	
Parks and Natural Areas Local Option Levy (per thousand)	9.60¢	9.60¢	
Debt service (per thousand)	22¢	28¢	27%
Average homeowner (\$200,000 assessed value) (\$250,000 market value)	\$83	\$95	14.5%

### Current Expenditures



Total \$419,201,429



**Metro**

April 12, 2018





January 20, 2017

TO: **Metro President** Tom Hughes; **Metro Councilors** Shirley Craddick, Carlotta Collette, Craig Dirksen, Kathryn Harrington, Sam Chase, and Bob Stacey via email to [metrocouncil@oregonmetro.gov](mailto:metrocouncil@oregonmetro.gov) (please distribute)

**Metro Parks and Nature Interim Director** Don Robertson, via email [don.robertson@oregonmetro.gov](mailto:don.robertson@oregonmetro.gov)

**Portland Parks and Recreation Director** Mike Abbate via email [director.abbate@portlandoregon.gov](mailto:director.abbate@portlandoregon.gov)

**Portland Parks and Recreation Commissioner** Amanda Fritz via [Amanda@portlandoregon.gov](mailto:Amanda@portlandoregon.gov)

**Smith and Bybee Wetlands Advisory Committee** via email to [Christy.Carovillano@oregonmetro.gov](mailto:Christy.Carovillano@oregonmetro.gov) (please distribute)

FROM: 40-Mile Loop Land Trust

RE: **Dog Access on 40-Mile Loop**

The 40-Mile Loop Land Trust is a non-profit volunteer organization that has been working on creating and implementing the vision of a regionally connected recreational trail system for more than 35 years. The 40-Mile Loop concept is intended to connect citizens of the region with our many parks and open spaces and is, wherever possible, a multi-use trail open to all recreational trail users.

It is important for trail continuity and consistency that dogs be allowed on the proposed multi-use trail at St Johns Prairie because they are allowed on the trail in Kelly Point Park, Pier Park, and Marine Drive. There are precedences, notable exceptions, to permitting dogs in areas where they are not typically allowed, such as dogs having on-leash access in national parks when the route they are on is the Pacific Crest Trail.

The 40-Mile Loop Land Trust does not support the prohibition of leashed dogs on any portion of the 40-Mile Loop route.

There is a long-standing history and practice of Metro providing an exemption to its no-dogs policy for regional trails that go through its properties, so that dog-walkers can traverse safely and responsibly on these important non-motorized connections. We support that long and balanced tradition.

Sincerely,

*PP [Signature] Secretary*  
*Bob Akers*

Bob Akers, President

(503) 708-6003

40 Mile Loop Land Trust Board

40-Mile Loop Land Trust  
P.O. Box 262  
Portland, OR 97207-0262  
[www.40mileloop.org](http://www.40mileloop.org)