

MINUTES OF THE METRO COUNCIL MEETING

Thursday, April 21, 2005
Metro Council Chamber

Councilors Present: Rex Burkholder (Deputy Council President), Carl Hosticka, Rod Park
Robert Liberty,

Councilors Absent: David Bragdon (excused), Brian Newman (excused) and Susan McLain
(excused)

Deputy Council President Burkholder convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. AUDITOR PRESENTATION PROPOSED BUDGET

Alexis Dow, Metro Auditor, presented her budget (a copy of the power point presentation is included in the meeting record). She said she would be highlighting objectives for next year as well as performance measures. She talked about what the Office of the Auditor did. She noted their responsibilities for both internal and external audits. She talked about how she chose audits, questions audits answered, contributions to Metro revenue, contributions to Metro's effectiveness including best practices, the 2004-05 Auditor achievements, 2005-06 Auditor objectives, performance measures which included how many recommendations were implemented, and stakeholders. She then addressed her budget and how she developed this budget. She spoke to the Council's strategic planning goals and the need to accomplish the Metro's Charter responsibilities. She had proposed retaining the staff she had in addition to including another .5 FTE. She talked about the increased risks with the number of changes in the agency. She also acknowledged the difference in the materials and services amounts in the budget document. She spoke to outstanding matters for Metro's Auditor budget for future, which included the contract for annual financial statement audit. She said having management do this audit was contrary to best practices and to the will of the citizens. Councilor Liberty said he had looked at the Charter. He spoke to the auditor's duties outlined in the Charter. Michael Jordan, Chief Operating Officer (COO), said he had checked with the Office of the Metro Attorney to see if management could oversee the agency financial audit. The Metro Attorney indicated that management could oversee the outside independent budget. Councilor Liberty asked about best practices for preparing the independent annual audit. Mr. Cooper responded to his question.

Ms. Dow continued with her presentation. She spoke to risks with all of the changes and the need to step up the audits. The Office of the Auditor was a citizen demanded activity, to provide independent auditing. She requested Council support the Auditor's proposed budget. She would be submitting proposed amendments. She detailed those amendments.

4. RE-USE PRESENTATION

Councilor Burkholder introduced the topic. Metro was trying to reduce, reuse and recycle as much as possible. He introduced the groups that were doing this kind of work in the community: Roz Babener, Oregon Community Warehouse, Shane Endicott, ReBuilding Center, and Oso Martin, Free Geek. Deputy Council President Burkholder recognized the efforts of these non-profit organizations. Jan O'Dell, Solid Waste and Recycling Department, talked about their re-use programs, a component of the waste reduction program. They referred, through the hotline, information about organizations that re-use materials. They also provide grants and scholarships for these efforts. She also talked about the food re-use program. She said the thrifts in the region-diverted materials, hazardous waste facilities also diverted materials, and Metro Paint was a wonderful example of recycled paint.

Oso Martin, Free Geek, talked about the computer recycling organization. He explained how they process these materials. He noted the two interfaced programs, which include learning to rebuilding computers and disassemble the computer. There were about 4000 volunteers who had come through the system. He also talked about the tonnage of recycled materials.

Councilor Liberty asked about self-supporting recovery. Mr. Martin said they did incur a cost but with the volunteer labor they were able to pay the rent on the warehouse. The personnel had increased from three to twelve paid employees. Deputy Council President Burkholder asked about limitations as the programs increased.

Roz Babener, Oregon Community Warehouse, said they offered furniture to people who didn't have these items. She talked about the organizations they worked with. They asked the community to donate items and then her organization gave these items away. They saw about 60 households every week. These households were brought to their organization by social service agencies. They thought it was important to offer things to families that were in good condition. They were the only place in the region currently doing this service. They provided this service beyond the tri-county area.

Shane Endicott, ReBuilding Center, said they recycled building materials for re-use. The facility diverted on average of 5 tons a day. There was an average of 200 people who came though every day. They also had a deconstruction service. They were able to provide a tax-deductible receipt as a non-profit. They had over 40 full-time individuals working for them. Everything stayed locally. Councilor Park asked about the deconstruction site and what the geographic area included. Mr. Endicott said 80% of their work was in the region. Ms. O'Dell added that this September at the Home Improvement Show they would be having a rebuilding center.

Deputy Council President Bragdon asked each organization what they would need to grow. Mr. Martin said they would benefit greatly from a large centralized facility. Ms. Babener said they were limited by supply. They had a truck that picked up donations three days a week. They would like to add another day for pick up. They had 80 families waiting for items. They could serve more families if they could get more donations. They had a major fundraiser every two to three months. They had an estate sale which helped pay for operational costs. Mr. Endicott said he would focus on education that would focus on showing the public how choices impacted the community.

Councilor Liberty asked what they had concluded about people's consumption patterns. Mr. Martin said for computers there was an accelerated consumer use. He recommended use of open sources, which would allow using computers for longer periods of time. Ms. Babener responded as well. Mr. Endicott talked about reusing materials, which reduced the use of new materials.

5. FINANCIAL STATEMENT AUDIT MANAGEMENT RECOMMENDATIONS

Alexis Dow, Metro Auditor, and David Biedermann, IT Director, presented the Financial Statement Audit Management Recommendations. Ms. Dow spoke to Network Security Laws. It documented events that may have security risks. She said Grant Thornton felt that the IT Department should implement a process for this type of review annual. Mr. Biedermann responded to the auditor's recommendation. They had discussed that they were in the midst of developing a coherent approach to log monitoring. They utilizing every possibility for open source software as well as doing this with existing staff. They needed to ensure that all access to the network was monitored. The good news was they were already starting to do this when the auditor notified them of this need. Deputy Council President Burkholder talked about his personal experience. Mr. Biedermann spoke to their security firewalls. They had a secure network which they monitored daily. Councilor Park talked about his experience with getting in to the system. Mr. Biedermann noted the spam issue. They were working towards a solution.

6. CONSENT AGENDA

6.1 Consideration of minutes of the April 14, 2005 Regular Council Meetings.

Motion:

Councilor Park moved to adopt the meeting minutes of the April 14, 2005 Regular Metro Council.
--

Vote:

Councilors Burkholder, Liberty, Park, Hosticka voted in support of the motion. The vote was 4 aye, the motion passed.

7. RESOLUTIONS

7.1 Resolution No. 05-3541, For the Purpose of Approving the FY 2006 Unified Planning Work Program

Motion:	Councilor Burkholder moved to adopt Resolution No. 05-3541.
Seconded:	Councilor Hosticka seconded the motion

Councilor Burkholder introduced the resolution. This continued the planning in the region for 2006. Adoption of the resolution was a prerequisite for receiving federal funds for all of the planning organizations in the region. He urged support. Councilor Park asked Andy Cotugno, Planning Director, to explain the resolution and the connection to the following resolution. Mr. Cotugno said the second resolution documents the various regulations we were required to meet. It also dealt with internal structure, public access to the decision making process, and other federal requirements, which were laid out. He explained the approval process for the grant funding. Councilor Burkholder asked Councilors about their concerns. Councilor Hosticka said his general concern was the relationship between this program and the budget. Mr. Cotugno said the Metro portion of this program was the same as it related to the grant-funded portion of the budget. He explained what would happen if there was budget amendments. Councilor Liberty said he felt he needed to have six weeks to review this document. Councilor Burkholder said he agreed with some of the concerns. He said there were three Councilors who sit on Joint Policy Advisory Committee on Transportation (JPACT) to represent the Council. He explained the JPACT process before the resolution came to Council. The three Councilors hopefully

Metro Council Meeting

04/21/05

Page 4

represented the Council's interest. Councilor Park suggested delaying this resolution one week. Councilor Liberty spoke to his expectations to review large documents.

7.2 Resolution No. 05-3542, For the Purpose of Certifying That the Portland Metro Area is in Compliance With Federal Transportation Planning Requirements

Deputy Council President Burkholder suggested delaying this resolution until next week as well.

8. OREGON LEGISLATIVE UPDATE

Dan Cooper, Metro Attorney, talked about what was happening in the legislature. There were some hearings next week

9. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, COO, had nothing to say.

10. COUNCILOR COMMUNICATION

There were none.

11. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:35 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 21, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
6.1	Minutes	4/14/05	Metro Council Meeting Minutes of April 14, 2005	042105c-01
7.1 & 7.2	Certification Report	4/5/05	To: Metro Council From: Andy Cotugno, Planning Director, Re: 2004 Portland and Vancouver Area Planning Certification Review Report Metro Response	042104c-02

05/2805c-02

M E M O R A N D U M

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



METRO

DATE: April 25, 2005
TO: David Bragdon, Council President
FROM: Kathy Rutkowski, Budget Coordinator
RE: DEPARTMENT GENERATED AMENDMENTS TO THE FY 2005-06 PROPOSED BUDGET

Attached are the proposed amendments to the FY 2005-06 budget requested by departments. These requests do not include amendments initiated by elected officials. Proposed amendments from elected officials will be transmitted to the Council under separate cover. The amendments are defined and organized as follows:

1. **Technical amendments:** (green paper) These amendments accommodate minor changes to the budget as a result of updating projections, correcting errors, carrying over funds from the previous fiscal year for uncompleted but approved projects, or recognizing changes in the budget due to other Council action that do not require additional expenditure authority.
2. **Substantive amendments:** (yellow paper) These amendments propose changes to the budget that were not anticipated or incorporated at the time the budget was originally prepared in March.

The five-year Capital Budget will also be amended to reflect changes to capital projects greater than \$50,000. Revised capital project detail sheets are included with the amendments.

A summary table of contents of all department generated amendments is included with this memo.

Attachments

- cc: Councilor Rex Burkholder
Councilor Carl Hosticka
Councilor Robert Liberty
Councilor Susan McLain
Councilor Brian Newman
Councilor Rod Park
Mike Jordan, Chief Operating Officer
Bill Stringer, Chief Financial Officer
Karen Feher, Capital Budget Coordinator
Brad Stevens, Financial Planning Analyst
Department Directors
Department Finance Managers

**FY 2005-06 Proposed Budget
Requested Adjustments from Department
April 25, 2005**

Summary of Technical Amendments:

Amendment	Summary of Amendment	Page #
Parks 1	Carryover of five projects in the Regional Parks Department	1
Parks 2	Recognition of addition RV Registration fee revenue	4
Planning 1	Carryover of Damascus/Boring concept planning project	5
Zoo 1	Carryover of two projects in the Oregon Zoo department	7
SW&R 2	Change funding source for food waste infrastructure grant program	10
SW&R 3	Carryover Metro South Station improvement project to install sidewalk	11
FAS 1	Carryover funds for strategic planning, budgeting and organizational redesign	13
MERC 1	Capital project carryover in MERC Pooled Capital Fund	14

Summary of Substantive Amendments:

Amendment	Summary of Amendment	Page #
Parks 3	Change in vacant Volunteer Coordinator position. Reduce classification from Vol. Coordinator II to Vol. Coordinator I. Increase FTE from 0.50 to 0.80 FTE.	17
Planning 2	Change in Willamette Shoreline Transit and Trails Alternative Analysis	18
Planning 3	Recognition of two-year grant to develop a Regional Concept of Transportation Operations (RCTO). Includes addition of 1.0 FTE Senior Transportation Planner.	19
Planning 4	Regional Travel Options program	21
SW&R 1	Increase budget to reflect higher fuel prices	23
SW&R 4	Implement funding policy for debt service management	24
MERC 2	Addition of event business management system annual maintenance contract	25
MERC 3	New capital project – audio visual equipment head room project	26

Department	#
Parks	3

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Jim Desmond

DRAFTER: Jeff Tucker

DATE: April 15, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

Volunteer Coordination Change

For 4 years, the Parks and Greenspaces Department has had a 1 FTE Volunteer Coordinator II position filled through two ½ time jobshare employees. During the volunteer exit incentive, one of those people decided to leave Metro, creating a 0.5 FTE vacancy. Instead of filling the 0.5 FTE Volunteer Coordinator II vacancy, the department would like to create a 0.8 FTE Volunteer Coordinator I position. Because of the nature of the jobshare and the way benefits are calculated, the overall cost of the 0.8 FTE Volunteer Coordinator I position is only slightly more than the 0.5 FTE Volunteer Coordinator II position.

This change would result in increased staff resources dedicated to the parks volunteer program with only very little additional budgetary authority necessary. (Contingency can be reduced to pay for this change. Look to Parks Amendment #1 for an increase in contingency to offset this reduction.)

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Parks	General Fund (160)	5020	Reg. Employee-Part Time-Exempt	(28,641)
Parks	General Fund (160)	5015	Reg. Emp.-Part Time-Non-exempt	31,829
Parks	General Fund (160)	5999	Contingency	(3,188)

PROGRAM/STAFFING IMPACTS

This amendment would eliminate a 0.5 FTE Volunteer Coordinator II position and create a 0.8 FTE Volunteer Coordinator I position. The net result is an increase of 0.3 FTE dedicated to the volunteer services program.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT – (not necessary for technical adjustments)

For very little investment, this amendment will allow the department to leverage additional FTE support for its volunteer services program, allowing it to expand to provide more volunteer staffing support for restoration projects, education programs and parks operations.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

This change will require a small reduction in the department's contingency budget, which is offset by Parks Amendment #2 that increases contingency. No reductions, credits, changes or adjustments in any program areas are necessary to accommodate this amendment.

Department	#
Planning	2

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Andy Cotugno, Planning Director

DRAFTER: Jenny Kirk, Administration/Budget Manager

DATE: April 15, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

Funding for the Willamette Shoreline Transit and Trail Alternatives Analysis was programmed in the Metropolitan Transportation Improvement Program (MTIP) for FY 2004-05. The grant award is \$300,000 in Federal Transit Administration (FTA) funds and \$34,000 from our local partners for local match. The Planning Department proposes to apply for additional funding recently approved for FY 2008-09 in the MTIP. Working through the scheduling of MTIP funds, the department is seeking to have this grant accelerated to FY 2005-06. These actions increase the project total to \$950,629. This amendment proposes increasing the FY 2005-06 budget by \$223,629 for contractual professional services.

Department(s)	Fund(s)	Line items		
		Acct #	Account Title	Amount
<i>Resources</i>				
Planning	140	4100	Federal Grant-Operating-Categorical-Direct	\$223,629
<i>Requirements</i>				
	140	5240	Contracted Professional Services	\$223,629

PROGRAM/STAFFING IMPACTS

This amendment proposes to increase additional grant budget authority and expenses for FY 2005-06.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT – (not necessary for technical adjustments)

This proposed amendment addresses what has been approved by Metro Council in the Unified Planning Work Program and follows through on the formation of the project Steering Committee approved by Resolution No. 05-3569.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

This project is proposed to be funded through grants and local partner matching funds

Department	#
Planning	3

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Andy Cotugno, Planning Director

DRAFTER: Jenny Kirk, Administration/Budget Manager

DATE: April 15, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

The Federal Highway Administration (FHWA) has awarded the City of Portland a \$200,000, two-year grant to develop a Regional Concept of Transportation Operations (RCTO). The City, Metro and the Oregon Department of Transportation (ODOT) have agreed that the grant will be used to fund a position at Metro (through an Intergovernmental Agreement (IGA) with the City of Portland) to provide the coordination and leadership to complete the RCTO within the two-year timeframe of the grant. The grant provides \$193,800 to fund a Senior Transportation Planner-level position at Metro with the local match provided by the City of Portland using in-kind services.

The work program includes five Intelligent Transportation Systems (ITS) elements that could be developed and included in a regional concept for operations. These include:

- Expand ODOT's ATMS operations to include other regional partners
- Enhance regional traveler information systems
- Increase freeway/arterial corridor management operations
- Expand the unified operation of the region's traffic signal systems
- Implement joint operations of the regional ITS communications systems

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
<i>Resources</i>				
Planning	140	4105	Federal Grants-Operating-Categorical-Indirect	\$96,900
<i>Requirements</i>				
	140	5010	Reg. Employees-Full Time-Exempt	\$53,274
		5100	Fringe Benefits	\$20,830
		5800	Transfer for Indirect Costs	\$19,476
		5201	M&S - Office Supplies	\$3,320

PROGRAM/STAFFING IMPACTS

This amendment is intended to add 1.00 FTE for a two-year limited duration employee and provide budget authority and expenses for FY 2005-06.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT – (not necessary for technical adjustments)

The IGA for the action is in the review process by Metro and the City of Portland. Once the IGA is negotiated, it would go forward for the proper approvals.

The RCTO grant from FHWA provides an opportunity for Metro to take a leadership role in coordinating traffic and transit operations policies for the region. Currently, each operating jurisdiction (cities, counties, transit agencies and the Oregon Department of Transportation (ODOT)) operates traffic signals, ramp meters, message signing, cameras, etc. independently, with informal coordination when necessary.

The purpose of the RCTO is to ensure that transportation operations plans and strategies are developed within a consistent regional framework. A key part of this framework is developing regional traffic and transit operations policies within the Regional Transportation Plan. The TransPort Committee (the ITS Subcommittee of Transportation Policy Alternatives Committee) has recognized the benefit of developing an RCTO and the City of Portland, ODOT and TriMet were partners in developing the plan to have Metro serve as the regional coordinator for transportation operations policies.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

This amendment is fully funded through an IGA with the City of Portland. No other budget/program areas will be affected.

Department	#
Planning	4

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Andy Cotugno, Planning Director

DRAFTER: Tom Kloster, Regional Transportation Planning Manager

DATE: April 22, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

Management of the Regional Travel Options (RTO) Program shifted from TriMet to Metro through an intergovernmental agreement after the Metro Council adopted the program's strategic plan. Metro is now responsible for managing implementation of all travel options programs funded through the Metropolitan Transportation Improvement Program (MTIP). Key activities include the development of a collaborative marketing campaign to support program implementation; development of performance measures and annual program evaluation; management of a competitive grants program that funds transportation management associations and 2040 initiatives; and the administration and management of consultant contracts related to program implementation as well as contracts with partner agencies and transportation management associations (TMAs) for service delivery, such as vanpools and outreach to employers.

Department(s)	Fund(s)	Line Items		
		Acct #	Account Title	Amount
<i>Resources</i>				
Planning	General Fund (140)	4100	Federal Grants – Direct	\$765,698
		4125	Local Grants – Indirect	67,800
			Total Resources	\$833,498
<i>Requirements</i>				
Planning	General Fund (140)	5010	Reg. Employees-Full Time-Exempt	\$ 9,160
		5100	Fringe Benefits	3,581
		5240	Contracted Professional Services	551,808
		5300	Payments to Other Agencies	265,600
		5800	Transfer for Indirect Costs	3,349
			Total Requirements	\$833,498

PROGRAM/STAFFING IMPACTS

This amendment is part of the ongoing transition to establish Metro as the lead agency for the RTO program. The budget currently includes \$339,250 to support 3.05 FTE including a Program Manager (1.0 FTE), a Program Analyst (1.0 FTE) and a combination of planning and administrative staff at various levels (2.05 FTE).

The amendment would increase the program staffing by 0.9 FTE and increase the materials & services budget to support staff by approximately \$16,000. The amendment makes the following changes to staffing currently in the budget:

- Adds 0.5 FTE of an Assistant Transportation Planner position that will assume program monitoring and evaluation activities currently being carried out by TriMet. This is a full time position scheduled to transition to Metro from TriMet by January 1, 2006 after TriMet's publication of the 2005 report. This new position will report to the RTO Program Manager
- Adds 0.4 FTE of an Assistant Transportation Planner position thereby providing a full 1.0 FTE to support RTO program implementation. This amendment creates an Assistant Transportation Planner position that is fully dedicated to the program and that will report to the RTO Program Manager

- Changes the Program Analyst V position to a Senior Management Analyst position to more accurately reflect the level of duties involved with administering the Regional Rideshare/Vanpool Program. This position will also report to the RTO Program Manager.

The amendment also reflects in \$833,498 of additional revenue to support program activities including:

- Local match required for the federal grants used by the program - \$67,800 Business Energy Tax Credit (BETC) funds
- Regional Rideshare/Vanpool Program materials & services costs -- \$165,000 in MTIP grant revenue
- 2040 Initiatives Grant Program – \$139,978 in MTIP pass-through grant revenue that Metro will administer as third-party contracts with public agencies and private non-profits
- Transportation Management Associations Program – \$125,622 in MTIP pass-through grant revenue that Metro will administer as third-party contracts with area TMAs
- Contracted professional services – \$282,325 carry over from an August 2004 Intergovernmental Agreement (IGA) with TriMet. The funds were previously allocated to TriMet through the MTIP and are being transferred to Metro as part of the RTO program transition
- Program evaluation – \$50,000 through an IGA with TriMet to move the program evaluation function from TriMet to Metro in January 2006. The funds were previously allocated to TriMet through the MTIP for RTO program evaluation

This proposal anticipates a shift of existing salaried staff out of the RTO Program. The net result of this proposed amendment would be a minor increase in personal services. This is due in a large part to the replacement of a Program Analyst V with a Senior Management Analyst, which is at a lower salary level.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

This program is the region's transportation demand management (TDM) strategy for reducing reliance on the automobile. The program has been funded for nearly 20 years, and has grown to include a variety of regional partners and outreach programs. The RTO program strongly supports Metro Council goals for encouraging development in 2040 centers, reducing drive-alone travel and maximizing use of existing transportation infrastructure and investments.

In 2004, the Metro Council approved a new strategic plan for the RTO program that shifts the lead role for managing the program from TriMet to Metro. The updated program places a major emphasis on individual marketing, and will be augmented by a recently funded state TDM program. Public agency partners or private contracts, administered by Metro, carry out most of the RTO program activities. The key components of the RTO program are:

- Individualized Marketing Program (TravelSmart)
- Rideshare/Vanpool Program
- Transportation Management Associations
- 2040 Initiatives Grant Program

The proposed FY 2005-06 budget implements the strategic plan by creating an RTO policy and marketing program to establish Metro as the lead agency for fully implementing the RTO Strategic Plan by creating two new program FTE and funding contract services for most marketing functions.

OPTIONS FOR FUNDING THIS AMENDMENT

The program is funded primarily with MTIP grants. In addition, funds that were allocated to TriMet through the MTIP for administration of the RTO and regional rideshare programs are being transferred to Metro through an August 2004 intergovernmental agreement.

The local match requirement will be met with BETC funds. The tax credits funds are based on vehicle miles traveled (VMT) reductions achieved by the program in the previous fiscal year. The Oregon Department of Energy administers the BETC program and has developed pass through agreements with businesses that purchase the tax credits generated by public agency energy reduction programs.

Department	#
SW&R	1

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Mike Hoglund, Director

DRAFTER: Maria Roberts, Budget & Finance Administrator

DATE: April 13, 2005

PROPOSED AMENDMENT:

Fuel Price

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Resources SW&R	Solid Waste Revenue Fund	4300	Disposal Fees	\$550,726
Requirements SW&R	Solid Waste Revenue Fund	5214	Fuels & Lubricants	\$550,726

PROGRAM/STAFFING IMPACTS

None.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

The recent run up in fuel prices has caused Metro to reevaluate its budgeted fuel expense for FY 2005-2006. Higher diesel prices are expected to increase Metro's fuel costs for solid waste transport by \$550,726 above the proposed budget for FY 2005-06. The magnitude of fuel price increase (40% since December 2004) necessitates this budget amendment. Under current cost and revenue allocations, an additional appropriation for this increase would add about \$1.00 per ton to Metro's disposal charge.

Metro purchases over one million gallons of diesel fuel annually for the transport of solid waste from Metro's two publicly-owned transfer stations to the Columbia Ridge Landfill in Gilliam County. The amount requested in Metro's FY 2005-2006 budget for such fuel is \$1,390,888, based on a CY 2004 average fuel price of \$1.36 per gallon and an expected purchase of 1,021,902 gallons. Since December, diesel prices have risen to over \$1.90 per gallon, and the U.S. Department of Energy projects no significant declines over the next 18 months. Thus, at \$1.90 per gallon, the total fuel purchase would total \$1,941,614 for the fiscal year, or \$550,726 more than anticipated when the budget was submitted in December.¹

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

¹ U.S. Department of Energy, Energy Information Administration, Short-Term Energy Outlook, April 7, 2005.

Department	#
SW&R	4

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Mike Hoglund, Director

DRAFTER: Maria Roberts, Budget & Finance Administrator

DATE: April 13, 2005

PROPOSED AMENDMENT:

Debt Service Management

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Resources SW&R	Solid Waste Revenue Fund	4300	Disposal Fees	(\$586,216)
Requirements SW&R	Solid Waste Revenue Fund	5990	Fund Balance Rate Stabilization Account	(\$586,216)

PROGRAM/STAFFING IMPACTS

None.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

This amendment reflects a recommendation from the Rate Review Committee to begin managing the annual debt service to avoid an abrupt drop in the rates when the bonds are paid off in FY 2009-10. The recommendation is to begin tapping into reserves to pay debt service, rather than raising the entire amount from rates.

With this amendment, 25 percent of next year's debt service would be paid from reserves. A higher proportion can be phased-in in the future. This amendment utilizes only the excess reserves that are projected to be above their target levels by the end of FY 2004-05. All fund balances remain at or above their legal and prudent levels. The FY 2005-06 debt service coverage is projected to be 166%, above the required 110% with a comfortable planning cushion.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

Department	#
MERC	2

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Kathy Taylor

DRAFTER: Cynthia Hill

DATE: 4/19/2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

Event Business Management System on-going annual maintenance contract.

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Resources MERC	MRC Operating Fund	5260	Maintenance & Repair Services	28,000
Requirements MERC	MRC Operating Fund	5990	Fund Balance	28,000

PROGRAM/STAFFING IMPACTS

n/a

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

The Event Business Management System Contract was approved at the March Commission meeting. Actual cost for the maintenance contract was unknown prior to request for proposal and award of contract.

OPTIONS FOR FUNDING THIS AMENDMENT

Fund Balance

Department	#
MERC	3

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Kathy Taylor

DRAFTER: Cynthia Hill

DATE: 4/19/2005

PROPOSED AMENDMENT:

Establish appropriation for "Audiovisual Equipment Head Room" capital project.

Department(s)	Fund(s)	Line items		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Resources MERC	Pooled Capital	BEGBAL	Beginning Balance	795,655
			Total Resources	
Requirements MERC	Pooled Capital	5725	Buildings & Related (CIP)	795,655
			Total Requirements	795,655

PROGRAM/STAFFING IMPACTS

n/a

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

New capital project is the Audiovisual Equipment Head Room project \$985,000 is moved from the unfunded project list to FY 2005-06. The audiovisual control room that operates the A/B meeting rooms, exhibit halls and Oregon Ballroom is failing. It is currently an analog system and has no replacement parts available.

A resolution recommending request of MOTCA funding for this project will come to the Commission and the Council at a future meeting. A temporary loan from Expo will fund any shortfall if necessary. This amendment assumes the reclassification of \$189,345 included in the proposed budget as designated for future MTOCA projects.

OPTIONS FOR FUNDING THIS AMENDMENT

MTOCA Funding

Department	#
Parks	1

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Jim Desmond

DRAFTER: Jeff Tucker

DATE: April 15, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

There are 5 projects approved in the FY 2004-05 budget that will not be completed prior to June 30. This technical budget amendment requests that these projects be carried forward into the FY 2005-06 budget.

- 1) *Smith & Bybee Water Control Structure Modifications* – In FY 2004-05, the department received 2 grants from the Oregon Department of Fish and Wildlife for improvements to the water control structure at the Smith & Bybee Wetlands Natural Area. The work will begin in June 2005, but will not be completed until late summer 2005. This amendment carries forward \$25,000 in grant funding and \$25,000 in capital maintenance expenditures.
- 2) *Salmon Habitat Improvement Project* – As part of a settlement with ODOT from a diesel fuel spill at the Port of Portland Terminal 6, Metro was awarded proceeds to pay for a project to improve rearing and refugia habitat for juvenile salmonids that use the Lower Columbia Slough and the wetlands at the Smith & Bybee Wetlands Natural Area. The payments have already been received, but the work will not begin until Fall 2005. This project will cost \$68,000. The capital budget will also be amended to carry this project over into FY 2005-06. Amended capital project sheet is attached.
- 3) *Open Spaces Celebration* – This year marks the 10th anniversary of the passage of the Open Spaces Bond Measure. A community celebration has been planned for late summer to highlight the successes of this program (over 8,100 acres purchased) through special tours, events and a marketing campaign. The budget for this project was established in the FY05 budget, but will need to be carried forward to FY06, as most of the activities will be around Labor Day. Cost of the project is \$50,000.
- 4) *Smith & Bybee Water Management Effectiveness* – In FY05, the department received a grant from EPA to determine the effectiveness of the new water control structure in supporting endangered salmon and native plant communities. Work began in 2004 but will not be completed until fall 2005. This amendment carries forward \$15,000 in grant funding and \$15,000 in project costs.
- 5) *Rivergate Consent Decree* – As part of the Rivergate Consent Decree, Metro has been awarded \$140,000 to be spent over a nine-year period to provide maintenance for habitat improvements that have been made around the Smith & Bybee Wetlands Natural Area. This amendment recognizes \$16,200 of that amount for next fiscal year.

Department(s)	Fund(s)	Line items		
		Acct #	Account Title	Amount
Resources				
Parks	General Fund (160)	3500	Beginning Fund Balance	68,000
	Open Spaces (350)	3500	Beginning Fund Balance	50,000
	General Fund (160)	4110	State Grants-Direct	25,000
	General Fund (160)	4100	Federal Grant-Direct	15,000
Parks	General Fund (160)	4145	Government Contributions	\$16,200
Total Resources				\$174,200

Department(s)	Fund(s)	Line items		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Requirements				
Parks	General Fund (160)	5262	Capital Maintenance-Non-CIP	25,000
Parks	General Fund (160)	5250	Contracted Property Services	68,000
Parks	Open Spaces (350)	5490	Misc. – External Promotions	50,000
Parks	General Fund (160)	5250	Contracted Property Services	15,000
Parks	General Fund (160)	5250	Contracted Property Services	\$16,200
Total Requirements				\$174,200

PROGRAM/STAFFING IMPACTS

These programs have already been planned as part of the department’s workplan. There will be no additional impact to other programs or staffing levels as a result of this amendment.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT – (not necessary for technical adjustments)

This is a technical amendment.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

Funding for this amendment has been identified. No reductions or changes in other programs or budgeted areas are necessary.

**Attachment to Parks #1
Capital Budget Amendment**

Capital Project Request - Project Detail

Project Title: **Salmon Habitat Improvement - Smilh & Bybee Lakes Wildlif** Fund: **Regional Parks Fund**
 Project Status: **Incomplete** Funding Status: **Funded** FY First Authorized: **2004-05** Department: **Regional Parks and Greenspaces**
 Project Number: **71822** Active: Dept. Priority: **3** Facility: Division: **Planning & Education**
 Source Of Estimate **Preliminary** Source: Start Date: **7/04** Date: **12/1/2004**
 Type of Project: **Replacement** Request Type **Initial** Completion Date: **6/06** Prepared By: **Jeff Tucker**

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2004-2005	Years	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Total
Restoration	\$0	\$0	\$0	\$68,000	\$0	\$0	\$0	\$0	\$68,000
Total:	\$0	\$0	\$0	\$68,000	\$0	\$0	\$0	\$0	\$68,000
Funding Source:									
Donations	\$0	\$0	\$0	\$68,000	\$0	\$0	\$0	\$0	\$68,000
Total:	\$0	\$0	\$0	\$68,000	\$0	\$0	\$0	\$0	\$68,000
Annual Operating Budget Impact:									

Project Description / Justification: **Estimated Useful Life (yrs)** **First Full Fiscal Year of Operation:**

This project is to improve rearing and refugia habitat for juvenile salmonids that use the lower Columbia Slough and Smith-Bybee's wetlands. Large woody debris will be installed at strategic locations and anchored as appropriate.

Department	#
Parks	2

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Jim Desmond

DRAFTER: Jeff Tucker

DATE: April 15, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

Adjustment to RV Registration Revenue

Metro receives a portion of RV registration revenues from the state, in support of the campground operations at Oxbow Regional Park. Every year, Metro is required to certify that the amount received from the state has been included in the annual budget. The FY 2005-06 budget as proposed shows RV Registration Revenues of \$328,400. The state estimate received in April shows an estimate of \$364,387. The budget should be amended to match the state's estimate. The contingency budget is also increased to balance the budget on the expenditure side.

Department(s)	Fund(s)	Line items		
		Acct #	Account Title	Amount
<i>Resources</i>				
Parks	General Fund (160)	4139	Other Government Shared Revenue	\$35,987
<i>Requirements</i>				
Parks	General Fund (160)	5999	Contingency	\$35,987

PROGRAM/STAFFING IMPACTS

There are no impacts to programs or staffing from this amendment.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT – (not necessary for technical adjustments)

This is a technical amendment.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

No changes are necessary.

Department	#
Planning	1

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Andy Cotugno, Planning Director

DRAFTER: Jenny Kirk, Administration/Budget Manager

DATE: April 15, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

This amendment proposes to carryover additional budget authority and expense into FY 2005-06 for an existing contract to complete concept planning for the Damascus/Boring area. Metro is providing technical services on the land use component and the transportation analysis of the alternatives, and serving in the lead role on regional transportation planning issues.

Department(s)	Fund(s)	Line items		
		Acct #	Account Title	Amount
<i>Resources</i>				
Planning	140	4105	Federal Grants-Operating-Categorical-Indirect	\$136,038
<i>Requirements</i>				
	140	5300	Payments to Other Agencies	\$136,038

PROGRAM/STAFFING IMPACTS

The proposed ongoing work plan includes:

- On-going project management and coordination
- Develop "hybrid concept" plan for public discussion to serve as the starting point for development of the final recommended concept plan
- Develop implementation strategies and a conceptual street network that complements the planned Sunrise Project, I-205 to Rock Creek Junction improvements
- Recommend to the Metro Council future land uses of a 9,700-acre secondary study area
- Develop a Draft Purpose and Need Statement for any Highway 212 Corridor transportation improvements that would go through a future National Environmental Policy Act (NEPA) process within the study area
- Identify future Regional Transportation Plan (RTP) amendments to incorporate recommended transportation facilities needed to serve urbanizing areas, including possible amendments to federal functional classifications and National Highway System designations and initiation of the state goal-exception process for the rural portions of the study area, as appropriate.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT – (not necessary for technical adjustments)

n/a

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

This proposes to carryover existing FY 2004-05 funds with the associated carryover of the Intergovernmental Agreement cost with Clackamas County.

Department	#
Zoo	1

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Tony Vecchio, Oregon Zoo Director

DRAFTER: Patty Mueggler

DATE: April 15, 2005

PROPOSED AMENDMENT: (provide a brief summary of the requested action along with the specific line items affected)

Oregon Zoo Project Carry Forward

This is a technical amendment to carry forward projects that were planned and budgeted for FY 2004-05 but that will not be completed until FY 2005-06.

Stormwater Improvements: In December 2004 the Zoo was awarded a grant for \$200,000 from the City of Portland Bureau of Environmental Services. This grant will fund stormwater improvements in the Zoo visitor parking lot and in various areas inside the Zoo. The FY 2004-05 Zoo Operating budget was amended to increase both grant revenue and capital outlay expense. This project is being deferred until FY 2005-06 so that work will occur in the off-season, minimizing impact to Zoo visitors. The carry forward amount is \$200,000.

Condor Phase II: This project, designed to double the number of holding pens at the Zoo's off-site condor breeding facility, was budgeted in FY 2004-05. Construction activity at the site is currently on hold during condor breeding season and cannot be completed this fiscal year. This capital fund CIP project will continue into FY 2005-06, necessitating a carry forward budget of \$520,000.

Department(s)	Fund(s)	Line items		
		Acct #	Account Title	Amount
<i>Resources</i>				
Oregon Zoo	120 Operating Fund	4120	Local Grants – Direct	200,000
	325 Capital Fund	3500	Beginning Fund Balance	520,000
<i>Requirements</i>				
Oregon Zoo	120 Operating Fund	5715	Improve. Other than Buildings (CIP)	200,000
	325 Capital Fund	5725	Buildings and Related (CIP)	520,000

PROGRAM/STAFFING IMPACTS

There are no program or staffing impacts. These projects will be completed with existing, budgeted staff.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT – (not necessary for technical adjustments)

n/a

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

No reductions or changes in budget or program areas are necessary to accommodate this amendment.

**Attachment to Zoo #1
Capital Budget Amendment**

Capital Project Request - Project Detail

Project Title: Fund:

Project Status: Funding Status: FY First Authorized: Department:

Project Number: Active: Dept. Priority: Facility: Division:

Source Of Estimate Source: Start Date: Date:

Type of Project: Request Type Completion Date: Prepared By:

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2004-2005	Years:	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Total
Construction	\$0	\$0	\$0	\$200,000	\$0	\$0	\$0	\$0	\$200,000
Total:	\$0	\$0	\$0	\$200,000	\$0	\$0	\$0	\$0	\$200,000
Funding Source:									
Grants	\$0	\$0	\$0	\$200,000	\$0	\$0	\$0	\$0	\$200,000
Total:	\$0	\$0	\$0	\$200,000	\$0	\$0	\$0	\$0	\$200,000
Annual Operating Budget Impact:									

Project Description / Justification: Estimated Useful Life (yrs) First Full Fiscal Year of Operation:

A study of potential projects was completed by GreenWorks, a contractor for BES. Based on that study, five projects were identified and agreed to be priorities by BES and the Zoo. The recommended projects are all in public areas where educational messages regarding storm water can be easily communicated via simple interpretives, a requirement of the grant.

The projects selected include installation of bioswales in a portion of the Washington Park Parking Lot, installation of a storm water treatment facility near the concert lawn, disconnecting downspouts on the viewing kiosks adjacent to the elephant front yard, and if funds are available, projects in the Kongo Ranger Station and Sankuru Trader areas of the zoo will be explored.

This project will reduce the amount of water going into the sewer system and reduce the sewer bill of the Zoo. The amount of reduction will not be known until the design work is completed. The operating impact of this project will also not be totally known until design is complete and will be documented at the time contracts for the project are completed.

**Attachment to Zoo #1
Capital Budget Amendment**

Capital Project Request - Project Detail

Project Title: **California Condor Breeding Facility & Exhibit** Fund: **Zoo Capital Projects Fund**
 Project Status: **Incomplete** Funding Status: **Funded** FY First Authorized: **2003-04** Department: **Oregon Zoo**
 Project Number: **ZCON** Active: Dept. Priority: **4** Facility: Division: **Construction Maintenance**
 Source Of Estimate: **Preliminary** Source: Start Date: **7/03** Date: **10/15/2003**
 Type of Project: **New** Request Type: **Initial** Completion Date: **6/07** Prepared By: **Tony Vecchio**

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2004-2005	Years	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Total
Design and Engineering	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Construction	\$1,011,679	\$280,000	\$1,291,679	\$520,000	\$1,000,000	\$0	\$0	\$0	\$2,811,679
Total:	\$1,011,679	\$280,000	\$1,291,679	\$520,000	\$1,000,000	\$0	\$0	\$0	\$2,811,679

Funding Source:

Grants	\$80,000	\$0	\$80,000	\$0	\$0	\$0	\$0	\$0	\$80,000
Donations	\$931,679	\$280,000	\$1,211,679	\$520,000	\$1,000,000	\$0	\$0	\$0	\$2,731,679
Total:	\$1,011,679	\$280,000	\$1,291,679	\$520,000	\$1,000,000	\$0	\$0	\$0	\$2,811,679

Annual Operating Budget Impact:

Annual Expenditures								
Personal Services			\$133,000	\$137,000	\$141,000	\$146,000	\$150,000	\$832,000
Materials and Services			\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$260,000
Subtotal, Expenditures:			\$183,000	\$187,000	\$191,000	\$196,000	\$200,000	\$1,092,000
Net Operating Contribution (Cost):			(\$183,000)	(\$187,000)	(\$191,000)	(\$196,000)	(\$200,000)	(\$1,092,000)

Project Description / Justification: **Estimated Useful Life (yrs)** **30** **First Full Fiscal Year of Operation:** **2007-08**

The Oregon Zoo was chosen to join the California Condor Recovery Team and the construction of a breeding facility began in November 2003. This project includes the construction of mesh pens with appropriate nesting and rearing areas for California Condors. In addition, there are plans for a flight pen and various support facilities. This facility will be located on Metro Greenspace property at Clear Creek in Clackamas County. The funding for the capital project is being raised by the Oregon Zoo Foundation. Over \$1,700,000 in cash and in kind donations has been raised through the fall of 2004. This project requires FTE and related materials and services. The final phase of the project includes an exhibit at the Zoo for a non-breeding pair of California Condors that is expected to open in Summer 2007.

Department	#
SW&R	2

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Mike Hoglund, Director

DRAFTER: Maria Roberts, Budget & Finance Administrator

DATE: April 12, 2005

PROPOSED AMENDMENT:

Recycling Business Assistance Program – Food Waste Infrastructure

Department(s)	Fund(s)	Line items		
		Acct #	Account Title	Amount
Resources SW&R	Solid Waste Revenue Fund	4305	Regional System Fee	\$250,000
Requirements SW&R	Solid Waste Revenue Fund – Recycling Business Assistance Account	5990	Fund Balance	\$250,000

PROGRAM/STAFFING IMPACTS

None

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

This amendment would change the source of funds for certain waste reduction grants from reserves to current revenue (i.e., rates). The purpose of this change is to better align the budget with bond requirements. This amendment does not affect the proposed budget expenditures or the rates under study by the Rate Review Committee.

The proposed FY 2005-06 Budget includes \$250,000 for containers and equipment for the Food Waste Infrastructure Grant Program. Initially, this expenditure started out as a capital expenditure. Since capital expenditures do not affect the debt coverage ratio, this cost was not allocated to the rate base, and funded instead from the fund balance.

The initial plan has now changed. Rather than Metro granting the actual equipment, Metro expects to grant the funds to eligible facilities for them to obtain the equipment directly. Consequently, this cost is now considered a current operating expenditure, and *for management of the debt coverage*, should be paid from current revenue allocated to the rate base for FY 2005-06. For purposes of the coverage ratio, the fund balance is not defined as operating revenue. In addition, this amendment will support Metro's standing in earning a bond rating upgrade, which is currently under discussion with Moody's.

The \$250,000 is included in the revenue requirements to be raised from rates currently being discussed by the Rate Review Committee. This amendment has no effect on expenditures, and will increase the Solid Waste Revenue Fund Balance by \$250,000.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

Department	#
SW&R	3

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Mike Hoglund, Director

DRAFTER: Maria Roberts, Budget & Finance Administrator

DATE: April 13, 2005

PROPOSED AMENDMENT:

Contract Carryovers – Capital

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Resources SW&R	Solid Waste Revenue Fund, Renewal & Replacement Account	3500	Beginning Fund Balance	\$ 250,000
Requirements SW&R	Solid Waste Revenue Fund, Renewal & Replacement Account	5725	Buildings and Related - Construction	\$230,000
SW&R	Solid Waste Revenue Fund, Renewal & Replacement Account	5725	Buildings and Related – Engineering Services	\$20,000

PROGRAM/STAFFING IMPACTS

None.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

<u>Contract</u>	<u>Explanation</u>	<u>Amount</u>
Renewal & Replacement: MSS Improvements: Install Sidewalk on Washington Street	Metro is negotiating right-of-way issues with the City of Oregon City.	\$250,000

This Amendment has no effect on the Debt Service coverage.

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

**Attachment to SW&R #3
Capital Budget Amendment**

Capital Project Request - Project Detail

Project Title: **Metro South - Install Sidewalk on Washington Street** Fund: **SW Renewal & Replacement Account**
 Project Status: **Incomplete** Funding Status: **Funded** FY First Authorized: **2002-03** Department: **Solid Waste and Recycling**
 Project Number: **76930** Active: Dept. Priority: **4** Facility: Division: **Environmental & Engineering Services**
 Source Of Estimate: **Preliminary** Source: Start Date: **7/04** Date: **10/3/2003**
 Type of Project: **Replacement** Request Type: **Initial** Completion Date: **6/05** Prepared By: **Glen Taylor**

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2004-2005	Years	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Total
Design and Engineering	\$0	\$0	\$0	\$20,000	\$0	\$0	\$0	\$0	\$20,000
Construction	\$0	\$0	\$0	\$230,000	\$0	\$0	\$0	\$0	\$230,000
Total:	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	\$0	\$250,000
Funding Source:									
Fund Balance - Renewal and Replacement	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	\$0	\$250,000
Total:	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	\$0	\$250,000

Annual Operating Budget Impact:

Project Description / Justification: **Estimated Useful Life (yrs)** **20** **First Full Fiscal Year of Operation:** **2006-07**

One of the conditions of our permit with Oregon City is a requirement to replace the existing curb/swale system along the Washington Street side of the transfer station with sidewalks. With the construction of a Home Depot across the street with sidewalks, it is anticipated the city will exercise this requirement in FY 2005-06

Department	#
FAS	1

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Reed Wagner, Project Manager, Office of the CFO

DRAFTER: Reed Wagner, Project Manager, Office of the CFO

DATE: April 21, 2005

PROPOSED AMENDMENT (provide a brief summary of the requested action along with the specific line item affected)

The Office of the CFO will continue a strategic planning, budgeting and organizational redesign process in FY 2005-06 that started in the Council office in 2004-05. This process will include facilitation, data collection, administrative support and analysis and reporting. A consultant team may also be retained to assist Metro staff in this process. This amendment proposes carrying over into FY 2005-06, to the CFO appropriation, a portion of the unexpended FY 2004-05 Council budget to assist with this process. The original amount appropriated was \$50,000, of which \$25,000 is remaining.

<u>DEPARTMENT(S)</u>	<u>FUND(S)</u>	<u>LINE ITEMS</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
<i>Resources</i>				
Office of the CFO	010-General Fund	3500	Beginning Fund Balance	\$25,000
<i>Requirements</i>				
Office of the CFO	610-General Fund	5240	Contracted Professional Services	\$25,000

PROGRAM/STAFFING IMPACTS

This initiative intends to maximize current Metro staff to manage the project and gather and analyze information, while using consultants to assist with facilitation and process management. Staffing impacts include major contributions of time from the Office of the CFO (CFO and Project Manager), the eleven members of the business design team and the department directors.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT (not necessary for technical adjustments)

n/a

OPTIONS FOR FUNDING THIS AMENDMENT – What reductions, credits, changes, or adjustments in other budget/program areas will be necessary to accommodate this amendment?

The funding for this initiative will derive from resources saved in the FY 2004-05 budget to be carried forward. Therefore, this proposal does not demand new funding or elimination of other programs. Funds will come from Materials and Services savings within the Council budget that had been carried over from FY 2003-04 to provide for the strategic planning initiative.

Department	#
MERC	1

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Kathy Taylor

DRAFTER: Cynthia Hill

DATE: 4/19/2005

PROPOSED AMENDMENT:

Estimate capital project carry-over for MERC Pooled Capital Fund

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
Resources MERC	Pooled Capital	BEGBAL	Beginning Balance	1,972,469
		4891	Energy Credit	150,000
			Total Resources	2,122,469
Requirements MERC	Pooled Capital	5720	Buildings & Related (non CIP)	23,000
		5725	Buildings & Related (CIP)	1,493,572
		5740	Equipment & Vehicles (non CIP)	29,000
		5755	Office Furniture & Equipment (CIP)	44,000
		5999	General Contingency	532,897
			Total Requirements	2,122,469

PROGRAM/STAFFING IMPACTS n/a

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT

Provide carry-over appropriation for projects in process at year-end.

The original project estimated for the LEED project was \$1,378,000. Actual Expenditures to date are \$30,042. The carry-over amount for the LEED Certification project has been reduced to \$813,000 as it has been determined that retrofitting the chillers is more cost effective than full replacement and meets environmental goals and allows the ability to reuse existing chillers for more energy efficiency without negative impact from coolant.

Meets environmental goals

- Conserve energy
- Recycle/sustainability
- Refurbish and re-use existing resources

See attached schedule for project detail

OPTIONS FOR FUNDING THIS AMENDMENT

Fund Balance

Attachment to MERC #1

MERC POOLED CAPITAL FUND

Capital Projects Carry-Over and New Projects

<i>Description</i>	<i>Account</i>	<i>Carry-Over Projects 2005-06</i>
OCC		
OCIP Insurance Reserve for OCC Expansion	5725	50,000
LEED Certification - Chiller controls	5725	28,000
LEED Certification - Chiller room ventilation/noise abatement	5725	
LEED Certification - Contingency 10%	5725	
LEED Certification - Replace 198 Toilet/Urinals (auto flush)	5725	125,000
LEED Certification - Replace 250 ton chiller	5725	50,000
LEED Certification - Replace light sensors	5725	10,000
LEED Certification - Replace three 800 ton chiller units	5725	600,000
LEED Certification - ZGF Consulting	5725	
Lobby Signage and Way Finding Kiosks	5725	10,550
Replace AV Equipment Head End Room In current Facility	5725	
Subtotal	5725	873,550
PCPA		
Keller - Phase III Plumbing	5720	13,000
NTB - Newmark Stage Safety Switches	5720	10,000
Subtotal	5720	23,000
ASCH		
ASCH - Boiler Replacement	5725	80,000
ASCH - Carpet Replacement	5725	(100,000)
ASCH - West Entry Remodel	5725	200,000
Keller - Auditorium - Lobbies Upgrade	5725	45,525
Keller - Chiller	5725	250,000
Keller - HVAC Controls	5725	42,253
Keller - Portico Upgrades	5725	102,244
Subtotal	5725	620,022
Keller		
Keller - Rebuild 7' Piano	5740	10,000
Keller - Rebuild 9' Piano	5740	10,000
NTB - Rebuild 7' Steinway Piano	5740	9,000
Subtotal	5740	29,000
ADMIN		
Event Management Software (see Note below)	5755	44,000
Subtotal	5755	44,000
Total MERC Pooled Capital Fund		1,589,572

Department	#
Planning	5

AMENDMENT TO FY 2005-06 BUDGET

PRESENTER: Councilor Rex Burkholder

DRAFTER: Andy Cotugno

DATE: CORRECTED April 28, 2005

PROPOSED AMENDMENT:

Expanded Public Outreach for the 2006-09 Regional Transportation Plan Update.

<u>Department(s)</u>	<u>Fund(s)</u>	<u>Line items</u>		
		<i>Acct #</i>	<i>Account Title</i>	<i>Amount</i>
<i>Resources</i>				
Planning	General Fund (140)	4110	State Grants - direct	\$320,000
<i>Requirements</i>				
Planning	General Fund (140)	5240	Contracted Professional Services	\$352,000
	General Fund (140)	5999	Contingency (local match funding)	(32,000)

PROGRAM/STAFFING IMPACTS:

This amendment would add a public outreach contract component to the Regional Transportation Plan (RTP) update. Staffing impacts would be limited to administering the consulting contract, and participation in outreach activities conducted by the consulting team.

ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT:

Periodic updates to the RTP are mandated by state and federal regulation at regular intervals, with federal updates required every three years and updates for state purposes every five to seven years. The proposed amendment would expand public outreach for the upcoming 2006-09 update to reframe the discussion of public priorities and funding limitations that shape the development of the RTP. The goal is a more streamlined plan that better advances regional policies and public priorities, while adopting more realistic revenue assumptions that have traditionally been used in the RTP.

The expanded outreach activities would be largely conducted by contractors, and occur in 2006. A detailed scope of the activities will be developed through a request for proposals in mid-2005.

OPTIONS FOR FUNDING THIS AMENDMENT:

The expanded outreach is proposed to be funded with a state TGM grant, pending Council approval of a TGM grant application. The amendment also includes a required 10% match in excise funds, funded through a reduction in the General Fund reserves, to complement the anticipated TGM grant. In the event that the TGM application is not approved, the Council will be strongly encouraged to allocate alternative funding through the General Fund reserve.

BALL JANIK LLP

A T T O R N E Y S

ONE MAIN PLACE
101 SOUTHWEST MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525

FACSIMILE 503-295-1058

DANA L. KRAWCZUK

dkrawczuk@bjllp.com

April 27, 2005

BY E-MAIL

Metro Council
Metro Regional Center
600 NE Grand Avenue
Portland, OR 97232-2736

Metro Policy Advisory Committee
Metro Regional Center
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Nature in Neighborhoods – Ordinance No. 05-1077, Resolution No. 05-3577, and Resolution No. 05-3574

Dear Members of the Metro Council and Metro Policy Advisory Committee:

We represent residential developers and thank you for the opportunity to submit written testimony addressing the Nature in Neighborhoods initiative. We were involved in the August 2004 series of hearings addressing the Tualatin Basin Goal 5 Program Report. I have attached a copy of the testimony we submitted during that process, and would like to draw your attention to the issues outlined in that testimony. We hope that many of our concerns have been addressed through the Nature in Neighborhoods initiative, but we have not yet had an opportunity to completely analyze the proposed ordinance, resolutions and supporting materials. We intend to participate in Metro's and MPAC's upcoming hearings (May 12 and May 11), and hope that the process continues to be an open dialogue.

Sincerely,



Dana L. Krawczuk

DLK:DLK

BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525
FACSIMILE 503-295-1058

DANA L. KRAWCZUK

dkrawczuk@bjllp.com

August 9, 2004

BY FACSIMILE AND E-MAIL

Tualatin Basin Natural Resource Coordinating Committee
155 N. 1st Avenue, Suite 350-14
Hillsboro, OR 97214

Re: Testimony for Tualatin Basin Goal 5 Program

Dear Members of the Coordinating Committee,

We represent residential developers and thank you for the opportunity to submit written testimony addressing the Preliminary Draft Tualatin Basin Goal 5 Program Report. We continue to be concerned about the flaws in the ESEE methodology with respect to the urban development value of residential land and the resulting "shrinking" of the UGB, as outlined in the May 20, 2004 Home Builders Association's testimony to David Bragdon (<http://www.homebuildersportland.com/bragdonletter.htm>), which we incorporated into this testimony. However, our testimony today is directed at specific concerns we have with components of the Program Report pending before the Tualatin Basin Natural Resources Coordinating Committee.

1. Correcting Mapping and Resource Characterization Errors.

Metro's inventory of natural resources, which is the basis for the Basin Approach's ESEE analysis and the Allow, Limit, Prohibit analysis and decision (the "ALP decision"), is not based on a site specific analysis of each resource. Instead, Metro and the Tualatin Partners are relying on aerial photos. As could be expected from relying on an imprecise inventorying method, the record is replete with comments from property owners that there are mistakes in the inventory. Metro has made some overtures about allowing maps to be corrected during the coming months, but no details have been provided. Allowing mapping corrections while the regulations are being drafted is a step in the right direction, but there must be a mechanism for correcting the inventory maps after the Goal 5 program has been adopted.

It is undisputed that many property owners have not received notice of the Goal 5 regulatory program, or that their property has been inventoried. As a result, property owners will not be able to take advantage of the currently undefined opportunity to correct mapping errors during the next few months. Instead, property owners throughout the region will learn of

Tualatin Basin Natural Resources Coordinating Committee

August 9, 2004

Page 2

mapping mistakes only once the Goal 5 program is implemented and the property owner attempts to develop their property. Residential developers are particularly concerned about this scenario because we do not own or control the property that will be developed in the future. For example, if an owner of a 20 acre property in Washington County that is incorrectly mapped to include a Goal 5 resource did not receive notice of the Goal 5 program, they would be unable to correct the mapping error. A residential developer may be interested in that property 3 years after the Goal 5 regulations are implemented, but under the proposed regulatory scheme there would be no way for the property owner or the developer to refine the inventory map to reflect a site specific scientific analysis of the resource.

As part of the IGA between the Tualatin Partners and Metro, the Tualatin Partners agreed to accept Metro's aerial photo based inventory, despite reservations about the accuracy of the inventory. However, the Tualatin Basin Natural Resource Coordinating Committee has the ability to include in its recommended program a mechanism for correcting mapping errors. The proposed Basin Approach provides for site specific resource delineation, similar to the procedure utilized by Clean Water Services, when proposed development or redevelopment activity may impact the buffer area of the mapped resource. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, page 3-3. The ability to delineate the resource is a step in the right direction, but property owners must also have the ability to address the quality of the resource on a site specific basis. Similarly, once existing resources are enhanced or new resources are created through mitigation, the boundary and/or level of a resource should be amended to reflect the changes to the site. For example, Hillsboro's existing Significant Natural Resources Overlay District allows for the modification of the boundary or level of an inventoried significant natural resources based on information obtained as part of a site specific mitigation. HZO §131A(15).

If the inventory is mapped incorrectly, the basis for the ESEE analysis and ultimate regulatory program is undermined. Both Metro and the Tualatin Basin Natural Resource Coordinating Committee should strive to rely on the best scientific information available to analyze the presence of natural resources on properties throughout the region, which is consistent with OAR 660-023-0030, to ensure the integrity of the regulatory system.

2. Ability to Provide Required Buildable Lands Capacity and Commitment to Expansion of the UGB

In December 2002 Metro expanded the UGB – a decision that is still winding its way through the appeal process. The proposed Goal 5 regulations will reduce or eliminate the development potential of land that was considered available for housing during the 2002 UGB expansion process. Of the vacant land available for residential development in Metro's jurisdiction, over half has been inventoried as habitat. Figure 4-2 of the April 2004 DRAFT: ESEE Phase II Analysis. Although density transfers may accommodate some of the lost housing capacity, Metro will no longer be in compliance with the statutory requirement to maintain a 20-year supply of buildable land. ORS 197.299(2)(a). We support the recommendation to

Tualatin Basin Natural Resources Coordinating Committee
August 9, 2004
Page 3

categorize land that was recently brought into the UGB as "Other Urban" rather than "Future Urban" has one method of preserving the housing capacity created by the 2002 UGB expansion.

In order to ensure the vitality of the housing market in the Metro area, including affordable housing, the Goal 5 program must be accompanied by a commitment to analyzing the supply of buildable land and expanding the UGB. Such a commitment would likely diffuse some of the opposition to the Goal 5 program, and may lead to the avoidance of an appeal of the Goal 5 regulations.

3. **Relying on Enhancement of Existing Resources as Mitigation**

A. Enhancement as a Mechanism for Mitigating Encroachment into Resource Areas

Enhancement of existing degraded natural resources is an effective way to enhance the environmental health of riparian and upland habitat areas. Mitigating the encroachment into resources areas by enhancing existing resources, rather than creating new resources through on-site replacement, will preserve developable land for housing and jobs and reduce the amount of rural land that will need to be brought into the UGB. Therefore, enhancement should be a tool that developers can use for required mitigation. Under the proposed Basin Approach it is not clear if a developer can rely exclusively on enhancement as mitigation, or if only on-site replacement or fee-in-lieu of on-site mitigation can be utilized for mitigation. We support allowing a development to rely exclusively on enhancement of existing resources as mitigation for encroachment into a resource area.

B. Mitigation Credit for Enhancement within the Vegetated Corridor

A stated objective of the Basin Approach is to ensure that the resource protection measures (i.e. mitigation, permits etc.) are not duplicative of existing environmental regulations and programs such as CWS, DSL and EPA standards. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, pages 2-4 and 2-5. However, the current Basin Approach will not allow mitigation credit for on-site enhancement of degraded resources area that are within the vegetated corridor that is regulated by Clean Water Services. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, pages 3-8 and 3-9. Not allowing mitigation credit for enhancement within the vegetated corridor is inconsistent with the objective to avoid duplicitous regulations and will create additional economic burdens to property owners and developers.

4. **Flawed ESEE Analysis**

As described above, we continue to assert that the economic value of residential development has been underrepresented in the ESEE analysis. We are also concerned that the economic and social components of the ESEE analysis did not adequately consider key issues, which are discussed below.

Tualatin Basin Natural Resources Coordinating Committee

August 9, 2004

Page 4

A. Reduction in tax base

The additional restrictions on development under the Goal 5 regulations will reduce the value of property throughout the region, which means that less property tax will be generated.¹ Additionally, the economic burden on development created by the Goal 5 regulations (i.e., increased SWM fees, high mitigation costs, expense of LID measures and expenses related to retaining environmental professionals) will dissuade existing businesses from expanding and will keep new businesses from locating in the Metro area – another significant reduction in the tax rolls. In Washington County, 49.0% of taxes support schools, 17.6% supports Washington County, 15.6% support special districts, 15.1% supports cities and 2.7% supports regional government. During the economic downturn of the past few years we have seen the social impacts of a decreased tax base on schools, social services and local governments. The reduction in the tax base attributable to the Goal 5 regulations will exacerbate the decline in services, which is a social and economic impact that was not adequately considered in the ESEE analysis.

B. Affordable Housing

As proposed, the Goal 5 program will significantly increase the cost of building homes and that cost will be passed along to homebuyers. The increase in the cost of building homes stems from the reduction in the buildable lands capacity, the costs associated with retaining professionals to help navigate the Goal 5 regulations, expensive mitigation requirements and LID requirements. The social component of the ESEE analysis did not adequately reflect the impact of the reduction in affordable housing.

5. Consistent and Coordinated Implementation of Goal 5 Regulations and Other Environmental Regulations

A significant concern for residential developers is having all environmental regulatory programs applied consistently and efficiently. The July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report discusses in very general terms the goal of coordinated

¹ While density transfers can be used for reduced densities, only about 75% have been used due to market demands for detached vs. attached housing. Therefore, about 25% of density is lost due to increased buffers etc. and the value of these densities can be valued on a price per lot, currently very high. With properties that have no development potential, the value of buffer land or neighbor-to-neighbor land that would be restricted from development is still valued at rates from \$5,000 per acre to as much as \$80,000 per acre according to sales that have been confirmed in the Metro area. For properties that have no development potential, appraised values reflect a range of \$5,000 to \$10,000 per acre. The accepted average value of a developable acre in Washington County is \$400,000 per acre.

Tualatin Basin Natural Resources Coordinating Committee

August 9, 2004

Page 5

reviews of environmental regulations (i.e. CWS, DSL and EPA), but specific details are not provided. Additionally, the draft does not commit to providing additional staffing support or other resources to ensure that coordination and consistency can be accomplished. The draft also does not elaborate on the timing and method of implementing the Goal 5 regulations. It is imperative to the development community that sites subject to multiple jurisdictions (i.e. CWS, City and Metro) have natural resource protection regulations applied consistently.

6. Low Impact Development (LID) Techniques Should be Voluntary and Should be Eligible for Resource Mitigation Credit

The requirement to utilize Low Impact Development (LID) techniques appears to apply to development in resource areas throughout the Basin, regardless of the designation of the resource. Given that the Tualatin Basin Steering Committee has acknowledged, “[g]enerally, impacts on significant habitat resources from conflicting uses will be lower in areas zoned for lower densities and lower intensity land uses (such as single family residential areas),” the necessity for requiring LID techniques for all development is questionable. August 9, 2004 memo from Tualatin Basin Steering Committee to Tualatin Basin Natural Resources Coordinating Committee, page 5. Mandating LID techniques for all development in resource areas is redundant, considering the level of other protection and enhancement measures proposed through the Basin Approach (more resource area is protected, increased mitigation requirements, doubling of SWM fees). For these reasons and the expense of utilizing LID techniques (in addition to the increase in SWM fees, mitigation expenses and reduction in developable land), we request that the LID techniques be voluntary and eligible for mitigation credit.

7. Alteration of the Floodplain Should be Allowed

Based on the mapping that is available, it appears as if all floodplain areas have been inventoried as a resource, and that new limitations on developing within the floodplain will be imposed. While some floodplains may have resource value, not all floodplains are resources. We request that development continue to be allowed to alter the floodplain, so long as the flood storage area remains the same.

8. Farm and Forest Tax-Deferred Property Should be Subject to the Rural Program in Chapter 5

The July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report imposes separate regulatory schemes for urban and rural areas. The urban program in chapter 3 of the report applies to property within the UGB and within one mile of the UGB, and rural program in chapter 5 applies to the property in the county that lies beyond the one-mile UGB buffer. The rural program acknowledges that Washington County does not have land use authority over farm and forest practices, so both current land use regulations and any regulations passed under Goal 5 will apply to non-farm and non-forest activities only. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, pages 5-1. Not all properties that are used for

Tualatin Basin Natural Resources Coordinating Committee

August 9, 2004

Page 6

farm and forest practices are located a mile from the UGB. Instead, many properties within the UGB enjoy tax deferral based on the active farm or forest activities. Therefore, the proposed geographic delineation for urban and rural programs is flawed. Properties that are in rural use, even if located within the UGB or within one mile of the UGB, should be subject to the rural program. We request that properties that are taxed deferred for farm or forestry use be considered rural so that the applicable Goal 5 regulations will apply to non-farm and non-forest activities only.

9. Handling of Utilities and Planned Transportation Improvements

We support the current proposal that the regulations would establish specific uses that should be permitted in resource areas due to overriding public benefit, such as the installation or maintenance of utilities, planned transportation improvements, and certain recreation activities. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, page 3-3. We encourage the Tualatin Basin Natural Resource Coordinating Committee to ensure that any mitigation requirements for the installation of public improvements not be exorbitant.

10. Lack of Detail and Opportunity for Meaningful Participation

Imposing a new regulatory scheme over an entire region is a daunting task, but unfortunately the public outreach efforts have fallen short of being effective. Several property owners have testified that the only notice of the impending regulations on their property came from neighbors. Additionally, the materials provided to date have been lacking in detail on many substantive issues and the materials have been provided without adequate notice (i.e. the 60+ page staff report for the Monday, August 2, 2004 hearing was available late in the day on Friday, July 30, 2004). For example, the basis for the "Option-1b Cost Factors" for fee-in-lieu of mitigation is not provided in the July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report. Without the basis for the calculations, interested parties are not able to analyze the reasonableness of the fee and provide substantive testimony on the matter. The lack of detail and lack of notice create significant hurdles to meaningful participation in the regulatory process.

Thank you for considering the issue outlined in this and previous testimony. The scope and impact of the Goal 5 regulatory program is expansive. At this time there continues to be questions and gaps in the analysis of the economic impacts that the Basin Approach will have throughout the region. We request that serious consideration be given to more than the "environmental" component of the ESEE analysis and that the Tualatin Partners recommend a reasonable program that will not have a crippling economic effect.

Sincerely,



Dana L. Krawczuk



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Oregon Fish and Wildlife Office
2600 SE 98th Avenue, Suite 100
Portland, Oregon 97266
Phone: (503) 231-6179 FAX: (503) 231-6195



04/2805c-04

APR 27 2005

Reply To: 6503.4100
File Name: Goal 5 Res 05-1077, 05-3574 and 05-3577.doc
TS Number: 05-1937

Metro Council
600 NE Grand Avenue
Portland, Oregon 97232

Dear Council President and Councilors:

The Fish and Wildlife Service (Service) is submitting these comments on Resolutions No. 05-1077, 05-3574, and 05-3577. The purposes of these Resolutions are to 1) amend the Regional Framework Plan and the Urban Growth Management Functional Plan relating to Nature in Neighborhoods, 2) establish a regional habitat protection, restoration and greenspaces initiative called Nature in Neighborhoods, and 3) approve the Tualatin Basin Natural Resources Coordinating Committee's Fish and Wildlife Habitat Protection Program as part of the regional Nature in Neighborhoods program, respectively. The Nature in Neighborhoods program is intended, in part, to serve as Metro's regional approach for protecting fish and wildlife habitat under Oregon Statewide Planning Goal 5.

GENERAL COMMENTS

Metro has identified an impressive array of innovative strategies for protecting and restoring habitat, and educating and involving the public in conservation actions. Your commitment to providing regional leadership, coordination, and support across Metro programs is likely to have a tremendous impact. Taking responsibility for monitoring and reporting is another key component of your regional program. We hope this will lead to a robust data collection and analysis effort that can be used to identify successes along with any shortcomings of the initiative, and that Metro will work with its stakeholders to make improvements over time, as needed.

SPECIFIC COMMENTS ON EXHIBIT A TO RESOLUTION NO. 05-1077

We have completed a preliminary review of the Resolution, and appreciate the progress Metro has made in developing a diverse and flexible program. The recommendations below are focused on the limitations and additional opportunities we see for achieving the program goals.

Section 3.5

We recommend adding a provision that relates to the contributions local public lands can and do make toward the protection of natural areas and fish and wildlife habitat, similar to section 3.3.4 for the Regional System.

Section 4.18

In this section, it appears that the primary purpose is to conserve, protect, and enhance water quality, and there is much less emphasis given to the other factors associated with fish and wildlife habitat. We recommend changing the last sentence to, "Metro shall establish standards to conserve, protect, and enhance fish and wildlife habitat in order to also conserve, protect, and enhance and water quality."

Exhibit C, Section 1, B.

Because the Nature in Neighborhoods program has not been *specifically* developed or approved as being compliant with federal regulations, we recommend changing this section to read, "Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable Region 2040 communities, supporting a strong economy, and supporting the intent and purposes of complying with federal laws including the Clean Water Act and the Endangered Species Act;"

Exhibit C, Section 2, B, 2 and Exhibit C, Section 6.

These sections discuss areas to be brought into the Metro Urban Growth Boundary in the future. We support the additional habitat protection in future urban growth boundary expansion areas to include Class A and B upland habitats. In addition, we recommend that all regionally significant riparian areas (Riparian Class I, II, and III) be protected per an earlier Metro Council decision, since these areas taken collectively comprise the existing riparian and stream habitats and are contributing the numerous functional values needed to protect those habitats over time. The loss of these areas would diminish the quality of habitats that remain, and they are worth preserving and restoring for their multiple benefits to fish, wildlife and the public. (See also comment below for Exhibit C, Section 6, C and Table 3.07-13b.)

Exhibit C, Section 3, B, 5.

See comments on Resolution 05-3577.

Exhibit C, Section 4, A, 5.

The region's publicly-owned parks and open spaces provide some of the highest value habitats, and acquisition is an important habitat protection tool. We strongly support this provision, and further recommend adding a provision that would require the same types of practices on all other public lands (i.e., lands not specifically designated as "natural areas"), wherever practicable, in order to maximize the contributions local governments can make to support the region's habitat protection efforts.

Exhibit C, Section 4, D, 5, b, i.

Many colleges and universities, such as those listed, have open spaces on their campuses that provide significant fish and wildlife habitat. We believe they can and do make important contributions towards protecting and restoring the region's habitats, and many of these institutions are actively engaged in related environmental education, outreach and data collection efforts. Several of the listed facilities have been Greenspaces Program grant recipients and project partners, and have implemented on-the-ground habitat restoration projects and field studies. Therefore, rather than reducing the level of habitat protection required at these facilities, we ask that Metro help them to maximize their many potential contributions to the Nature in Neighborhoods program.

Exhibit C, Section 5, A, 2.

The list of implementation objectives should include an item that follows the key elements of the program from the performance objectives. Specifically, an implementation objective should be included that discusses the preservation and improvement of fish and wildlife habitats listed under "1" above.

Exhibit C, Section 6, C and Table 3.07-13b.

We recommend that Riparian Class I, II, and III and Upland Class A and B habitats be protected as high value habitats with low development value wherever possible at the outset, before a new suite of 2040 Design Types are applied to areas as they are brought into the Urban Growth Boundary. This could help

to avoid conflicting uses and more adequately protect habitat up front, rather than triggering difficult trade-offs and reducing overall habitat protection that will be needed to meet the goals of the program.

Exhibit C, Section 7, Table 3.07-13e, 1c.

The target for floodplains allows for a significant amount of development and loss of important floodplain habitats and functions over a very short time period. Rather than aiming for no more than a 20% increase in developed floodplain acreage in each subwatershed over the next 10 years (2015), we recommend changing the target to "no net loss of floodplain acreage." This target would support the program goals as well as strategies Metro has identified to protect and restore floodplains with Federal Emergency Management Agency grants and through other programs. Certainly, if it is worth purchasing developed lands and finding other mechanisms to restore floodplains, it should be worth protecting those floodplains that still exist (i.e., protect the best, restore the rest).

Exhibit D, Amendment 9, Definitions

"Ecological functions" involve processes that are not completely described as "characteristics." As an alternative, you might consider changing the first sentence to, "The work performed or roles played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments and the characteristics of healthy fish and wildlife habitats." (Modified from King County's Shoreline's glossary.)

"Invasive non-native or noxious vegetation": The list of known and present invasive species is continually changing. For that reason, we recommend making reference to the Metro Native Plant List, without treating it as a static document or sole source of information. The Oregon State Noxious Weed List maintained by the Oregon Department of Agriculture should also be mentioned. This comment also applies where "Metro Native Plant List" occurs elsewhere throughout the document.

We support the Goal 5 Technical Advisory Committee and Water Resources Advisory Committee recommendations for revising the definition of "Practicable" by removing the newly added clause, "that would result in a reduction in the fair market value of the property to which the requirement is applied shall not be considered practicable," and using the federal definition that includes consideration of the environment. Specifically, we recommend the following definition of "Practicable," which is used in both the National Environmental Policy Act of 1969 (as amended) and the Service's mitigation policy: "Practicable means capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors such as environment, community welfare, cost, or technology." This recommendation also applies where a reference to "reduction in the fair market value of the property" is made elsewhere in the document (e.g., under "Exhibit E, Section 8, E. Approval Criteria").

Exhibit E, Section 4, C, 16.b.

Metro should promote the use of its Green Trails guidebook. The guidebook is an excellent resource about building environmentally-friendly trails, and locating them so that the integrity of fish and wildlife habitat is protected.

Exhibit E, Section 7, D, 2, b.

This provision allows for on-site stormwater facilities to be included within the HCA as long as forest canopy is not removed. We recommend broadening this provision to extend to all native vegetation (i.e., not just trees), and adding that existing wetlands shall not be impacted or used for stormwater management. Extensive research has shown that stormwater directed into wetlands typically leads to

severe habitat degradation (or reduced restoration potential) due to changes in both water quality and quantity.

Exhibit E, Section 8, E, 4, b.

We recommend increasing the mitigation ratios in Table 9 to 2:1 for "High," 1.5:1 for "Moderate," and 1:1 for "Low" in order to reach the overall program goal "to conserve, protect and restore..."

Exhibit E, Section 8, E, 4, c.

We recommend deleting mitigation Option 2. While we strongly support the reduction of effective impervious area (EIA) for both water quality and habitat benefits, this option does not address the many other important issues associated with fish and wildlife habitat protection (i.e., the functions used to develop Metro's Goal 5 inventory). In addition, the additive benefits of allowing this type of mitigation option, considering potential outcomes on-the-ground with and without the option, are uncertain. For instance, it is possible that some land uses may already be typified by the ranges of EIA given. Without additional analysis, the extent to which this alternative would help to effectively achieve the overall program goals is questionable.

SPECIFIC COMMENTS ON EXHIBIT A TO RESOLUTION NO. 05-3574

This Resolution provides the framework for a variety of regional conservation efforts under an umbrella called the Nature in Neighborhoods program. The following comments are focused on our recommendations for further addressing fish and wildlife habitat conservation needs in the region.

1. Habitat-friendly development practices

- In the past, the Metro Council has expressed its commitment to addressing regional stormwater management and watershed planning as next steps after Goal 5. We believe there are still many outstanding opportunities for improving urban watershed and stream hydrology and health through innovative stormwater management practices. Metro could provide a great service by bringing its local stakeholders together to identify the best strategies available, and promoting their use across the region as "habitat-friendly development practices."
- As you know, allowing for wildlife movement across urbanized areas is no easy task, and transportation corridors pose major blockages and hazards to wildlife. Therefore, we strongly support the idea of incorporating habitat priorities into regional transportation funding opportunities. We recommend that Metro change the wording in footnote 3 from "could" to "will," and add that efforts will be made to identify, protect, and incorporate wildlife corridors into development and transportation projects and monitor their effectiveness.

2. Restoration and stewardship

- Numerous public, private and non-profit organizations are actively engaged in stewardship, restoration and educational activities throughout the region, as evidenced through our Greenspaces Program partnership with Metro and its highly successful grant programs. We recommend acknowledging the many conservation partners and their activities in place of the last sentence in the first paragraph.
- Footnote 5 mentions "USFWS Conservation and Restoration funds." However, that program was funded through our Greenspaces Program partnership with Metro along with the Environmental Education grant program, and is no longer available.

3. Acquisition

- Seeking Federal Emergency Management Agency grants to purchase floodplains and remove development from floodplains is a worthy effort. However, this strategy should be used in conjunction with regulations that do not allow new development in floodplains. Otherwise, large expenditures of public resources could be spent acquiring and restoring floodplains while the benefits are undermined as currently functional floodplains continue to be lost to development.

4. Flexible development standards for streamside habitat and new urban areas

- As mentioned earlier, we support the additional habitat protection in future urban growth boundary expansion areas to include Class A and B upland habitats. Further, we recommend that all regionally significant riparian areas (Riparian Class I, II, and III) be protected, since these areas taken collectively comprise the existing riparian and stream habitats and are contributing the numerous functional values needed to protect those habitats over time. The loss of these areas would diminish the quality of habitats that remain, and they are worth preserving and restoring for their multiple benefits to fish, wildlife and the public.

5. Monitoring and reporting

- Monitoring and reporting will be a key program element for expanding knowledge about ways to protect habitat in urban areas, and for continually improving the effectiveness of urban habitat conservation efforts. This information will be useful not only locally, but elsewhere across the nation. We hope Metro and its partners will develop and implement a comprehensive program that includes both GIS-based monitoring, as well as field studies that can be used to validate and improve GIS data and computer modeling.

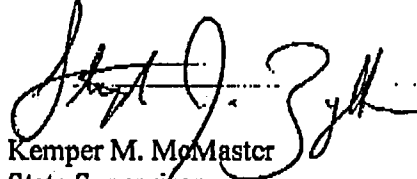
SPECIFIC COMMENTS ON RESOLUTION NO. 05-3577

We have reviewed the Tualatin Basin Natural Resources Coordinating Committee's March 2005 revised recommendation for fulfilling obligations related to their intergovernmental agreement (IGA) with Metro for the regional Goal 5 program. We strongly support the commitments those involved in the Tualatin Basin partnership have made for implementing a host of non-regulatory strategies and identifying resources that may be dedicated toward conservation efforts within their jurisdiction. However, we are concerned about the fact that they are not proposing to meet Metro's baseline level of regulatory protection for Riparian Class I and II habitats that is proposed for the rest of the region.

The Tualatin Basin approach relies on existing regulatory programs that were primarily designed for water quality, supplemented with non-regulatory efforts, to address the needs of fish and wildlife. However, streams and their associated riparian areas and floodplains must be physically protected in order to provide habitat and ecological functions. Working to improve the quality of habitat that remains (e.g., by focusing Healthy Streams Project funding on Riparian Class I and II habitats), while it continues to become even further reduced in extent, is not likely to achieve the goals of the program or maintain existing conditions. It is even less likely that habitat would be improved as a result, which is a primary objective specified in the IGA. Therefore, we recommend that Metro hold the Tualatin Basin to the same minimum baseline regulatory standards as other areas throughout the region in place of proposed condition "2. c" in the Resolution. We believe the other exceptions for substantial compliance identified on pages 7 and 8 in Metro's staff report for the Resolution have captured additional important outstanding issues. We support the proposed conditions included in the Resolution to address those issues and gaps.

Thank you for considering these comments. If you would like to discuss any of these issues further, please contact Jennifer Thompson of my staff at (503) 231-6179.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kemper M. McMaster", written over a horizontal dashed line.

&c

Kemper M. McMaster
State Supervisor

04/28/05 cos

Agenda Item Number 6.1

Resolution No. 05-3553, For the Purpose of Amending the 2004-07 Metropolitan Transportation Improvement Program (MTIP) to Eliminate the Interstate Avenue – MLK Boulevard Advanced Transportation Management System (ATMS) Project, Create an 82nd Avenue ATMS Project and Reallocate Funds

Metro Council Meeting
Thursday, April 28, 2005
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2004-07)
METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM (MTIP) TO ELIMINATE)
THE INTERSTATE AVENUE – MLK BOULEVARD)
ADVANCED TRANSPORTATION MANAGEMENT)
SYSTEM (ATMS) PROJECT, CREATE AN 82ND)
AVENUE ATMS PROJECT AND REALLOCATE)
FUNDS.)

RESOLUTION NO. 05-3553

Introduced by
Councilor Rex Burkholder

WHEREAS, the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) approved the award of \$550,000 in regional flexible funds for the design and implementation of Advanced Transportation Management System (ATMS) improvements in the Interstate Avenue corridor; and

WHEREAS, ATMS projects provide real-time monitoring of traffic for congestion and incident detection, coordination of traffic signals, notice to emergency responders and rapid clearance of incidents, and real time information to travelers regarding travel conditions to facilitate decisions about time of travel, route choice and mode; and

WHEREAS, implementation of the Interstate Avenue MAX project has since provided the ATMS benefits of signal coordination and fiber communication to the City’s central signal operations system; and

WHEREAS, land use changes and street design changes on Interstate Avenue and MLK Jr. Boulevard has limited the utility of traveler information services to guide motor vehicle traffic to Interstate Avenue as an alternative to Interstate-5; and

WHEREAS, the 82nd Avenue corridor is located parallel to the I-205 interstate freeway but there is currently little coordination between the city of Portland and the Oregon Department of Transportation’s ATMS infrastructure of these two facilities; and

WHEREAS, the potential for ATMS benefits of travel time and energy savings and air quality benefits are greater in the 82nd Avenue corridor; now, therefore

BE IT RESOLVED, the 2004-07 Metropolitan Transportation Improvement Program (adopted December 11, 2003 by Metro Resolution No. 03-3381A FOR THE PURPOSE OF APROVING THE 2004-07 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA) is amended to eliminate the Interstate Avenue – MLK Boulevard ATMS project, add the 82nd Avenue ATMS project and program funding in the amount of \$550,000 for the federal fiscal year 2005; and,

BE IT FURTHER RESOLVED, the award of these funds is conditioned on the City of Portland providing air quality benefit data upon project implementation for federal reporting purposes.

ADOPTED by the Metro Council this _____ day of _____, 2005.

David Bragdon, Council President

APPROVED AS TO FORM:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3553, FOR THE PURPOSE OF ELIMINATING THE INTERSTATE AVENUE – MLK BOULEVARD ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT, CREATING AN 82ND AVENUE ATMS PROJECT AND REALLOCATING FUNDS.

Date: March 24, 2005

Prepared by: Ted Leybold

BACKGROUND

In the 2000 Transportation Priorities process, JPACT and the Metro Council awarded \$550,000 (federal share) to the Interstate Avenue – Martin Luther King Jr. Boulevard Advanced Traffic Management System (ATMS) project. With the completion of the Interstate MAX project and changes to street design and land use plans along MLK Jr. Boulevard, conditions in this corridor for the potential benefits of an ATMS project have changed. Portions of the integrated signal coordination system that leads to smooth traffic progression and transit priority treatments were implemented as part of the MAX project. The potential function of Interstate Avenue and MLK Jr. Boulevard as an alternative to Interstate 5 for motor vehicle traffic during congested periods has changed, reducing the utility of the traveler information component of the ATMS project.

The 82nd Avenue and Interstate-205 corridor presents a stronger opportunity to realize the benefits of an ATMS project. An integrated signal coordination system, traveler information program and transit priority treatment system has a great potential for improving air quality and traffic flow. Implementing 82nd Avenue with ATMS improvements will provide flexible control over operation of the traffic signals in the area. This flexibility will allow better support work proposed by ODOT and TriMet on I-205 and I-205 light rail improvements.

The southern terminus of the project is located just north of the Clackamas County line. ODOT and Clackamas County will plan to connect to this fiber link. The incident plans will reflect the total 82nd corridor, not just the piece in Portland.

The project is a part of the Portland Transportation System Plan and the 2004 Regional Transportation Plan and as part of the outreach activities associated with the development of those plans, has met the public outreach requirements of the Transportation Priorities process.

The project improvements are not intended to divert recurring congestion from I-205 to 82nd. Instead the ITS devices allow better management of traffic that currently diverts from I-205 during incidents. The ITS devices facilitate diversion of the incident traffic back to the freeway after the traffic bypasses the bottleneck, thereby helping 82nd traffic operation.

The 82nd Avenue project is already in the Regional Transportation Plans financially constrained system and has therefore been conformed for air quality as a part of that plan. As the project does not construct new motor vehicle capacity, and funding of the project through the MTIP is consistent with implementation horizon assumed in the RTP air quality analysis, the project does not require a separate conformity analysis for inclusion in the MTIP.

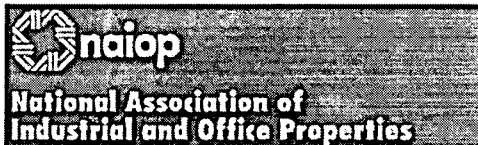
Furthermore, traffic flow improvements consistent with National ITS architecture are eligible CMAQ activities. As this project meets criteria for consistency, it will be programmed for CMAQ funds, contingent on consultation with federal air quality agencies and an assessment of emissions reduction.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** This resolution amends the 2004-07 Metropolitan Transportation Improvement Program (MTIP) as adopted by Metro Resolution No. 03-3381A (FOR THE PURPOSE OF APPROVING THE 2004-07 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA, adopted December 11, 2003) to eliminate the Interstate Avenue – MLK Boulevard ATMS project, add the 82nd Avenue corridor ATMS project and program \$550,000 of federal funds to the project in FFY 2005.
3. **Anticipated Effects** Adoption of this resolution is a necessary step to allow the expenditure of regional flexible funds on the 82nd Avenue corridor ATMS improvements.
4. **Budget Impacts** Adoption of this resolution has no effect on the Metro budget.

RECOMMENDED ACTION

Metro Council approve Resolution No. 05-3553.



Greg Manning
NAIOP Public Affairs Committee Co-Chair
Phone: (503) 534-3334
Email: gjmanning@firsthorizon.com

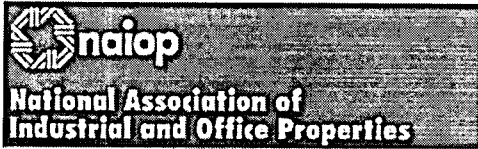
Nature in Neighborhoods Hearing Testimony: April 28, 2005

Good afternoon Council President Bragdon, Councilors and Metro Staff. My name is Greg Manning. I reside at 7238 SW Capitol Highway, Portland.

I'm speaking on behalf of the Portland Chapter of NAIOP, the National Association of Industrial and Office Properties.

Our members are the developers, realtors, and related companies, who create and manage the properties where many of us work every day.

In partnership with CREEC, our group has watched the evolution of Metro's Goal 5 program, and now the broader Nature in Neighborhoods initiative. We appreciate Metro's effort to develop a more balanced approach to urban habitat protection, including education, incentives, land acquisition, and regulation. Through its own initiative, Portland's real estate community embraces habitat-friendly approaches, including LEED certification and low impact development.

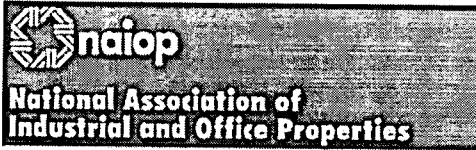


Supporting and strengthening these efforts should be - and is - a focus of Nature in Neighborhoods. We particularly appreciate your providing both certainty of a property's development potential, and alternative performance measures, if an owner wishes to go beyond "safe harbor" standards.

Much of our members' activity is focused on the West Side and its technology employment base, thus we also support the research and conclusions of the Tualatin Basin program. Tualatin Basin concluded that current Title 3 water quality regulations achieve the development regulatory needs of the State's Goal 5 planning rule.

We recognize that Metro has carefully reevaluated the regulatory component of Nature in Neighborhoods, and is proposing acceptance of the Tualatin Basin standards within that group's jurisdiction. Our members believe too that local jurisdictions are best suited to determine regulations needed to protect their specific resources.

We ask that the Council reconsider new development regulations in riparian areas within Metro's **overall** jurisdiction, given potential economic impact to property value, jobs, and taxation, especially in light of the limited supply of readily-developable land within the UGB.



If development potential is restricted, we ask that you ensure a 20-year supply of employment land through UGB expansion in development-ready areas. In the same context, we ask that you consider the exclusion of economically significant Port of Portland acreage from new regulatory action.

Again NAIOP greatly appreciates the effort of Metro staff and the Council to balance the needs of fish and wildlife habitat with the needs of your many constituencies throughout the metropolitan area.

Thank you.

042805c -07

What is the Nature in Your Neighborhood?

Adapted from "People in Your Neighborhood" by Jeffrey Moss

Lyrics by Mitch Luckett and Jim Labbe

Intro - Mitch & Jim

What is the nature in your neighborhood?
In your neighborhood?
In your neighborhood?
What is the nature in your neighborhood.
Near the places that you live and play?

Verse - Mitch and Jim

Oh, if you're not in such a harried rush.
You may spy a varied thrush
And if you pause a moment or two
She'll sing a song to you.

Chorus - Everybody

Varied Thrush is a bird in our
neighborhoods
In our neighborhoods.
She's in our neighborhoods.
Let's keep thrushes in our neighborhoods.
Near the places that we live and play!

Verse - Mitch and Jim

Mr. river otter, he knows the way.
In the healthy creeks and streams he plays.
Otter dives and swims the whole day through
Having fun with friends just like you.

Chorus - Everybody

River otter is a mammal in our the
neighborhood
In our neighborhoods.
He's in our neighborhoods.
Let's keep otter in our neighborhoods.
Near the places that we live and play!

Verse - Mitch and Jim

In the Willamette the salmon still swim
Finding shade under an old tree limb
And in your local creek or brook
You still may find a royal chinook!

Chorus - Everybody

'Cause salmon are a fish in our neighborhoods
In our neighborhoods
They're in our neighborhoods
Let's keep the salmon in our neighborhoods
Near the places that we live and play!

Verse - Mitch and Jim

A floodplain can be a wild place.
If we give the streams and rivers space.
And when the big floods come again
With homes dry and safe we all do win!

Chorus - Everybody

So, let's keep some nature in the
neighborhood!
In the neighborhood.
In the neighborhood.
Our kids will need some nature in their
neighborhoods!
Near the places that we live and play!

Verse - Mitch and Jim

Headwaters, they can deliver
Clean water to our streams and rivers
And if we protect them at their very best
There will be hope we can restore the rest.

Chorus - Everybody with feeling!

So, let's keep some nature in the neighborhood!
In the neighborhood.
In the neighborhood.
Our kids will need some nature in their
neighborhoods!
Near the places that we live
-In the places that we give-
In the places-that-we-live-and-plaaaaaaaay!
(sustain)

Date: April 28, 2005

042805c-08

To: Metro (Regional Services)
c/o David Bragdon and Council
@ 600 Northeast Grand Avenue
Portland, Oregon
97232-2736
ph 503-797-1546 Fax 503-797-1793

From: Michael H. Kepcha
39215 N.E. 28th st
Washougal, Washington
(Bear prairie, Skye(Skye Family Homestead District))
98671-9504
ph 360-837-3922

Subject: Address to Metro Council at Open Topic--Citizens
Communications 3 minute with the Metro Council!

Topic is plural Topics as follow;

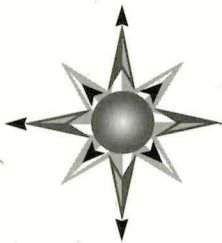
- * Regional NASCAR Track, Proposals and Proposers!
Loser Proposers, the Portland Dome, PSU bi-use Stadium, Build and Maintain Baseball Fan Interest with Class A, AA, AAA, Farm Teams, Use World League Foot to Establish a NFL-AFL Expansion Team, The Blazer NBA thing, the Hockey League attempts to become a Expansion Team these people Rolled Over the Buckeroo's into the Blazer's the Wanta WCL Soccer thing another Trojan Horse for a Stadium, it's the same under financed people tiring to pass the capitalization cost off onto the Public and then skim the cream-milk the cash cow using dupe shills!
- * Portland Meadows, Off Track Betting, Casino, Option.
- * Gamble-ing, Metro Portland has been Targeted! By Whom!
- * The West Coast San Fransisco, Seattle, Vancouver B.C., and Portland's 1950's Organized Crime, Vancouver, Wa. expirence with low limit Card Games and the formation of organized crime in the 1970's!
- * Public Notice on Transportation Issues were missing!
The National Conference hosted by Metro, I-5 Bridge!
- * I was not at Metro about it's Budget Process, it's bad!
Metro is Micro Managing not just the budget that's bad!
(Clark County, City of Vancouver use to do it right!!)
Both Jurisdictions use to have exceptional people who were empowered to use their knowledge and talents, they were rocking the boat the Status Quo Political Agenda's they got axed for making non-Political Fact Decisions!
- * Metro needs to hold and open Forum, taking a page from the Republican PAC's, and John Dean and John Kerry!
- * Metro needs to redefine its relationship with the Community, there are Glaring Problems in this community
- * There are three proposals before the PDC about the redevelopment of property along the Burnside Bridge on Portlands East Side I sent former Mayor Vera Katz a visioning packet of what could done on Portlands East Side. These PDC Proposals non starters by comparision!
The vision I set forth was a 3 or 4 story decks level with the bridge ramps running from Holgate Blvd. to Burnside from MLK/Union Ave out over the RxR an I-5 Flying out over the Willamette River!



FOR CONTINUATION OF STREETS SEE OTHER SIDE

Area Covered by map of Central Portland as shown above

042805c-09



COALITION FOR A LIVABLE FUTURE

310 SW FOURTH AVENUE, SUITE 612 • PORTLAND, OR 97204
PHONE: 503.294.2889 • FAX: 503.225.0333 • WWW.CLFFUTURE.ORG

Date: April 28, 2005

To: Metro Council
From: Jill Fuglister, Coalition for a Livable Future
RE: Testimony re: Nature in the Neighborhood Program

I am testifying on behalf of the Coalition for a Livable Future, a coalition of over 60 community organizations in greater Portland area working together to ensure that the way that we manage growth in the region is both good for people and good for the environment. Our member organizations represent roughly over 25,000 individuals in the metro area.

I want to thank the Council and Metro staff for your commitment to this effort and for developing a program proposal that combines a mix of regulatory and non-regulatory habitat protections. This provides us with the widest range of tools and greatest flexibility for implementing a successful program, which is the most appropriate approach given the balance we must strike between the many public and private interests involved.

Today, I am testifying with three new CLF partners, who are part of a collaborative effort called Active Living by Design. This partnership brings together health care professionals and advocates with land use and transportation planners and activist groups to promote physical activity and community design strategies that facilitate active living. They are going to share more specifics about how a strong Nature in the Neighborhood Program benefits our health and help prevent future health problems.

I want to make two important points about the decision you are going to be making about the program:

First, I want to urge you to adopt a program that applies the highest standards of protection to all Class I and II Riparian habitats. These precious areas benefit us in many ways, including supporting most of our region's native species, ensuring clean water, protecting property and human health and safety from flooding and land slides, and increasing property values because of the scenic qualities they provide. It is essential that all new development and redevelopment avoid these areas.

Second, I also ask that you ensure that the regional regulatory standards of the program be applied to all high value streamside habitats in the Tualatin Basin - particularly undeveloped floodplains, and that no exemptions to the Port of Portland or any other large industrial property owners be granted for these high value habitats. There are so many opportunities for creative strategies that property owners can employ - from low-impact, green development on appropriate portions of a particular parcel, to negotiating public and/or private purchase, establishing land trusts, etc. for properties that must be

C O A L I T I O N M E M B E R S

AMERICAN INSTITUTE OF ARCHITECTS, PORTLAND CHAPTER • AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS • ASSOCIATION OF OREGON RAIL AND TRANSIT ADVOCATES • AUDUBON SOCIETY OF PORTLAND • BETTER PEOPLE • BICYCLE TRANSPORTATION ALLIANCE • CASCADIA BEHAVIORAL HEALTH CARE • CITE, CREATIVE INFORMATION • CITIZENS FOR SENSIBLE TRANSPORTATION • CLACKAMAS COMMUNITY LAND TRUST • COLUMBIA GROUP SIERRA CLUB • COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION • COMMUNITY ACTION ORGANIZATION • COMMUNITY ALLIANCE OF TENANTS • COMMUNITY DEVELOPMENT NETWORK • ECUMENICAL MINISTRIES OF OREGON • ELDERS IN ACTION • ENTERPRISE FOUNDATION • ENVIRONMENTAL COMMISSION OF THE EPISCOPAL DIOCESE OF OREGON • FAIR HOUSING COUNCIL OF OREGON • FANS OF FANNO CREEK • FRIENDS OF ARNOLD CREEK • FRIENDS OF CLARK COUNTY • FRIENDS OF FOREST PARK • FRIENDS OF GOAL FIVE • FRIENDS OF ROCK, BRONSON AND WILLOW CREEKS • FRIENDS OF SMITH AND BYBEE LAKES • FRIENDS OF TRYON CREEK STATE PARK • GROWING GARDENS • HILSDALE NEIGHBORHOOD ASSOCIATION • JOBS WITH JUSTICE • JOHNSON CREEK WATERSHED COUNCIL • JUSTICE & PEACE COMMISSION OF ST. IGNATIUS CATHOLIC CHURCH • LEAGUE OF WOMEN VOTERS OF THE COLUMBIA RIVER REGION • MERCY ENTERPRISE • NORTHWEST HOUSING ALTERNATIVES • 1000 FRIENDS OF OREGON • OREGON COUNCIL OF TROUT UNLIMITED • OREGON ENVIRONMENTAL COUNCIL • OREGON FOOD BANK • OREGON SUSTAINABLE AGRICULTURE LAND TRUST • PEOPLE'S FOOD CO-OP • PORTLAND CITIZENS FOR OREGON SCHOOLS • PORTLAND COMMUNITY LAND TRUST • PORTLAND COMMUNITY REINVESTMENT INITIATIVES • PORTLAND HOUSING CENTER • PORTLAND IMPACT • REACH COMMUNITY DEVELOPMENT INC. • ROSE COMMUNITY DEVELOPMENT CORP. • SISTERS OF THE ROAD CAFE • SOUTHEAST UPLIFT NEIGHBORHOOD PROGRAM • SUNNYSIDE UNITED METHODIST CHURCH • TUALATIN RIVERKEEPERS • TUALATIN VALLEY HOUSING PARTNERS • URBAN LEAGUE OF PORTLAND • URBAN WATER WORKS • WETLANDS CONSERVANCY • WILLAMETTE PEDESTRIAN COALITION • WILLAMETTE RIVERKEEPER • WOODLAWN NEIGHBORHOOD ASSOCIATION

protected in full because of the high value of the ecosystem services they provide. Rather than granting exemptions, work with these property owners to employ these creative strategies.

And finally, I want to say that this program represents a critical piece of the legacy you, as a Council, will leave for this region, and that we collectively, will leave for future generations. Will this legacy demonstrate our vision of living with nature in the city? Or will demonstrate that nature and city are mutually exclusive? Please consider carefully the legacy you hope to be remembered for fifty years from now, and the difference you want to make securing the health and vitality of the region.

Intro: Resident of Kerns, Portland
Hello,
Thanks:

042805c-10
Define = my urban riparian area
a catch basin. That's
what developed urban riparian
is.

Susan Barthel
216 SE 30 Avenue
Portland, OR 97214

To: Metro Council Members
Paul Ketchum
From: Susan Barthel *SB*
216 SE 30th Avenue
Portland, Oregon 97214
Date: April 27, 2005
Regarding: Nature in the Neighborhoods

The proposed Nature in the Neighborhoods program has several extreme weaknesses. In fact it might more accurately be called "**Nature, but not in MY Neighborhood.**"

Here are several brief specific brief comments:

1. As it stands now virtually any Measure 37 claim totally exempts a property owner. This not only cracks open the door- it rips the door off its hinges and throws it away. This is not a program- or a solution. It gives equal value to a patch of concrete and high quality habitat. There are, unfortunately an infinite number of ways and places to pour concrete. There is virtually no way to reclaim habitat once it is destroyed/developed. Sadly, too much science and experience tells us exactly this.
2. The proposed exemption for Port of Portland properties present and future is short sighted. They should be required to: *and all developments* **AVOID, MINIMIZE, AND only then mitigate.**
 - Mitigate in the same watershed as unavoidable fills occur. Here's why: Some 7+ years ago the Port stated that it was impossible to mitigate for their developments in the Columbia Slough watershed – saying that there just wasn't any place or opportunity. Nevertheless many options were identified with the input of the Columbia Slough Watershed Council. And ironically enough- just last week the Port received state level awards for their effective mitigation site in North Portland (Vanport wetlands). This was the 'impossible' before they were required to look harder, think more creatively and work locally. "Nature in the Neighborhood" should mean just what the title of your program calls itself – IN the neighborhood (or watershed), not OUT of it.
 - Patches of high quality habitat on Port property should not be obliterated just because the property use is deepwater shipping. That habitat serves us well now, can in the future, and is in scarce supply. It is critical for the migrating fish and wildlife- as improbable as this sounds.

- Allowing the Port's to use its *Wildlife Hazard Management Plan* to allow removal of vegetation and habitat is cockeyed. The Port has implied and stated repeatedly through the last 7 years that various practices are required by the FAA, when in fact they are not. The Port has repeatedly 'stretched' its statistics to wildly overstate the incidences of wildlife conflicts. While the plan has been responsible for a downward trend in wildlife conflicts, and PDX is one of the few airports in the country reporting this trend, it is only because the community demanded alternatives to poisoning earthworms (because they were an attractant!) and wholesale shooting of birds. To allow this document to supersede local planning requirements and to open the door to diminished public oversight, updating, review and public debate is irresponsible.

Thank you for your consideration.



Susan Barthel



April 28, 2005

President Bragon and Metro Council
600 NE Grand
Portland, OR 97232

Dear President Bragdon and Metro Council,

On behalf of our 10,000 members in the Portland-Metro region, the Audubon Society of Portland would like to thank the Metro Council and staff for their hard work in developing the regional fish and wildlife program and the new Nature in Neighborhoods Initiative. We are one region connected by many things; flows of water, fish and wildlife are among the most important to sustaining the region's collective natural and cultural heritage, environmental health, livability, and economic competitiveness. The proposed Title 13 (Resolution 05-1077 and 05-3577) and the new Nature in Neighborhoods Initiative (Resolution 05-3574) will be critical to providing a consistent standard for the entire Portland-Metro region for protecting and restoring our urban ecosystem and the multiple interdependent values it supports.

We have a number of concerns regarding the efficacy of the Chief Operating Officer (COO) program recommendations in fulfilling this promise. We specifically request the following changes and amendments to draft Metro resolutions 05-1077 and 05-3577:

(1) Measure 37 and Definition of Practicable (Resolution No. 05-1077, Exhibit D, page 13): We request that the Metro Council eliminate the reference to "a reduction in fair market value" in the definition of practicable in the proposed amendment to Metro Code Section 30.07.1010.fff. We recommend the definition of practicable proposed by the Goal 5 TAC/WRPAC that includes environmental factors in determining practicability.

(2) Conditions on Tualatin Basin Plan (Resolution 05-3577, Staff Report, page 7 and 8): We request that the Metro Council only approve the Tualatin Basin program with conditions that require local governments to establish avoid, minimize, and mitigate standards for new development and *redevelopment* all Class I and II riparian resources that are equivalent to those defined in the proposed Title 13 model ordinance. We also urge the Council to add conditions requiring 1.) no-roll back of vegetated corridor standards, 2.) requiring annual monitoring and site specific documentation by local governments in the Tualatin Basin to

demonstrate that they are fully meeting their responsibilities to implement both the protection and enhancement measures in Clean Water Service's vegetated corridor standards.

(3) Port of Portland Exemptions (Resolution 05-1077, Title 13 Functional Plan, Exhibit C, Section 2.C, page 3 and Section 4.A.9, page 10): We request the Metro Council eliminate exemptions for all the Port of Portland properties and activities. We request that the Port of Portland be required to mitigate all impacts to HCAs in the Columbia Slough Watershed. Please see our attached letter to MPAC on the Port of Portland's requested exemptions for airports.

(4) Standards for Redevelopment (Resolution 05-1077, Title 13 Functional Plan, Section 4.A.8 page 9): We request that avoid, minimize and mitigate standards be applied to all new development and redevelopment in Habitat Conservation Areas.

(5) Recent and future Urban Expansion Areas (including Damascus, Springwater, North Bethany, etc): We request that the Metro Council establish all regional performance objectives and targets proposed in Title 13 (with modifications to floodplain targets suggested below) as a minimum performance standard for areas brought into the UGB since December 2002. The performance objectives and targets for riparian and upland habitat should be used to evaluate concept and master planning in complying with Title 13 in all recent and future urban growth boundary expansion areas.

(6) Tree Protection and vegetation clearing (Resolution 05-1077, Exhibit D, p. 9, Exhibit E, p. 27): We request that the Metro Council define development as the removal of any trees and vegetation that are not a hazard to public safety.

(7) Regionally Significant Medical and Educational Facilities (Resolution 05-1077, Exhibit C, page 15; Exhibit E, page 16): We request that the Council change the Title 13 functional plan amendment to not designate these properties high urban development value.

(8) Performance Targets and Objectives (Exhibit B, pages 3-4): We request that the Council change the target for floodplains to "no net loss of floodplain acreage."

(9) Mitigation Ratios (Resolution 05-1077, Exhibit E, page 25): We request that the Council increase the mitigation ratios in Table 9 of the Title 13 Model ordinance to 2:1 for "High" HCAs, 1.5:1 for "Moderate" HCAs, and 1:1 for "Low" HCAs.

We strongly support the following COO recommendations in the draft Metro resolutions 05-1077 and 05-3577:

(1) Avoid, Minimize, Mitigate in all Habitat Conservation Areas: We strongly support applying avoid, minimize, and mitigate standards in all Habitat Conservation Areas in the discretionary review process.

(2) Habitat friendly-development: We strongly support the requiring habitat friendly development practices in all Habitat Conservation Areas and requiring that barriers be removed in all regionally significant habitat areas. We support applying these same standards as conditions to the Tualatin Basin Program in addition to those mentioned above.

(3) Timeline for Compliance: We support a maximum 2 year timeline for compliance.

(4) Residential Density Waiver: (Resolution 05-1077, Exhibit C, Section 3.H., page 7) We strongly support the provisions for the relaxation of regional density and capacity requirements when new development or redevelopment avoids regionally significant habitat.

Finally we request that the Metro Council make the following additions to resolution 05-3574: 1.) add a whereas referencing the Council's earlier commitments to stormwater management and watershed planning and 2.) add a provision directing staff to work with the Water Resources Policy Advisory Committee in developing a scope of work for identifying Metro's regional roll in stormwater, watershed planning, and Clean Water Act implementation.

Thank you for considering our written testimony.

Sincerely,



Bob Sallinger
Urban Conservation Director
Audubon Society of Portland



Jim Labbe
Urban Conservationist
Audubon Society of Portland



April 27, 2005

From: Bob Sallinger, Urban Conservation Director, Audubon Society of Portland
To: MPAC
Re: Airport Exemptions

The Functional Plan currently provides that any activity required to implement a Wildlife Hazard Management Plan (WHMP) in Habitat Conservation Areas (HCAs) on Port of Portland owned property within 10,000 feet of an aircraft operating area shall be subject to mitigation, but not avoid and minimize standards. (Exhibit C-Ordinance # 05-1077 Section 4-9.) Audubon Society of Portland has participated on the Portland International Airport Wildlife Hazard Advisory Committee since its inception in 1996. We support the mitigation requirement contained in the functional plan, but also recommend that the avoid and minimize standards be applied as well.

In a memo to MPAC dated 4-13-05, the Port asserted that applying avoid, minimize and mitigate standards to HCAs on Port owned property within 10,000 feet of aircraft operating areas would result in unacceptable delays in implementing WHMP provisions. It further asserted that between 1996 and 2004, PDX experienced over 491 wildlife collisions, "all of which involved serious damage to aircraft." At an MTAC meeting on April 13th, Portland Audubon challenged these assertions. Since that time the Port has corrected its memo to reflect the fact that strike data includes not only direct strikes on aircraft but also injured and dead birds found on runways, near misses, and post flight aircraft inspections that indicate some contact with a bird (although it may not be clear when during the flight such contact occurred.) The correct data indicates that between 1996 and 2004, there were a total of 26 strikes that caused any damage and 11 strikes that caused significant damage. The Port has further indicated that it will not longer contest the mitigation requirement for Port owned HCAs within 10,000 feet of aircraft operating areas.

Audubon appreciates the Port's corrections to the April 13th memo as well as its willingness to accept a mitigation requirement for HCA's on Port owner property within 10,000 feet of aircraft operating areas. However we continue to believe that the avoid and minimize standard should be applied as well and that, contrary to Port assertions, doing so will actually reduce the risk of wildlife strikes rather than cause unacceptable delays in implementation.

First, the error made in the April 13th memo stands as a case in point of the importance of public review of the necessity habitat removal projects. There have been several instances since the inception of the Wildlife Hazard Management Program in 1996 where FAA mandates and the WHMP have been misapplied or misinterpreted to support actions that were unrelated to, and in some cases conflicted directly with, maintaining air-traffic safety. These were identified and corrected through the public review process.

Second, although the Port asserts that it effectively conducts an internal avoid, minimize analysis when developing its WHMP, this process does not serve as an adequate substitute for public review. The WHMP is developed by the Port, its paid consultants and the F.A.A. It is driven not only by safety, but also by cost, politics, liability, pressure from the airlines, public relations and environmental considerations—all as viewed from the perspective of the Port. All of these are legitimate considerations, but a public review is essential to ensure that internal Port considerations are balanced with the public good. For example, when choosing between two options that provide the same level of safety, the Port may well go with the cheaper but less environmentally protective option. A public review process serves to ensure that a more environmentally protective option would be given adequate weight in the decision making process.

Finally, the Port's argument that public review would cause unacceptable delays in implementation of the WHMP does not stand-up to scrutiny. Habitat removal is not done on an emergency basis. The habitat that remains near the airport has been there for decades. In fact, the history of the PDX WHMP has repeatedly demonstrated that, because of the potential for habitat modification to actually increase hazards (by attracting a different subset of species or by altering the flight paths of existing species in unpredictable ways), the only way to ensure that habitat modification/ reduction is effective is through a careful and deliberative process. Public review of Port actions should be considered part of, rather than an impediment to, this process.

Public review of WHMP related habitat removal projects since 1996 has not resulted in a failure of the FAA to certify the Port's WHMP or an increase in strike risk. In fact, the Port's current Wildlife Habitat Management Plan, which focuses on innovative management strategies other than lethal control and habitat removal, is a direct product of public pressure and local code forcing the Port to think "outside the box." The result? Not only do we currently have a WHMP that is reasonably ecologically sensitive, but PDX has one of the few programs in the country that currently shows a downward trend in annual bird strikes.

We urge MPAC to recommend applying the avoid, minimize and mitigate standard within the 10,000 foot wildlife management zones surrounding Port of Portland airports.

Sincerely,

Bob Sallinger
Urban Conservation Director
Audubon Society of Portland

0428052-12

April 28, 2005

Metro Council
600 N.E. Grand
Portland, Or. 97232

Re: Nature in Neighborhoods

Dear Council:

There is a perfect candidate for this program on the west side of Forest Grove, where a developer is advocating moving the Urban Growth Boundary, which has been in effect for 22 years, to the 100-year flood plain for the purpose of high-density development.

His development would place 20-foot wide homes on 30-foot lots, two-stories high, on 15 feet of fill right on the banks of Gales Creek. This creek floods regularly after a heavy rain, which would only increase with the addition of cement and asphalt to make for heavier run-off. Gales Creek also contains an endangered species of fish in the steelhead trout.

This proposed development would affect surface run-off of the entire corridor of Gales Creek, especially that area between the A Street Bridge and the Ritchie Road Bridge.

Certainly this creek warrants the protection of the Nature in Neighborhoods Program.

Yours truly,



Richard A. Lane
Gales Creek Corridor Coalition
1608 18th Ave.
Forest Grove, Or. 97116
(503) 357-5340
lane.richard@comcast.net

BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525

FACSIMILE 503-295-1058

April 28, 2005

Metro Council
Metro Regional Center
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Regionally Significant Educational and Medical Facilities

Dear Metro Councilors:

This office represents Oregon Health & Sciences University (OHSU) in regard to land use matters affecting its campuses in Portland and Hillsboro, Oregon. We have reviewed Ordinance No. 05-1077, amending the Regional Framework Plan and the Urban Growth Management Functional Plan relating to Nature in Neighborhoods, and the April 26, 2005 letter to MPAC from Portland Mayor Tom Potter and Commissioner Saltzman.

1. Regionally Significant Educational and Medical Facilities

We support the adjustment in urban development value for regionally significant educational and medical facilities ("RSEMF") to the high urban development category as reflected in Exhibit C (Metro Code Chapter 3.07, Urban Growth Management Functional Plan, Title 13), Section 4.D.5. The adjustment is necessary to correct for inadequacies in the model originally used to determine urban development value.

We refer you to page 15 of the April 14, 2005 Staff Report prepared by Andy Cotugno and Chris Deffenbach, which explains that Metro's model undervalues the economic importance of regionally significant educational and medical facilities when they are located in or near residential areas which are low-priority 2040 design types. In addition, attached is a copy of the written testimony we submitted to Metro Council in August of 2004, in which we discussed our concerns about the analysis used to arrive at the urban development value and provided detailed information about the economic and social importance of OHSU to the region. Although a correction has been made to the model, and the urban development values of some regionally significant facilities have been adjusted, we continue to believe that the measures used (land value, employment value, and 2040 design types) do not adequately capture the economic and social importance of these facilities.

Metro Council
April 28, 2005
Page 2

In response to the letter to MPAC from City of Portland Mayor Potter and Commissioner Saltzman, we emphasize that the adjustment does not represent special treatment for regionally significant educational or medical facilities. Rather, it merely corrects the model that did not adequately capture the economic and social importance of these facilities, as requested by Council in Resolution No. 04-3440A. As noted in the staff report, page 16, the RSMEF approach “adjusts the urban development value for these facilities to high, *resulting in either moderate or low Habitat Conservation Areas depending on the habitat value.*” (Emphasis added). In other words, the RSMEF approach does not “exempt” any of the listed campuses from regulation under the Goal 5 program. Rather, the level of regulation will simply vary depending upon the balance between the high urban development value and the respective habitat values on each campus.

2. Tualatin Basin Program

Because the OHSU/OGI West Campus is located in Hillsboro, OHSU has been a participant and stakeholder in development of the Tualatin Basin Program. OHSU supports the Basin Program and urges the Council to approve the program as written. The Basin partners developed this program with significant input from numerous property owners, stakeholders and interested parties, and the well-defined program will achieve the goals of conserving, protecting and restoring a continuous ecologically viable streamside corridor system and improving the overall environmental health of the Basin.

One element of the Basin Program includes provisions to encourage use of “habitat friendly” or low impact development (LID) techniques in habitat areas and to remove barriers in local codes that impede such techniques where feasible and appropriate. Given the uncertainties of Measure 37, it is not appropriate to mandate the use of green development practices that would require adoption of more regulations. This approach was specifically rejected as being imprudent and untenable by the NRCC, and the Basin Program provides a viable alternative. We therefore urge the Council to adopt the Basin Program without imposing condition 2(d) contained in Resolution No. 05-3577.

3. Conclusion

We thank you and your staff for considering our input. We encourage the Council to adopt the proposed adjustment in urban development value for regionally significant educational and medical facilities in order to ensure that Metro’s model properly values these unique campuses. Thus, we urge you to adopt the RSEMF provisions of Ordinance No. 05-1077, specifically Section 4.D.5 Urban Development Value of the Property and the associated provisions in Exhibits D and E, as currently written.


Metro Council
April 28, 2005
Page 3

Furthermore, we urge you to adopt the Basin Program as written, recognizing that this approach to natural resource protection is precisely in line with the "new direction" the Metro Council has set

Sincerely,



Christen C. White



Kristin L. Udvari

cc: Steve Stadum, Chief Administrative Officer, OHSU
Lesley Hallick, Provost, OHSU

BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525
FACSIMILE 503-295-1058

August 10, 2004

Metro Council
Metro Regional Center
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Regionally Significant Public Facilities

Dear Metro Councilors:

This office represents Oregon Health & Sciences University in regard to land use matters affecting both the Marquam Hill Campus in the City of Portland and the West Campus in Washington County. We understand that Metro Staff is in the process of developing a definition of regionally significant public institutions to more accurately reflect the economic, social and energy values of these facilities in Metro's Goal 5 ESEE analysis. This process was discussed at the August 2, 2004 informal session of the Metro Council where Chris Deffebach provided a memorandum to Council, dated July 30, 2004, addressing these issues. We have reviewed the memorandum and have the following comments:

1. Errors in Analysis

Metro's analysis, which concludes that the Marquam Hill Campus has low urban development value, is in error. We reviewed the three measures used by Metro to determine urban development value: land value, employment density and 2040 design type, and applied them to the Marquam Hill campus. Attached to this letter are copies of Map 1: Land Value (Exhibit A), Map 2: Employment Density (Exhibit B) (both from the Phase I ESEE) and the current 2040 Growth Concept Map (Exhibit C). These maps indicate that the Marquam Hill Campus scores high for land value and for employment density and is a secondary 2040 component (Employment Center). Under these measures Metro itself has placed the campus in the high urban development category, not the low urban development category as indicated in the attachment to Ms. Deffebach's memorandum.

2. Measure of Economic and Social Value

OHSU is Portland's largest business. It employs 11,000 individuals in the metropolitan region and generates 42,500 jobs state wide. In addition to this important economic contribution, OHSU provides significant social value to the region by educating students (3,500 each year), treating patients (nearly 188,000 annually, 40% of whom are low-income patients),

..ODMAPCDOCS\PORTLAND\4563611

Metro Council
August 10, 2004
Page 2

providing community service programs (200 annually), and participating in more than 3,000 research projects that generate \$221 million annually in grants and awards. Exhibit D is a twelve page list of breakthroughs and innovations that are the result of work at OHSU.

It was our understanding that Metro Staff recognized that the measures originally used to determine urban development value during Metro's ESEE process did not adequately capture the economic or social value of regionally significant institutions. To comply with the four-part analysis mandated by Goal 5, the combined economic and social benefit of institutions such as OHSU must be recognized under the program. We would remind Council that Resolution No. 04-3440A applied an "allow" treatment to the International Terminal because Council found that the site's economic importance to the region outweighed its resource value. Similarly, the economic and social importance of institutions such as OHSU may outweigh the value of resources located on their campuses. Therefore, the Council should consider the following options as well as those presented in Ms. Deffebach's memorandum:

- Apply an "allow" treatment to regionally significant educational and medical facilities as their economic and social importance combined outweigh the value of environmental resources on their sites;
- Exempt regionally significant educational and medical facilities from Metro's Goal 5 program when the institution has a master plan in place.

At the very least, Council should classify all regionally significant educational and medical facilities as high urban development value sites so that regulations are applied at a level that does not preclude expansion and or redevelopment opportunities.

3. Master Plans and Existing Resource Protection

We believe the following accurate information about the current master plans and resource protection on OHSU's campuses will be helpful to Council:

A. Marquam Hill

The Marquam Hill Plan ("MHP") was adopted by the Portland City Council on July 10, 2002 after a 2 year planning process. Policy 4 of the plan pertains to Open Space and Natural Resources. The purpose of the policy is to "Enhance the Marquam Hill area through the preservation, protection, stewardship and enhancement of open spaces and natural resources." Action items to implement this policy include the following:

- Preserve 45 acres of undeveloped land as open space that will be dedicated to the City of Portland for use as a park;
- Organize and participate in revegetation efforts, daylighting stream channels and restoration of wildlife habitat and wetlands;

Metro Council
August 10, 2004
Page 3

- Develop a natural resource inventory and develop an environmental management plan to integrate development and restoration activities;
- Develop a landscape management plan to provide erosion control, invasive species removal, pest control, fertilization and irrigation practices and nuisance tree pruning and removal;
- Work collaboratively on natural resource protection and enhancement research projects.

The City's zoning code was amended with the adoption of the MHP to apply and retain appropriate zoning and overlays for environmental protection. Portions of the campus are within the Environmental Conservation Overlay (EC) and the Environmental Protection Overlay (EP). These overlays were established to implement the City's Goal 5 program, which has been acknowledged by the Department of Land Conservation and Development (DLCD). The EC zone conserves important resources and their functional values while allowing some environmentally sensitive urban development. The EP zone provides a high level of protection for the important resources and their functional values by essentially prohibiting development in these areas. All new development and exterior alterations proposed for the Marquam Hill campus require Design Review in part to assure that the development promotes sustainable development practices and protects environmentally sensitive resources.

B. West Campus

The West Campus is within the jurisdiction of the City of Hillsboro. In 1998, the City approved a 20-year master plan, entitled a "Concept Development Plan," for the majority of the Campus (File No. CDP 1-98). Prior to construction, every structure proposed in the CDP must first undergo Detailed Development Plan review, during which the applicable Hillsboro environmental standards are applied to the site.

In 2003, Hillsboro developed an ESEE analysis and "Significant Natural Resources overlay" (SNRO) District to implement Goal 5. In the City's ESEE analysis, the West Campus is designated as the highest economic priority (Priority "A"). Accordingly, the City applied low and moderate resource protection designations to the environmental resources on the site to accurately reflect the balance between the ESEE factors. DLCD has acknowledged Hillsboro's ESEE analysis and implementing ordinance as compliant with Goal 5. Similarly, the Tualatin Basin Natural Resources Coordinating Committee has also proposed resource designations that recognize the important balance between the economic, social and environmental factors of the ESEE analysis.

Thus, OHSU was disturbed to learn that Metro had departed from these well-researched, site-specific analyses to assign a "Medium Development Value" to the campus. Based upon this downgrade from the high value recognized by Hillsboro, Metro then applied the "strictly limit" designation to the riparian corridors on the campus. On May 20, OHSU

Metro Council
August 10, 2004
Page 4

submitted a letter on this issue and Jack Orchard testified at the Council hearing. Council responded by directing staff to re-evaluate the mis-designation of key regional institutions. While we were encouraged by Council's direction and our informal meetings with staff on this issue, the July 30 letter from Ms Deffebach to Council and the associated discussion during the August 3 Council meeting suggest that Metro is continuing to evaluate the significance of regional institutions in a narrow fashion. As suggested on page 3 of the July 30 memo, the economic model discussed on page 1 undervalues institutions, and therefore Council should broaden its analysis and elevate the rankings of the campuses set forth in the chart on pages 5-6 of the July 30 memo. In the case of OHSU, this elevation of the economic/social ranking from medium to high is supported by the site-specific ESEE analysis conducted by Hillsboro and acknowledged by DLCD.

Please contact us to discuss the timing of any further action on this element of Metro's Goal 5 program. We support your efforts to correct this element of the ESEE in advance of the Council proceedings on the implementing development regulations.

Sincerely,



Christen C. White

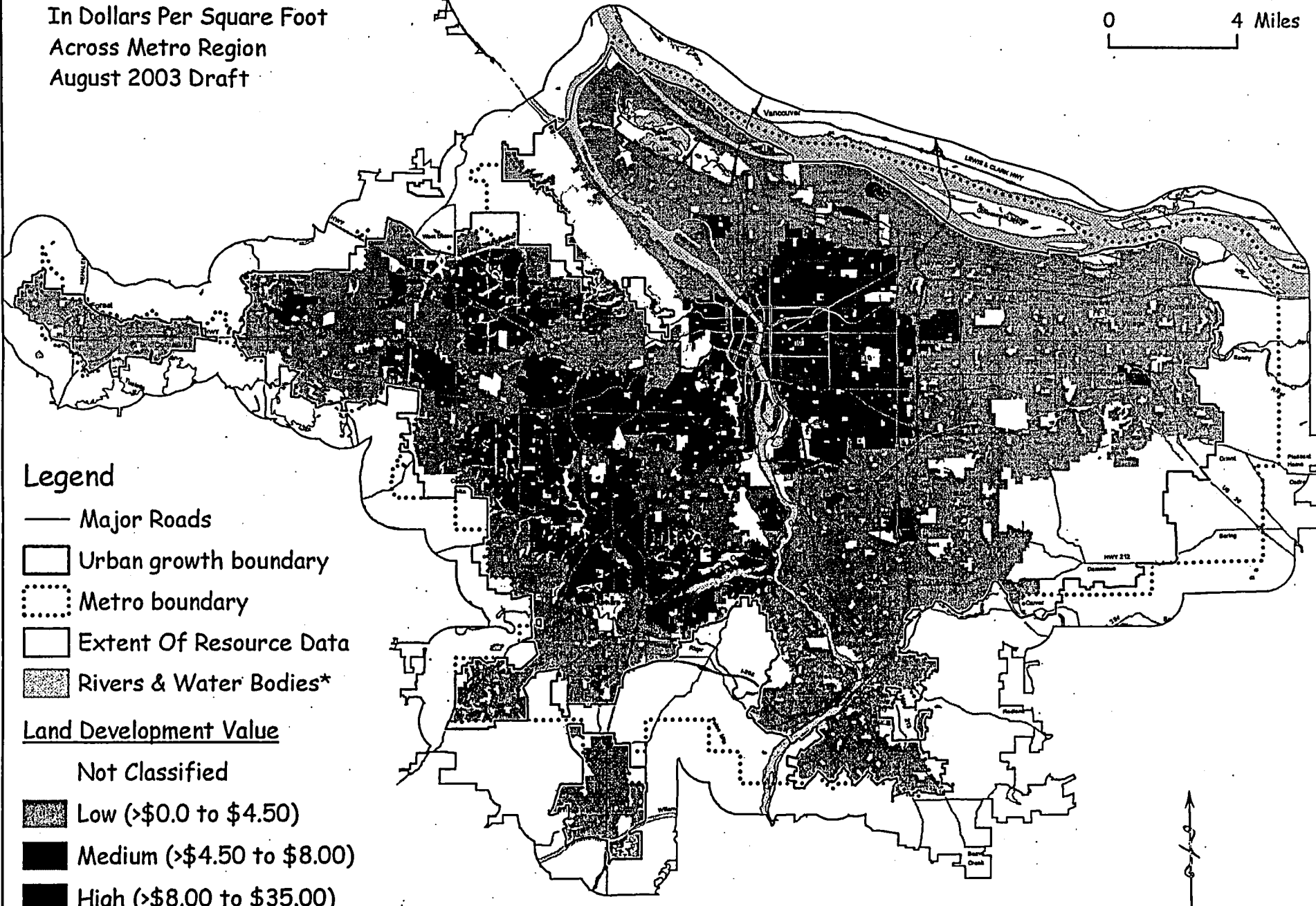


Kristin L. Udvari

Map 1: Land Value

In Dollars Per Square Foot
Across Metro Region
August 2003 Draft

0 4 Miles



Legend

- Major Roads
- Urban growth boundary
- ⋯ Metro boundary
- Extent Of Resource Data
- ▨ Rivers & Water Bodies*

Land Development Value

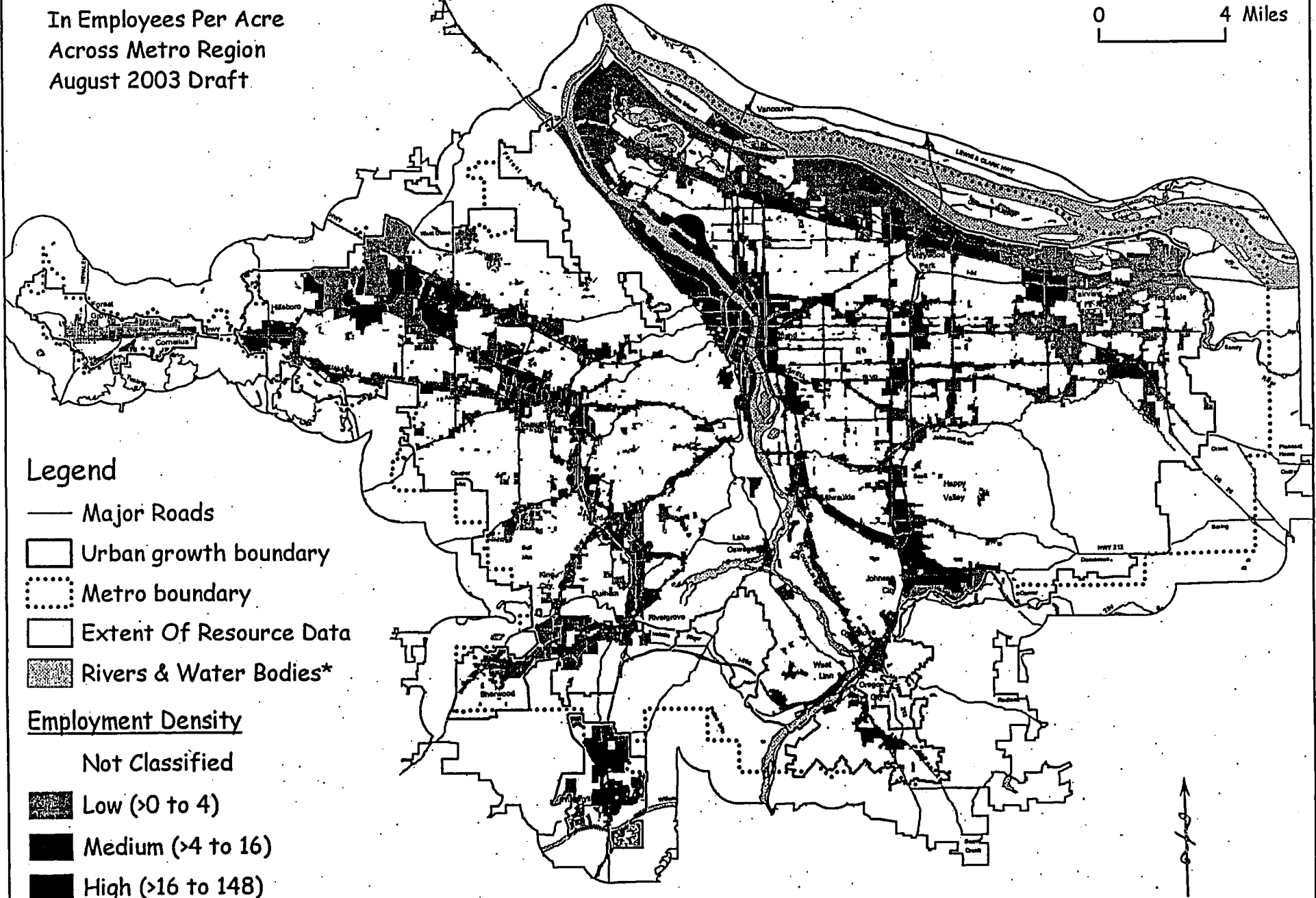
- Not Classified
- ▨ Low (>\$0.0 to \$4.50)
- Medium (>\$4.50 to \$8.00)
- High (>\$8.00 to \$35.00)

*rivers & water bodies greater than 2 acres in size - J:\houk\Goal5\ESEE\EconomicAnalysis\ECONorthwest\maps091103\Map 1 Development Value.mxd

Map 2: Employment Density

In Employees Per Acre
 Across Metro Region
 August 2003 Draft

0 4 Miles



Legend

- Major Roads
- Urban growth boundary
- ⋯ Metro boundary
- Extent Of Resource Data
- ▨ Rivers & Water Bodies*

Employment Density

- Not Classified
- ▨ Low (>0 to 4)
- ▨ Medium (>4 to 16)
- ▨ High (>16 to 148)

*rivers & water bodies greater than 2 acres in size - J:\houk\Goal5\ESEE\EconomicAnalysis\ECONorthwest\maps091103\Map 2 Employment Density.mxd

REGION 2040

Decisions for Tomorrow

2040 Growth Concept

The Region 2040 Growth Concept was adopted on December 14, 1999 in Ordinance No. 95-025-A and amended in the following:

Ordinance No. 95-055-E	March 6, 1997
Ordinance No. 97-020-A	July 10, 1997
Ordinance No. 97-758-A	October 2, 1997
Ordinance No. 98-744-B	July 22, 1998
Ordinance No. 98-779-D	October 17, 1998
Ordinance No. 98-081-D	December 17, 1998
Ordinance No. 98-082-C	December 17, 1998
Ordinance No. 98-089-C	December 17, 1998
Ordinance No. 98-108-C	December 17, 1998
Ordinance No. 99-009	June 4, 1999
Ordinance No. 99-012-A	December 16, 1999
Ordinance No. 99-034	December 16, 1999
Ordinance No. 00-043	March 2, 2000
Ordinance No. 00-072-A	September 14, 2000
Ordinance No. 01-026-A	April 12, 2001
Ordinance No. 01-023	April 12, 2001
Ordinance No. 02-014-B	November 14, 2002

* Areas brought into the Urban Growth Boundary under Ordinance Nos. 98-792-C and 98-812-A have been removed to Metro by the Land Use Board of Appeals and allowed by the Court of Appeals. These areas have been removed from the map.



650 NORTH EAST OREGON AVENUE PORTLAND, OREGON 97232
TEL: (503) 747-1712 FAX: (503) 747-1600
http://metro.net www.metro.net

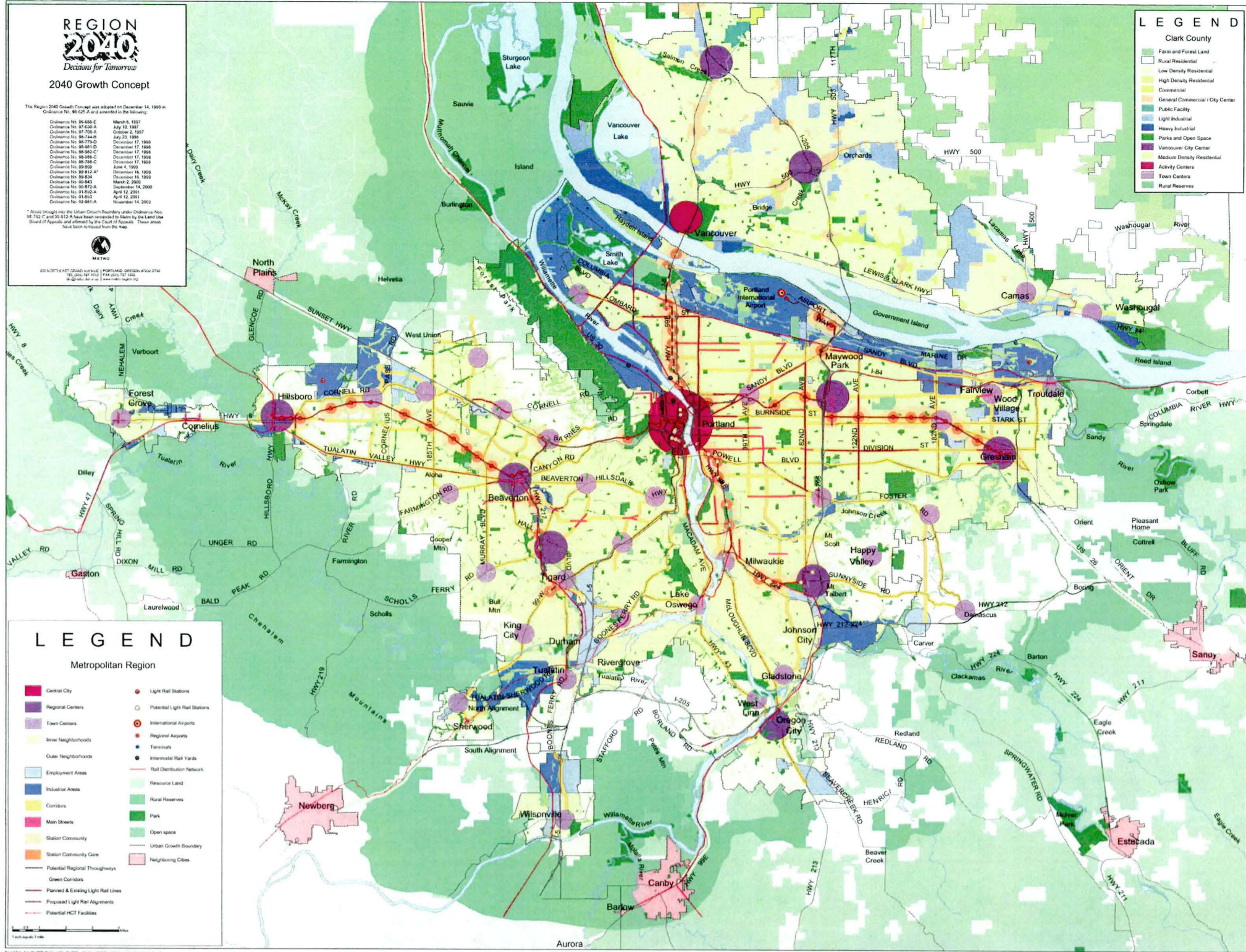
LEGEND

- Clark County
- Farm and Forest Land
 - Rural Residential
 - Low Density Residential
 - High Density Residential
 - Commercial
 - General Commercial / City Center
 - Light Industrial
 - Heavy Industrial
 - Parks and Open Space
 - Vancouver City Center
 - Medium Density Residential
 - Town Centers
 - Rural Reserves

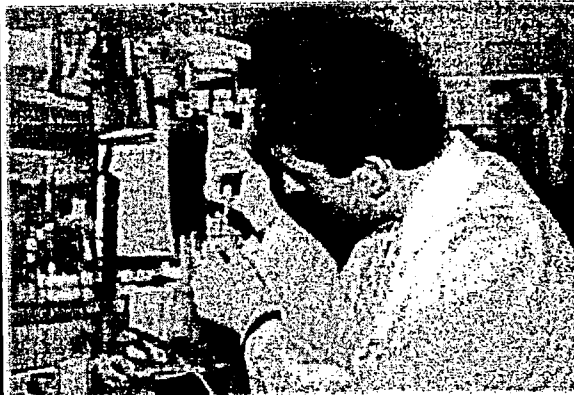
LEGEND

Metropolitan Region

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- Station Community
- Station Community Core
- Potential Regional Throughways
- Green Corridors
- Planned & Existing Light Rail Lines
- Proposed Light Rail Alignments
- Potential HCT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- Rail Distribution Network
- Resource Land
- Rural Reserves
- Park
- Open space
- Urban Growth Boundary
- Neighboring Cities



OHSU breakthroughs and innovations



More than 3,000 research projects are under way at OHSU.

Below you'll find a sampling of clinical innovations and research breakthroughs achieved by OHSU scientists. When possible, entries are dated and linked to archived news releases with more detailed information.

OHSU Breakthroughs in ...

AGING

- Discovery that brain tissue does not, as previously believed, automatically decrease with age. [6/18/99]
- Identification of a new protein and the role it plays in causing some cancers and Fanconi anemia, as well as its possible link to breakdowns associated with aging. [9/12/03]

[Top of page](#)

AIR POLLUTION

- Creation of a system that is now the worldwide standard to measure and predict how organic aerosols contribute to smog. [1994]

[Top of page](#)

ALCOHOLISM AND ADDICTION

- Creation of the first and only drug prevention program proved to be effective in reducing illicit drug and alcohol use among adolescent athletes, now a model program for the Department of Health and Human Services. [1993]
- Finding that genetic makeup influences how chronic alcohol consumption affects blood pressure. [10/17/00]
- Discovery of a faulty brain receptor associated with aggressiveness and increased alcohol consumption in rodents, perhaps directing the way to human genes involved in alcohol- and drug-seeking behavior. [5/8/02]
- Findings pointing to a connection between serotonin levels in the brain and cocaine addiction, bringing new insight into treatment and prevention.
- Discovery that antidepressant medication is more effective than nicotine replacement therapy in helping women quit smoking. [5/1/02]

[Top of page](#)

ALZHEIMER'S DISEASE

- Discovery that brain cells in an area of the hippocampus can regenerate, challenging

the conventional wisdom that the brain cannot regenerate neural cells, a breakthrough that promises to help treat Alzheimer's-related dementia. [6/18/99]

- Establishment of a connection between a common immune system gene and early onset of Alzheimer's. [3/00]
- (found evidence of study, but not results) Finding that vitamin E and selegiline can slow progression of Alzheimer's.
- (found evidence of study, but not results) Discovery that ginkgo biloba improves cognitive function in Alzheimer's patients.
- Identification of a relationship between levels of a protein called lactoferrin in spinal fluid and the occurrence of Alzheimer's disease. [11/13/01]

[Top of page](#)

BONE HEALING

- First child to receive synthetic bone material to close a hole in her skull. [8/20/99]
- Discovery that a drug used to treat osteoporosis in women also works to increase bone density in men. [8/31/00]
- Improvements of a genetically engineered molecule to replace lost bone tissue in patients with genetic anomalies, traumatic injury, cancer and osteoporosis. [12/01]

[Top of page](#)

BRAIN CHEMISTRY AND PHYSIOLOGY

- Findings that help explain how the brain governs balance. [4/28/99]
- Identification of a key brain cell communications link that may help researchers understand such conditions as stroke, epilepsy and head trauma. [7/1/99]
- Invention of a groundbreaking technique that allows researchers to videotape cell communication. [8/23/00]
- Location of brain circuitry in mouse model believed to be responsible for the "wasting away" of AIDS and cancer patients. [2/13/01]
- Discovery of brain signaling system that modulates pain sensitivity, a finding that could lead to new opioid pain killers without the unwanted side effects. [11/01]
- Identification of a trace amine receptor that appears to be involved in the body's response to mood-altering drugs, a finding that may help explain some drugs' dangerous side effects. [5/20/02]
- Discovery that absence of a certain enzyme, protein kinase Ce (PKCe), in the brain greatly reduces both anxiety and stress in animals, information that may be applied to humans and used to develop better medications for anxiety disorders. [10/3/02]
- Discovery of a key cellular mechanism in the brain possibly involved in mental retardation. [2/18/03]
- Document the first reliable measurements of free-base nicotine in tobacco smoke, finding that some commercial cigarette brands contain 10 to 20 times higher percentages of nicotine in the so-called "free-base" form - the form thought to be most addictive - than believed up to now, and providing a new opportunity to understand the chemical elements that form the basis of tobacco addiction. [7-24-03]
- Discovery of four of the five known dopamine receptors, which help govern movement, motivation and emotion.
- Discoveries on nerve cell communication, shedding light on memory, learning, emotion and movement
- Discovery of the gatekeeping system in the brain that keeps neurons firing in the proper sequence (misfiring neurons contribute to disorders ranging from epilepsy to Parkinson's disease to schizophrenia)
- Identification of a new family of molecules, potassium channels, which play a key role in regulating how we pay attention.
- Demonstration of previously unknown brain processes leading to the onset of puberty provides new understanding of brain function.

[Top of page](#)**CANCER**

- Creation of ways to cross the blood-brain barrier to treat tumors with chemotherapy. [1981]
- Invention of a new nonsurgical procedure for treating uterine tumors. [04/99]
- Discovery of the first naturally occurring protein to inhibit activity in an aggressive breast cancer gene. [9/13/99]
- Development of drug, Gleevec, capable of treating and potentially curing chronic myelogenous leukemia and gastrointestinal stromal tumors without damaging healthy cells. [12/3/99]
- Finding that Gleevec is effective in targeting and thwarting abnormal protein responsible for growth of gastrointestinal stromal tumors in patients who have failed surgical or chemotherapy treatment for the disease. [5/14/00]
- Creation of a drug treatment that reduces pain and disease in patients with advanced prostate cancer. [5/25/00]
- Finding that patients with eye cancer who choose radiation therapy instead of eye removal have comparable five- and 10-year survival rates, allowing patients and physicians to make better-informed treatment decisions. [7/12/01]
- Finding that recurring chromosomal aberrations in some cancer cells contribute to their unstable nature and ability to resist anticancer drugs and therapies, which could lead to the development of "smarter drugs" capable of overwhelming this defense mechanism. [11/05/01]
- Discovery of protein in human breast cancer that may signal its potential to spread. [2/15/02]
- Revelation that ultra-small iron oxide particles improve brain tumor imaging methods by highlighting the tumor only, not the surrounding tissue. [4/15/02]
- Finding that Gleevec is significantly more effective and less toxic than interferon in treating newly diagnosed chronic myelogenous leukemia patients. [5/20/02]
- Discovery that high doses of the active form of vitamin D boost the effectiveness of chemotherapy in prostate cancer patients. [5/25/02]
- Finding that chemotherapy for prostate cancer is as effective in the elderly as it in younger patients. [5/31/03]
- Finding that advanced prostate cancer can be successfully treated with intermittent chemotherapy, allowing it to be managed as a chronic condition, rather than as an acute or life-threatening disease. [6/3/03]
- Discovery that a breast cancer gene, known to interact with the genes that cause Fanconi's anemia, can itself cause the rare disease. [6/11/02]
- Analysis showing mammograms decrease cancer deaths prompts U.S. Preventive Services Task Force to recommend mammograms for women aged 40 and older [9/3/02].
- Finding that women who use hormone replacement therapy (HRT) have less aggressive tumors and are more likely to be diagnosed through mammograms than other methods, and HRT users with breast cancer have significantly better survival rates than non-HRT user [9/12/02].
- Finding that a predictive computer model using Classification and Regression Tree (CART) analyses can reduce unnecessary prostate biopsies by almost 38 percent while still detecting 95.5 percent of all cancers in the study. [6/3/03]
- Finding that a simple, predictive model called a nomogram accurately predicts prostate cancer in men with prostate specific antigen level that is less than or equal to 10 ng/ml. [8/25/03]
- Document the first reliable measurements of free-base nicotine in tobacco smoke, finding that some commercial cigarette brands contain 10 to 20 times higher percentages of nicotine in the so-called "free-base" form - the form thought to be most addictive - than believed up to now, and providing a new opportunity to understand the chemical elements that form the basis of tobacco addiction. [7-24-03]
- Identification of a new protein and the role it plays in causing some cancers and Fanconi anemia, as well as its possible link to breakdowns associated with aging. [9/12/03]

- Findings that contribute to national studies on pediatric cancers and on the best and newest treatments, including stem-cell transplants from umbilical cords.
- Findings showing that new fluoroscopy technology reduces occurrence of radiation-induced cancer in children.
- Discovery of several genes implicated in cancer (see genetics, later in this section).
- Finding that delayed use of hearing protectant drugs decreases hearing loss for patients receiving chemotherapy via blood-brain barrier disruption.
- Development and refinement of interdisciplinary approaches to the detection and treatment of breast cancer.

[Top of page](#)

CHILD ABUSE

- Development of guidelines that help identify signs of abuse and neglect in children with disabilities, a population at high risk of maltreatment. [[6/29/00](#)]

[Top of page](#)

CIRCULATORY DISORDERS

- Pioneering refinement of image-guided catheters to clear obstructed blood vessels in lieu of surgery.
- Development of stenting technologies that allow for prolonged treatment of blocked vessels and arteries.

[Top of page](#)

COMMUNICATION AND DISABILITY

- Development of equipment to help children with disabilities interact more effectively with the world around them.
- Establishment of the first national center on the health and well-being of people with disabilities.

[Top of page](#)

COMPLEMENTARY/ALTERNATIVE MEDICINE

- Development of new guidelines that must be considered as part of a risk-benefit analysis for conventionally trained physicians whose patients are interested in utilizing complementary and alternative medicine. [[10/14/02](#)]

[Top of page](#)

COMPUTER TECHNOLOGY

- Creation of the "Timbot," a robotic vehicle capable of "deciding" where it needs to go and, at the same time, transmitting live video images across the Internet to remote viewers, technology that may one day guide unmanned robotic vehicles such as cars, buses or even aircraft. [[10/7/02](#)]

[Top of page](#)

DENTISTRY

- Discovery of brain signaling system that modulates pain sensitivity, a finding that could lead to new opioid pain killers without the unwanted side effects. [11/01]
- Creation of an ultra-high-speed dental drill for faster, smoother drilling and increased patient comfort.
- Clinical and laboratory studies that identified the mechanism for the improvement in dental amalgam restoratives produced by a slight modification in composition -- a discovery that led to the enhancement of all presently marketable products.
- Development of an oral wear simulator and a cyclic fatigue device used in predicting the clinical performance of new dental restorative materials.
- Development of new methods for measuring curing contraction and contraction stresses in polymer matrix composites used as dental filling materials.
- Development of numerical models for predicting the curing behavior of dental composites and the functional stresses in dental implants.

DOMESTIC VIOLENCE

- Identification of risk factors for domestic violence in women, specifically in pregnant women.

EMERGENCY MEDICINE

- Establishment of programs to train citizens in the use of automatic external defibrillators strengthens this link in the cardiac arrest chain of survival. [5/23/02]
- Discovery that cardiac enzyme availability in the Emergency Department enhances clinical decision making and allows for identification of ischemic heart disease before the onset of extensive injury.
- Creation of public education campaign describing the warning signs of ischemic heart disease increases use of emergency medical services, saves lives of patients with chest pain.
- Identification of new drug interactions results in market withdrawal of one selective calcium channel blocker with previously unrecognized side effects.

[Top of page](#)

ENDOCRINOLOGY

- Finding that individuals with fibromyalgia are unable to secrete growth hormone during exercise, indicating the disease has a neuroendocrine base and prompting new line of research. [5/30/02]

[Top of page](#)

ENVIRONMENTAL SCIENCE

- Develop sophisticated computer model to determine that flood-control dikes in the Columbia River floodplain and reduction of peak water flows reduce shallow water habitat for juvenile salmon when it's most needed for their transition to the Pacific Ocean. Study is the first to separate the effects of flow regulation and diking on salmon habitat loss in the Columbia River. [9/24/03]

[Top of page](#)

ETHICS

- Elucidation of important ethical issues in today's health care, including physician-assisted suicide, pain management in chronically ill patients and development of the physician orders for life-sustaining treatment form.

[Top of page](#)**FAMILY CAREGIVING**

- Creation of methods to help families better deal with stresses encountered in caring for chronically or terminally ill family members, and frail or demented elders.

GENETICS

- Groundbreaking use of genetic testing of human embryos, enabling parents at high risk of genetic disease to select a healthy embryo for implantation. [[10/29/99](#)]
- Creation of a process allowing researchers to introduce jellyfish DNA into the genetic material in monkey embryos. [[12/23/99](#)]
- Discovery of embryo-splitting technique used to clone monkeys. [[1/13/00](#)]
- Part of first research team in the United States to identify and clone a gene for Fanconi's anemia, FANCD2, discovering important clues to the cause and cure of the disease. [[2/15/01](#)]
- Discovery of key gene behind Hallervorden-Spatz syndrome, providing greater understanding of this devastating neurodegenerative disease. [[7/23/01](#)]
- Location of the fourth and perhaps final gene involved in the development of hypohidrotic ectodermal dysplasia (HED), a rare genetic condition. [[12/19/01](#)]
- A host of discoveries of genes implicated in disease, including leukemia, colon cancer, breast cancer, mental retardation, obesity, skeletal muscle tumors, glaucoma, ectodermal dysplasia, Parkinson's, Alzheimer's, schizophrenia, epilepsy, ovarian cancer, Fanconi's anemia, cocaine addiction, alcoholism, cardiovascular disease, muscular dystrophy, macular degeneration, ataxia, Hallervorden-Spatz syndrome, Marfan syndrome, Creld 1, and many more.
- Creation of an elaborate database for tracking DNA diagnostic tests and research for use by other DNA labs around the country and by the human genome center.
- Production of the world's first genetically modified monkey for the purpose of perfecting gene transfer techniques to treat, and ultimately cure, such diseases as diabetes, Alzheimer's and breast cancer.
- Refinement of detection methods for genes responsible for certain diseases of iron overload and coagulation, and definition of clinical circumstances in which these tests should be done.

[Top of page](#)**GLOBAL WARMING**

- First to report the increased concentrations of methane in the atmosphere and its implications for atmospheric pollution. [[4/16/02](#)]
- Responsible for setting up a worldwide network for sampling the earth's changing atmosphere, producing primary data for understanding how the earth's atmosphere is changing due to human activities.

HEARING

- Invention of device to mask the internal noise of tinnitus. [1974]
- Development of a drug that prevents the hearing loss that can occur as a result of tumor therapy. [[3/20/01](#)]
- Creation of a unique computer program that helps deaf children learn how to listen, recognize sound and speak clearly. [[6/3/02](#)]

HEART DISEASE

- First to introduce the concept of transluminal angioplasty, using multiple catheters of

increasing diameter to open blocked arteries and improve blood flow in patients with peripheral arteriosclerosis.

- Invention of the first prosthetic heart valve.
- Discovery of the role of embryonic heart development and its relationship to long-term cardiovascular health and adult heart disease, illuminating the importance of maternal nutrition during pregnancy.
- Finding that fetal and maternal blood have different oxygen curves.
- First description of the differential function of the fetal heart ventricles.
- Establishment of a computerized 3-D model of a developing heart.
- Discovery that strength training has cardiovascular benefits.
- Discovery of a genetic link for dilated cardiomyopathy. [9/22/99]
- Establishment of a link between the common herpes virus and cardiovascular disease. [11/23/99]
- New findings revealing that women tend to develop cardiovascular disease 10 years later than men.
- Identification of homocysteine as a risk factor for heart disease and establishing folic acid as the key to preventing that risk.
- Invention of artificial venous valve that does not require surgery and provides an alternative to traditional supportive treatment, such as special stockings or boots. [1/22/02]
- Discovery of clot-forming protein in the blood that is a precursor to coronary artery disease. [7/25/02]
- Perform what is thought to be the first Ross mitral valve replacement procedure on the West Coast and one of only about 10 in the United States. The procedure replaces a patient's mitral valve with a pulmonary valve from the top of her heart, and places a cadaver valve in the pulmonary position. [7/21/03]

[Top of page](#)

IMMUNE SYSTEM

- Finding that experimental vaccine can prompt the immune system to vigorously fight off myelin-attacking T cells that cause multiple sclerosis.
- One of first stem cell transplants to cure juvenile rheumatoid arthritis is performed on pediatric patient. [11/23/99]

INFECTIOUS DISEASE

- New findings about infectious diseases, such as salmonella, HIV and cytomegalovirus, which may lead to vaccines against HIV and a form of bacterial meningitis, and development of strategies to prevent birth defects in transplant and AIDS patients.
- Discovery of monkey version of human herpes virus provides model for investigation to learn how that virus causes Kaposi sarcoma in AIDS patients.
- Discovery of one of the defense mechanisms bacteria and other disease-related cells use to resist drugs such as antibiotics, aiding the creation of "smarter drugs." [12/7/01]
- Discovery that significant immunity levels of smallpox vaccination last for many decades rather than three to five years as previously thought, and that repeated vaccinations do not create a sustained level of higher protection. [8/17/03]

[Top of page](#)

INFERTILITY

- Discovery of several key hormones that regulate fertility in both men and women.
- Development and refinement of surgical techniques to correct causes of female infertility.
- Revelation that a widely used fertilization technique may adversely affect the genetic

material in sperm.

- Established monkey models for in vitro fertilization and embryo transfer to facilitate safe testing of reproductive strategies now emerging in human fertility clinics.
- Discovery of basic mechanisms responsible for the monthly release of an egg increases knowledge of fertility control, and guides therapy for infertility, anorexia, obesity and stress-related behaviors in women.
- Development of new infertility test for men that for the first time helps determine the cause and appropriate treatment for male infertility, preventing women from undergoing unnecessary treatment.
- Development of new test for men that determines the cause and appropriate treatment for male infertility, and saves women from receiving unnecessary treatment.

[Top of page](#)

LIVER DISEASE

- Discovery that the absence of a key gene halts the proliferation of liver cells, a finding which could lead to better management and therapies for liver diseases. [6/15/00]
- Successfully demonstrated that stem cells taken from bone marrow can be used to generate healthy liver cells in patients with liver disease potentially reducing the need for whole-organ liver transplantation. [11/13/00]
- Explanation of how adult stem cells can heal diseased liver tissue, research that helps direct scientists in the quest for therapeutic uses of adult stem cells. [3/27/03]

[Top of page](#)

MEDICAL INFORMATICS

- Significant contributions to the growing field of information technologies, such as the use of computers, telemedicine and online retrieval systems, in the delivery and evaluation of health services.
- Development of the first online graduate-level courses on medical informatics.
- Development of a worldwide standard for recording clinical information for electronic information systems.

[Top of page](#)

MENTAL CONCENTRATION

- Discovery of a new family of molecules involved in regulating mental concentration, paving the way for design of new drugs to treat mental and movement disorders, including schizophrenia, epilepsy and myotonic dystrophy.

[Top of page](#)

MULTIPLE SCLEROSIS

- Discovery that treatment with interferon beta-1a (Avonex) is effective in slowing cognitive impairment in multiple sclerosis patients.
- Development of a vaccine to fight multiple sclerosis. [12/4/00]

NEUROTOXIC DISORDERS

- Discovery of relationships between some chemical exposures and neurological disorders.

NERVE REGENERATION

- Discovery that immune-suppressant drugs used to fight organ transplant rejection can stimulate regrowth of nerve cells in the spine and brain, leading to a promising therapy for patients with brain damage, neurologic disorders and traumatic injury.

[Top of page](#)

NUTRITION

- Creation of new nutritional strategies, and publication of cookbooks, for reduction of cholesterol and the treatment of diabetes, as well as for improved health and diet
- Determination of important roles of taurine and omega-3 fatty acids in infant diets, leading to improved infant milk formulas. [1999]
- Creation of model programs that successfully encourage adolescents to engage in healthier eating practices. [4/13/00]

[Top of page](#)

OBESITY

- Discovery of a thermostat-like brain mechanism that regulates weight gain and loss. [08/08/00]
- Location and marking of nerve cells involved in body weight regulation. [5/24/01]
- Identification of brain mechanism by which the drug D-fenfluramine, now banned by the FDA, causes weight loss, laying the groundwork for targeted drug therapies for obesity without the serious side effects. [7/25/02]
- Location of a compound found naturally in the body with the ability to limit food intake in both mice and humans, leading to better understanding of how hunger and satiety are controlled. [8/7/02]
- Discovery of appetite-reducing hormone found naturally in the body, laying the groundwork for development of a drug that can help fight severe obesity. [11/4/02]

[Top of page](#)

OBSTETRICS/GYNECOLOGY

- Discovery of fetal pulmonary lamellar bodies in amniotic fluid, a breakthrough that led to the now common practice of examining amniotic fluid to determine fetal maturity.
- Discovery of simple and effective method of birth control that doesn't suppress the ovarian cycle.
- Elucidation of how hormone imbalances at the end of menstrual cycles, childbirth and menopause lead to depression.
- Contributions to study of new long-lasting, hormone-releasing intrauterine device with fewer side effects than non-progesterone IUDs
- Part of international discovery that magnesium sulfate prevents women with preeclampsia from seizing. [6/7/02]
- First statewide survey in the nation of those licensed to deliver babies reveals many are considering quitting obstetrics, citing rising malpractice insurance costs. [3/3/03]
- Freeze human eggs that result in the birth of a baby boy to an Oregon couple - the first birth on the West Coast from egg cryopreservation and one of about 25 in the United States. [7/7/03]

[Top of page](#)

OSTEOPOROSIS

- Revelation that bone density testing can adequately identify women who could benefit from treatment prompts first-ever U.S. Preventive Services Task Force recommendation on routine screenings for women aged 65 and older [9/02]

[Top of page](#)

PEDIATRIC DISORDERS

- Establishment of the nation's first infant screening program for PKU, a dangerous metabolic disorder.
- Development of miniature endoscopic ultrasound scanning device that allows physicians to examine infants and children during surgery.
- Invention of a critical care crib, which makes it easier to care for critically ill toddlers and infants. [5/7/01]

[Top of page](#)

PHEROMONES/MATING

- Discovery that pheromones in elephants are identical to those in moths, opening doors for future studies related to evolutionary biochemistry and reproductive endocrinology. [1996]
- Research on sexual communication among elephants that not only sheds light on animal behavior, but also may prove useful for facilitating mating in livestock, horses, dogs (and other animals) by using odors for the arousal of males at appropriate times in the female cycle. [9/30/02]

[Top of page](#)

PREMENSTRUAL SYNDROME

- Discovery that the drugs Prozac, Paxil and Zoloft can help alleviate the mood swings and physical symptoms associated with PMS. [4/2/99]

[Top of page](#)

PSYCHIATRIC DISORDERS

- Identification of ways to treat post-traumatic stress disorder; contributions to a better understanding of adolescent depression and schizophrenia.

[Top of page](#)

PUBLIC HEALTH

- First clinical breast exam program in nation to teach comprehensive, standardized clinical breast exam approach, including both didactic and hands-on teaching to medical students, residents and practicing clinicians. [2/27/03]
- First statewide survey in the nation of those licensed to deliver babies reveals many are considering quitting obstetrics, citing rising malpractice insurance costs. [3/3/03]

[Top of page](#)

RHEUMATOLOGY

- Establishment of the unloader knee brace as an effective means of pain relief for those

suffering from osteoarthritis, allowing patients to avoid or postpone surgery. [1/19/99]

- Finding that naturally occurring MSM (methyl-sulfonyl-methane) provides therapeutic benefits for arthritis sufferers.

[Top of page](#)

SCIENCE AND TECHNOLOGY MANAGEMENT

- Discovery that social and organizational dynamics influence people's willingness to share information. [8/5/02]

[Top of page](#)

SEMICONDUCTOR EQUIPMENT

- Conducted critical research in field-emission electron- and ion-source technology and related charged-particle optics, leading to techniques and instrumentation for improved semiconductor fabrication and characterization.

[Top of page](#)

SHINGLES

- Discovery that drug designed to treat seizures also can reduce severe pain caused by nerve damage in shingles patients.

SLEEP AND MOOD DISORDERS

- Discovery of the relationship between light and the biological clock (circadian rhythms). [3/15/99]
- Creation of new therapies using light and melatonin to alleviate sleep and mood disorders, and to restore normal circadian rhythms in the blind. [10/12/00]
- Discovery of the brain mechanism that regulates the body's cycle of sleeping and waking, illuminating the molecular basis of sleep and mood disorders.

[Top of page](#)

STRESS AND ILLNESS

- Clarification of relationships between prolonged stress and vulnerability to serious illness and infertility.

STROKE

- Contribution to landmark studies of clot-dissolving drugs delivered to the precise brain region during a stroke, which can limit long-term disability and speed recovery.
- Discovery of several methods for removing blood clots in stroke victims using lasers, sound waves and thrombolysis. [4/26/01]
- Discovery, in collaboration with Legacy Health System researchers, that small strokes proactively protect the brain against damage caused by larger strokes; discovery may help develop brain-protecting medications. [9/26/03]
- Finding that ginko biloba may be a potential stroke therapy.
- Revelation that a widely used stroke treatment may do more harm than good if given beyond the first three hours of the onset of symptoms.
- Discovery that simultaneous use of ultrasound waves and t-PA to break down blood clots improves the overall effectiveness of t-PA and lengthens the window of time for

its use.

[Top of page](#)

TOOTH INFECTIONS

- Discovery of types of immune system responses to tooth and gum infection.

TRAUMATIC BRAIN INJURY

- Lead multidisciplinary, multi-institutional team that develops the world's first guidelines for treating traumatic brain injuries in infants, children and adolescents. Three peer-reviewed journals publish the guidelines simultaneously. [6/6/03]

ULCER

- Discovery that a shorter antibiotic regimen can effectively kill the ulcer bacterium.

VISION

- Use of cryotherapy to prevent blindness in premature infants.
- Discovery of a genetic region linked to age-related macular degeneration, a leading cause of blindness. [8/98]
- Findings that lead to a new therapy for macular degeneration. [4/13/00]
- Discovery of several genes that may cause glaucoma.
- Development of the first artificial tears for treatment of "dry eyes".
- Pioneering of the first operating ophthalmic microscope.
- Discovery of mechanisms responsible for dry eye syndrome, which affects 10 million Americans. [10/4/00]
- Discovery that drugs commonly prescribed to osteoporosis and cancer patients may also cause serious eye inflammation side effects in some cases. [3/20/03]
- Finding that certain aspects of age-related visual change were slightly different for people diagnosed with high blood pressure than for people with normal blood pressure, suggesting that high blood pressure can lead to visual change even among people without eye disease. [9/16/03]

[Top of page](#)

This page last updated January 27, 2004, by [News and Publications](#)

[OHSU Home](#) | [About OHSU](#) | [Search](#) | [Site Map](#) | [Contact OHSU](#)
[Health Care Services](#) | [Research Programs](#) | [Academic & Students](#) | [Regional Outreach](#)

[OHSU Notice of Privacy Practices](#)
© 2001-2004, Oregon Health & Science University

Testimony submitted to the Metro Council hearing regarding: Update and Adoption of Metro's (Goal 5) Nature Friendly Neighborhoods.

Thursday, April 28, 2005

Submitted by Wendy Rankin MPA, Manager of the Chronic Disease Prevention Program, Multnomah County Health Department

Good afternoon Metro Councilors,

It is my honor to address the issue before you as a representative of the Multnomah County Health Department. Indeed the issue you are considering today of "Nature Friendly Neighborhoods" goes beyond the safety and support of the ecosystems that protect the fish and wildlife habitat. "Nature Friendly Neighborhoods" has profound implications for the health of humans in our communities.

The 18,000 acres of undeveloped floodplains, stream corridors and headwater streams throughout the Portland-Metro region represent a valuable resource to promote health and well-being in our area.

Public health practitioners have long understood the critical importance of partnering in urban and transportation planning to design the built environment. The preservation of undeveloped land is also a public health issue. By preserving these acres at least three areas contributing to the health of humans will be impacted. These are: 1) maintaining opportunities for physical activity, 2) maintaining healthier air quality and 3) promoting a natural less stress-inducing environment.

Opportunities for Physical Activity:

It is no surprise to you that Americans are experiencing unprecedented levels of overweight and obesity. In Oregon over 57% of adults are overweight¹ and 22.5% of adolescents in the Tri-County area are overweight or at risk for overweight.²

Epidemiologic studies demonstrate that daily physical activity at moderate levels provide significant health benefits. In the past one hundred years we Americans have engineered much physical activity out of our lives.

The lands protected by "Nature Friendly Neighborhoods" provide access to opportunities for physical activity and a natural stepping off point for individuals and families in our region. This is true for everyone in our region. For some groups however the impact of close in accessible green areas has greater implications. For low-income individuals and families the budget demands for housing and food can eclipse opportunities for recreation. For those with scarce resources, the protected areas provide access to green areas for recreation and no-cost opportunities for physical activity in a healthy environment.

¹ Oregon Behavioral Risk Factor Surveillance System

² Oregon Healthy Teens Survey

Elders is another sub population to consider. The number of people over 60 and older in our region will increase 62% over the next two decades and they will make up a larger percentage of the population. This older population is expected to increase the demand for recreation such as wildlife viewing and walking and “softer” types of active recreation.

Air Quality

Air pollution can make people sick. It is estimated that up to 100,000 deaths per year in the United States are associated with air pollution. Bad air had been linked to asthma, bronchitis, high blood pressure, heart disease and lung cancer.

Motor vehicles, especially cars account for the vast majority of air pollutants in the region. In Multnomah County in 1996 and 1999 they accounted for 52% of toxic air pollutants and 77% of EPA criteria pollutants.³

Air quality will not be further compromised if urban watersheds and green space for fish and wild life is restored and protected. Not only will fewer roadways be constructed but the surface area of tree canopy and grasses provides leaves and needles that can allow for removal of ozone and nitrogen dioxide.

Mental Health

Several studies in both the US and abroad document the impact of green space on psychological well being. These studies have concluded that potential psychological and mental health benefits from exposure to nature are not limited to exposure in the countryside only, but within urban and semi-urban settings access to nature, open spaces can have a beneficial effect.⁴

In the words of one Portland area resident “ In an area packed with shoulder-to shoulder built environment the human spirit hungers for the majesty of nature, is visible mystery”⁵

Conclusion

Metro Councilors, you are poised to make some critical decisions about the future of our region. Today I join with my colleagues in encouraging you to consider the human and health implications of Metro’s Goal 5. Improving and maintaining public health requires that we support the protection of these lands for not only for their intrinsic value but also for their role in assuring the health and vitality of the people who live in our communities. Thank you.

³ The Environmental Health of Multnomah County, Office of Planning and Development, Health Department , 2003

⁴ Summary of English Nature’s Response: Consultation on Nature, Mental Health and Social Exclusion, Office of the Deputy Prime Minister. September 2003.

⁵ Jane Glazer, Parks 2020 Vision Portland Parks and Recreation, page 37

**Multnomah County Drainage District #1 Testimony
Metro Council Nature in Neighborhoods Hearing on Ordinance #05-1077
2:00 PM at Metro Regional Center, 600 NE Grand Avenue,
Council Chambers
Thursday, April 28, 2005**

For the record, my name is Tim Warren and I am President of Three Oaks Development Company and President of the Board of Supervisors of the Multnomah County Drainage District #1. My business address is 14863 SE 82nd Avenue, Clackamas, OR.

Good afternoon Council President Bragdon and members of the Council:

Joining me today is Rich Halsten, President of the Board of Supervisors of Peninsula Drainage District #2. Here in spirit is Larry Medearis, President of the Board of Directors for the Sandy Drainage Improvement District who is chairing this afternoon a budget meeting of his board, and Chris Bailey, President of the Board of Supervisors of Peninsula Drainage District #1 who had scheduling conflicts. The four of us are united in support of Ordinance #05-1077 and doing so underscores the importance with which our Boards and landowners view this effort.

The Drainage Districts operate under federal and state mandates to protect the safety and welfare of some 2,000 landowners located on over 10,000 acres of managed floodplain within the Columbia Corridor. We do this by managing the flood elevation to protect these areas, which include Portland International Airport, the City of Portland's wellfield and the region's largest industrial sanctuary.

While our mission is safety, we accept the role of natural resource stewards and share your commitment to the protection and enhancement of fish and wildlife habitat. The Columbia Slough is the backbone of our drainage system. As part of improving this stormwater conveyance system, we have undertaken award winning enhancement projects for the benefit of fish and wildlife. We work hand in hand with many partners on projects such as the Army Corps of Engineers 1135 enhancement project, which in 2002 received the Columbia Slough Watershed Council Project Achievement Award. Through this carefully crafted maintenance project, we, with our Corps and City of Portland partners, have been able to create nearly seven acres of new emerging wetlands, and expect to add about that amount again as we complete the project.

We have been working closely with your staff on the Regional Goal 5 program to insure that provisions of the "Nature In Neighborhoods" Functional Plan amendments and the Title 13 Model Ordinance allow the Districts to do what we are required by federal and state mandates. The wording in the COO recommended Functional Plan and Model Ordinance acknowledges our unique

mission and allows us to continue routine maintenance and operation activities without adding an additional layer of regulation and review to those requirements already in place. These requirements, together with our own practices, insure the Districts meet local, state and federal standards, restore native vegetation and create valuable habitat with minimal disturbance where practicable.

We are pleased the language has been added to address our needs and support the Goal 5 compliance program as it now relates to the drainage districts. We applaud the Council and President Bragdon for setting an expectation for collaboration between staff and the stakeholders on this last round of the Goal 5 program. We have found Metro staff, particularly Chris Deffebach, Paul Ketcham and Paul Garrahan to be understanding, receptive and supportive of reasonable solutions to meet our needs, and this has led to our support of the program here.

Thank you for the opportunity to testify today. I will try to answer any questions you might have.

042805c-16

To: Metro Council
600 Grand Avenue
Portland, OR 97323

From: Carl Axelsen, Program Manager
Raindrops to Refuge
Sherwood, Oregon

April 28, 2005

Subject: Nature in the Neighborhoods

- 1. Resist pressure to weaken protections for Class I & II riparian (Habitat Conservation Areas) in Metro's Program.**
- 2. Decree the strongest protections possible in those areas.**
- 3. Insist on an equally strong Tualatin Basin Plan.**

First, I endorse entirely the points on policy and on the science involved made by Labbe, Salinger, Houck, Marshall and others. I won't repeat them here.

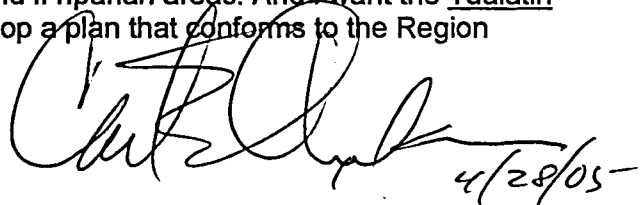
The political pressure on Metro Council to weaken habitat protections has and will come in terms of regional economics; some in terms of owner's rights to financial gain. I am convinced, however, that human, political and economic factors call for strong habitat protections, not for the weakening of them. If regulations aren't acceptable for all key habitats then at least the highest value of them must be regulated. And the Tualatin Basin must be covered equally and firmly by Metro's Nature in the Neighborhood Plan.

Here are the core arguments I have heard behind the revolt against environmental, land-use regulation: 1. Loss of jobs; 2. Cost of homes rising beyond the reach of working people; 3. Loss of individual real estate gain entitlement; 4. Violation of property rights. None of these arguments hold up to examination. These emotion-laden arguments are used to accomplish special interest goals. They are used as a scam to create public sentiment that then influences politics. We once again see politics shaped by the biggest lies told with the most persistence. The truth is:

- Protected natural spaces accessible to people attract employers because they attract employees. More jobs and better jobs result.
- Home affordability is the issue, not home cost. Affordability is a matter of the justice of the total economic system, not whether riparian habitat is held out of development. Environmental protection is a false scapegoat for unaffordable housing.
- Since the beginning, property rights included the constitutional concept of protecting the health and welfare of all of us even if a few of us aren't as enriched as we would like. Health and welfare of the greatest number is the issue here.
- Where in the constitution or anywhere else are we guaranteed a certain positive return on an investment – real estate or otherwise? Nowhere. If taxpayers must pay for an individual's loss of unsubstantiated, self-conceived gain due to government action, then landowners who are enriched from government action should pay the taxpayers. (i.e. open land being brought into the UGB.)
- The impact of Measure 37 isn't settled yet and I expect my elected leaders to courageously confront the illogic and untruths behind it.

I am not arguing for the original idea of protecting all key habitat with Metro regulation. That fight has been lost. I do want the Council to confront the baloney and stick with regulatory protection for Class I and II riparian areas. And I want the Tualatin Basin team to return to their work and develop a plan that conforms to the Region program.

Thank you for your consideration.



4/28/05

04/2805c-17



Friends of Forest Park

P.O. Box 10934
Portland, OR 97296
503-223-5449
www.FriendsofForestPark.org

April 28, 2005

Metro Council
600 NE Grand
Portland, OR 97232

Re: Nature in Neighborhoods Initiative
Council Resolutions 05-1077, 05-3577, and 05-3574

Dear President Bragdon and Metro Council,

The Friends of Forest Park would like to thank you for your work and dedication in finalizing the Goal 5 regional fish and wildlife plan and in launching the new Nature in Neighborhoods Initiative. We strongly support the combination of new habitat protections measures, including flexible development standards for the highest value riparian habitats (Class I and II), promotion of habitat-friendly development through a suite of voluntary, incentive, and other non-regulatory measures, and a commitment to take a 2nd Regional Bond Measure to the voters in 2006 to acquire natural areas as public-access open space.

Forest Park and the community will benefit immensely from this suite of tools by helping protect and restore corridors connecting the park to the surrounding landscape and to the coast range. As you know, Forest Park is truly a regional resource, providing recreational opportunities and free environmental services (improving our water and air quality, and enhancing the view shed). The park is an important contributor to the livability of the Portland metropolitan area, and as such is also a part of the state's economic system. We urge Metro to continue its support for expanding and protecting wildlife corridors and buffer zones in order to preserve this valuable resource for the future.

In making your decision we encourage you to consider the following:

1. Take measures to **ensure upland habitat is protected** in recent UGB expansion areas. We are concerned that Metro's decision last December (Resolution 04-3506) will leave these areas extremely vulnerable to loss. The pattern of urban development adjacent to Forest Park will greatly impact Forest Park. Future urban expansion areas provide opportunities to prevent mistakes of past urbanization and keep nature nearby. They should be a focus of greater attention to ensure natural resource protection.

2. We request the Council **condition the Tualatin Basin Program** so that it will meet the same standards as the rest of the region with respect to protecting Class I and II riparian corridors. The tributaries of Rock Creek provide important corridors for wildlife migrating between Forest Park and the Tualatin River, and the neighborhoods in between. The jurisdictions in Washington County must protect and manage these corridors for their wildlife value, not just for fish and water quality.

3. We also support Metro's efforts to promote habitat-friendly development and to take a **regional greenspaces bond measure** to the voters in 2006 and look forward to being a significant partner in that campaign. Since the Metro Council has decided not to adopt regulatory protections for upland habitats in this program, the bond measure will be vital to protect large forest patches around the Forest Park. We urge you to create a bond measure that will include upland habitat as well as protect wildlife corridors.

Thank you again for your leadership.

Sincerely,



Gail Snyder,
Executive Director



Monty Smith
FoFP Board President

Testimony in support of Metro's Nature in Neighborhoods initiative
April 28, 2005
Noelle Dobson, Active Living by Design Partnership

Thank you for the opportunity to testify in support of Nature in Neighborhoods initiative. My name is Noelle Dobson and I am the manager for Portland's Active Living by Design program. Protecting natural areas within our neighborhoods is significant not only for the preservation of the region's natural resources, but also for human health. According to the Centers for Disease Control and Prevention, opportunities to participate in outdoor recreation within neighborhoods and communities is recognized as an important way to help address serious health concerns such as obesity, hypertension, diabetes, depression and anxiety.

Today I'd like to speak directly to the benefit that urban greenspaces have in creating neighborhoods and regions that promote health by supporting and increasing physical activity. I'm speaking on behalf of Portland's Active Living by Design Partnership, which is a coalition of community leaders and citizens in public health, transportation, urban planning and development, parks and recreation and community service looking at the connection between the built environment and active living—our ability to be physically active in our daily lives and throughout our neighborhoods.

The Active Living by Design Partnership supports a strong Nature in Neighborhoods program because greenspaces provide natural, scenic areas that cause people to actually want to be outside and physically active. Greenspaces that are easily accessible within neighborhoods make it easier for people to incorporate outdoor activity into their daily lives and interact with fellow neighbors.

With the heightened recognition that many Americans are not getting the recommended levels of physical activity has come heightened awareness about how our built environment impacts our physical activity. Best practices and emerging research in public health, planning and other disciplines suggest that to make places more friendly to physical activity we need to create active community environments—places where people of all ages and ability can be physically active each day. An active community environment includes bike and pedestrian networks and facilities parks and greenspaces, recreation facilities, and accessible town centers. Protecting greenspace within communities through a strong Nature in Neighborhoods program is a critical element in creating Portland Metro communities that support health.

A recently published article in the American Journal of Health Promotion looked at 34 metropolitan areas and concluded that the degree to which city people walk or ride bicycles for transportation depends largely on how much greenspace there is. Estimates from a literature review of scientific studies indicate that improving access to places for physical activity such as urban greenspaces, trails and parks can result in a 25% increase in the number of person who exercise at least three times a week.

I'd like to specifically express our support for the initiative's proposed flexible development standards for new urban areas. Identifying and protecting areas in communities such as Damascus in the southeast metro region will have significant impact on future development practices, the character of the community and opportunities for Damascus to grow into a community that actively supports outdoor recreation. Protecting habitat in future UGB expansion areas will encourage stakeholders to be proactive and integrate the built environment and greenspaces, minimize impacts to habitats, and still allow for successful, healthy, active urban style development.

On behalf of the Active Living by Design partnership I urge you to support a strong Nature in Neighborhoods program and create active community environments for Metro residents. Thank you.



COLUMBIA CORRIDOR
ASSOCIATION

28 April 2005

Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

re: Nature in Neighborhoods

Dear President Bragdon and Metro Councilors:

The Columbia Corridor Association (CCA) would like to applaud Metro's Nature in Neighborhoods effort. We thank you for the good work, encourage the emphasis on voluntary compliance, and raise a few concerns.

The Columbia Corridor is the largest planned industrial area in the state of Oregon, covering 28 square miles. It also includes 14 square miles of managed floodplain. CCA has been and continues to be particularly interested in the Metro Goal 5 process because the Columbia Corridor contains a high concentration of both the region's industrial lands and lands identified for habitat protection.

Metro's emphasis on voluntary efforts is greatly welcome. However, volunteerism works best with adequate **incentives**. Nature in Neighborhoods does not yet offer good incentives for commercial and industrial properties. CCA encourages Metro to devote the coming months to creating an exemplary incentives program. Furthermore, we suggest preparation for two scenarios: one based on a successful 2006 parks measure, the other without a parks measure. CCA commits to working with Metro to create an incentives plan.

Metro has superb **mapping** capabilities which have led to a heavily map-reliant component to Nature in Neighborhoods. Unfortunately, the map correction process is unclear and daunting. While it is easy to verify the maps, it is not easy to correct them. In addition, the correction responsibilities will often fall to the cities without adequate guidelines or a process to accomplish that in a regionally collaborative way. Map adjustments and interpretations will be an ongoing challenge given their fundamental role in the program. Metro should remain engaged with the cities to guide resolution of the likely problems that will arise as the program moves forward. There is significant risk of additional cost to all if this process is not effectively managed.

A large part of the Columbia Corridor is home to the four Drainage Districts. CCA supports the language that makes as an "allowed use" the activities of the Drainage Districts to meet their state and federal mandates. Their ability to cost-effectively

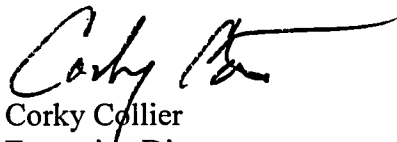
maintain the managed floodplain is critical. In recent years, the Districts have been given the coveted "excellent rating" during the Corps of Engineers annual inspection. Having the ability to maintain this level of achievement keeps flood insurance premiums low for businesses located in the Drainage Districts, and provides reassurance to businesses seeking to locate there.

CCA also supports the streamlined mitigation requirement contained in the Metro COO recommendation to address wildlife hazards on Port property within 10,000 feet of an airport operating area. This would allow the Port to address a critical safety issue without a time consuming review process. At the same time, this is not an exemption. Any impact to a resource must be mitigated.

Group Mackenzie recently offered a critique of the effects of Nature in Neighborhoods on industry. We found their critique well-reasoned and hope Metro adopts their recommendations. More time is needed to evaluate the impacts on Corridor properties, particularly the Disturbance Area Limitations. CCA understands we will have an opportunity to work with Metro staff to improve the proposal after our evaluation. Please let us know if this is not the case.

Much good work has been done. However, it behooves us to continue the hard work in order to fill in the few gaps that could grow into significant problems. CCA looks forward to working with Metro to improve our economy and community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Corky Collier", with a long, sweeping horizontal line extending to the right.

Corky Collier
Executive Director

Resolution 05-3574 ^{support} Metro's Nature in Neighborhood

* → ^{recommend} Add a whereas related to Metro's earlier commitment to address stormwater be it resolved that Metro Council direct staff ^{to work with WRPAC} to identify Metro's role + scope of work related to stormwater management, watershed planning + ^{for newly identified} regional ^{as} Designated Management Agency ~~position~~

* → Resolution 05-3577 ^{plus} ~~additional~~ condition directing Washington County jurisdictions to include ^{apply} avoid minimize mitigate requirement to all of Class I + II riparian habitat

→ First point ~~was~~ ^{severely} Title 3 was limited ~~adequately~~ addressing Goal 6 ^{Water Quality} because stormwater was not included but deliberately postponed until completion of Goal 5. ^{utilizing WRPAC} ~~dedicate~~ ^{dedicate some portion of staff time} value in now ~~what~~ what Metro's role should be. Consistent w/ objectives with Metro responsibility in providing Technical Assistance in implementing LID

Second part Tualatin Basin

Metro Staff report identifies Tualatin Plan as failing to achieve substantial compliance w/ ~~Waters~~ ^{Metro's} N in N. and have propose 6) conditions for approval.

Lead 5 TAC/WRPAC recommended + TLK urge you to apply an additional ~~the~~ condition ~~that~~ ^{a, m, m} will consistently protect Class I + II // ~~w/ this condition cannot support Tualatin Plan~~

Most Vulnerable Undeveloped Flood Plains

Clear on what is proposed: Tualatin Plan — no new regulations packaged existing better standards of CWS w/ their proposed SWM Plan - Healthy Stream Plan this plan proposes a list of projects + suggests a 20 year time line for implementation.

This plan relies on existing SWM fees ^{+ SDC} which includes a \$28 million ^{exists + swm fees} balance that "should have been spent on the projects listed in previous SWM plan."

Point on contention * 25 - 35% of class I + II highest value riparian habitat not protected ~~Wich, Co. Jurisdiction~~ This is a significant deviation from Nature in Northland.
 → balanced cut + fill

condition

Of conditions staff recommend several irrelevant ^{include what} Metro has no authority to direct CWS

- ④ Agree + strongly support requiring Habitat Friendly Development in all of Class I+II
- ⑥ Strongly support compliance with Title 13 in New Urban areas

My copy

042805c-21

April 28, 2005

Thank you for your hard work and developing the Nature in the Neighborhood Program. *which I am in favor of*

As a Realtor, I know that values of homes are greater near any green space and protected area; (It could be as much as \$10K more). I strongly believe that we need regulations ^{watersheds} and protection for our ^{all the areas in the entire Portland area} most vulnerable streamside habitats and we're not ready to rely on voluntarily protecting these areas. *it's just not right*

Using Measure 37 as an excuse to throw away years of study and public input is irresponsible. Measure 37 was a call for fair compensation to landowners particularly harmed by land use planning, NOT a vote to abandon & ignore our ~~30~~ ³⁷ years of land use planning.; ~~that's cowardly and reckless leadership.~~

When we so arrogantly believe that we are "islands by ourselves" and we don't need anyone else to survive, that we don't need community guidelines ^{& regulations} and when we loose our concerns of others around us; that is the beginning of our own demise as a species & as a community. I wish I could believe that there is a new tide coming where community, altruism, support for diversity (both of people and wildlife) is on the rise, and that Volunteerism is the only guideline that we need now. That is like leaving the hungry fox in the chicken coop and think the fox will not act "naturally". *behave!*

Voluntary

We need regulation ^{uniform} now on ~~these~~ ^{all} lands, more than ever because individually we do not possess the mindset of sharing, ^{self control + protection of lands for our own} nor do we believe we can afford to ^{not} voluntarily give up an opportunity of gain. Look around, everywhere we have our hands out for instant gratification. We are the "I want it now" society. We are not ready nor mature enough in our global view to warrant such a reckless abandonment of regulation ^{uniform, fair} of some of our most precious and vulnerable watersheds ^{lands} that took Nature decades to create, and then to leave it up to us to take care of it "voluntarily." We need a governing body ^{to take} that has a broader, long term and balanced ^{POSITIVE} view. That is why you are here; unfortunately, it's apparent that we still need you to protect us from ourselves, like a parent who puts the cookie jar higher up on the shelf out of reach of the screaming child so they will not eat all the cookies in one day so that there will be some left in the jar for tomorrow and for the rest of the family.

a unifier all throughout
Please support the ~~highest~~ ^{highest} protection of our ~~streamside~~ ^{streamside} corridors.

-No more development in Floodplains compromising our water quality and personal safety from flooding and landslides.

-No more exemptions for the Port of Portland; everyone must play by the same rules.

Let's not make a mockery of all your hard work over the last ~~10~~ ¹⁰⁺ years and the hours of research and the hours of public comments.

We are at a critical ~~path~~ ^{crossing} in the road and we must be responsible stewards for our vulnerable ~~streamside~~ ^{streamside} corridors, while we still can.

Leaders take positions even if it's not the most popular thing to do. We have been discussing this plan for over ~~10~~ ¹⁰ years, don't just throw up it all away, and hide behind Measure 37. Leaders do the right thing because they have not only intellect but heart.

Be the leaders we know you can be & you will find you are not alone.

Sincerely,

Nancy Jane Cushing
14670 NW Twinflower Dr.
Portland, OR 97229

Support keeping our neighborhoods green & safe & of high value due to their ^{proximity to} streams, open space & wildlife corridors.

4/28/05

Ed Zarnwalt

042805E-22

Agenda Item Number 6.1

~~Resolution No. 05-3553, For the Purpose of Amending the 2004-07 Metropolitan Transportation Improvement Program (MTIP) to Eliminate the Interstate Avenue - MLK Boulevard Advanced Transportation Management System (ATMS) Project, Create an 82nd Avenue ATMS Project and Reallocate Funds~~

Metro Council Meeting
Thursday, April 28, 2005
Metro Council Chamber

I WILL MAKE THIS BRIEF. I AM CONCERNED ON ONE HAND METRO IS PUSHING HABITAT PROTECTION, & ON THE OTHER YOU HAVE BEEN INSTRUMENTAL IN MANEUVERING MILWAUKEE'S TRANSIT CENTER TO KELLOGG LAKE, A HABITAT FOR BALD EAGLES, BLUE HERONS & MANY OTHER SPECIES.

THIS CONCERNS ME - MILWAUKEE HAS VERY LITTLE GREEN SPACE LEFT.

AT THE PRESENT OUR RIVERFRONT IS THE SUBJECT OF AN ATTEMPTED RENOVATION UNDER THE AUSPICES OF THE GOVERNOR'S OFFICE & A NON-PROFIT CALLED OREGON SOLUTIONS, HELD & COORDINATED BY MA. NEWMAN. KELLOGG LAKE SHOULD BE PART OF THAT STUDY & RENOVATION

IN 2001 & 2002 - ~~THE~~ THE NEIGHBORHOOD'S OF MILWAUKEE HAD A WONDERFUL WORKING EXPERIENCE WITH MET & TRANSIT - MET ALLOWING LT. RAN TO MILWAUKEE - IT HELD A LOT OF OLD WOUNDS.

NOW, W/ THE NEW ALIGNMENT TO THE LAKE - THE SCAR HAS BEEN RIPPED OFF. THE GOOD WILL

PLEASE - LET'S GET TOGETHER, REOPEN THE DISCUSSION ON THE KELLOGG SITE, A FUND A ~~NEW~~ ~~PROJECT~~

BOTH A PROTECT HABITAT OF REALIGN THE RAILWAY

Thomassina Gabriele

4/28/05

I Represent IFC includes

Providence	OTSU
KP	P&U
LAUC	PCC
Legacy	L&C

I am here to specifically support the Section related to Regionally Significant Ed or Medical facilities

The intent of this section is to recognize that the ESSE model did not accurately reflect the development value of institutions. ^{because they are in residential neighborhoods} The initial ^{value} ~~value~~ of the model assigned a low ^{value} value to OTSU, PCC. ^{the significance of these institutions are noted by EEO Northwest in the ESSE they noted the need for a critical mass of employable persons becomes a primary location factor for}

Asym from

Medical & higher ed institutions are major employers and provide key health & educational services to our region. EEO Northwest noted ~~that due to~~ ^{in later versions of} this significance and ^{and} the fact that ~~the~~ ^{the} model recommended ~~undervalued~~ ^{and} these ~~for~~ ^{institutions} considering these factors ⁱⁿ ~~for~~ ^{and} these parcels.

Thomas
Gabrielle

because they are located in residential neighborhoods on residential zoned land diluted for employment and land value factors.

We feel that designating these institutions as high urban ^{development} value is appropriate. The ordinance ~~appropriately~~ balances this value against habitat values. This is not an exemption or even special treatment. Those areas with Class I & II will be ~~appropriately~~ ^{still be regulated} ~~designated~~ as medium or low habitat ^{conservation} ~~conservation~~ areas.

You might ask why this issue couldn't be handled through the Master Plan process ~~as~~ at the local level. Institutions will continue to undergo these disenfranchising reviews. However ~~we~~ ^{some} ~~will~~ encourage you to ~~use~~ ~~maintain~~ ~~the~~ ~~direction~~ ~~contained~~ ~~in~~ ~~your~~ ~~ordinance~~ ~~as~~ ~~described~~ ~~in~~ ~~your~~ ~~plans~~ directs ~~at~~ ~~the~~ local jurisdiction to consider the type of conservation area which considers both urban & habitat value in reviewing disenfranchising review

we urge you to maintain ~~the~~ high urban dev. value

042805c-24

Steve Mullinax
4648 S.W. 39th Dr.
Portland, OR 97221

April 28, 2005

Dear Metro Counselors,

Awake early Wednesday, I heard a screech-owl trill in the woods outside my house. I listened; it trilled once more. Just once, then went on its way to find a vole or mouse for breakfast. I live in SW Portland, on an upland tributary of Fanno Creek. I work hard, along with my neighbors, to protect and restore streamside habitat on my own property and on other streams in the neighborhood. We want to protect the wildlife and our aesthetic values. We help stop streambank erosion. This protects our property, as well as Tualatin Basin water quality. Our children have the good fortune to engage the woods and streams close-up. Their experience and education in the natural environment benefits them and the community.

While we live in the city of Portland, the nature in our neighborhood is connected to the rest of the region, especially the downstream resources in the Tualatin Basin. Our efforts to protect habitat and water quality rely on both voluntary and regulatory measures. I ask you to provide regulatory protection of all the region's class I and II streamside habitats, and that you hold all Tualatin Basin jurisdictions to the same standards as the rest of the region.

Similarly, I ask that you not create special standards or exemptions for the Port of Portland and other large industrial property owners.

I want to thank the council for your efforts to create standards for new development and redevelopment. I look forward to the protection you will provide for our regions Class I and II streamside resources.

Sincerely,

Steve Mullinax

Marion Haynes
Portland Business Alliance
Nature in Neighborhoods Testimony
April 28, 2005

Thank you for the opportunity to comment on the Nature in Neighborhoods program. We support some of the COO's recommendations; however, we continue to have a few concerns with the proposed program.

First, we support the exemptions for the Port of Portland Terminals 4, 5, and 6, as well as the alternative compliance approach for the airports. These facilities provide a critical transportation gateway to the global marketplace for businesses throughout the region and beyond. The public investment in this infrastructure cannot be replicated and the economic significance of these facilities warrants the proposed approach. We also encourage Metro Council to continue to evaluate whether other properties along the Willamette and Columbia Rivers should be exempted due to their economic value.

Second, we support the Tualatin Basin approach as proposed. With resources in place to implement real projects, this offers an opportunity for environmental protection and enhancement in the near term that is realistic and achievable.

Third, we believe that the use of habitat-friendly development practices should be encouraged through incentives, rather than required by regulation. Alternatively, these practices should be required where practicable, which takes into account cost, existing technology and logistics. As proposed, these practices are required where technically feasible and appropriate. While many of these approaches may be technically feasible, the associated costs could make development prohibitively expensive. In addition, we support the amended definition of practicable, which takes into account reductions in fair market value.

Fourth, the avoid-minimize-mitigate standard should not be applied in all areas. The Council's decision during the ESEE phase of this program directed staff to vary the level of protection. Areas with high urban development value should not be subject to the same avoid standard as areas with less economic significance.

Finally, we are concerned about the impact Nature in Neighborhoods will have on the region's industrial land supply. Metro fought hard to provide sufficient industrial capacity within the Urban Growth Boundary during the most recent expansion, as well as provide protections for industrial uses under Title 4. This program will put many of these critical acres off limits. In particular, these regulations will impact several of the few remaining large industrial parcels, such as West Hayden Island. In order to mitigate these impacts, we urge Council to carry over the Title 3 exemptions into the Nature in Neighborhoods program. Additionally, we recommend Metro take steps to preserve industrial lands within the boundary; particularly those served with infrastructure and located near critical transportation facilities.

4/28/05

042805E-26

Pres. Bragdon & members of the Council
 My name is CC Charlotte Corkran
~~Under my personal name~~ I live at 150 NW 11th
~~Embreygatedly~~ I strongly support the proposed Nature
 in Neighbors ^{Program} & thank
 you for your excellent efforts.
 I support the comments submitted
 by Aud. Soc. of Ad. ^{for the strongest possible}

~~As a~~ ^{As a} consultant ~~to~~ ^{to} how worried
 wildl. in my own
 increasingly developed
 neighborhood for the
 last 34 years. ^{please}
~~write to you to know~~
 how important every

Nature in Neighbors
 comments
 Metro
 600 NE Grand Ave.
 Portland, OR 97232-2736

shred of wildl. hab. is that is maintained
 & protected. ^{as urbanization proceeds} I am heartened by the
 acknowledgment inherent in the proposed
 Nat. in Neighbors program of
 the essential need for maintaining natural
 systems for air & water qual. as well as
 wildl. ~~hab.~~ & rich habitat.

Thank you for the opportunity
 to testify.

Place
 stamp
 here

Pres. Brydon & members of The Council

My name is CC Charlotte Corkran

~~Indep. w/ consultant~~ live at 130 NW W 4th
I wholeheartedly

~~strongly~~ support the proposed Nature
in Neighborhoods ^{protection} & thank
you for your excellent efforts.
I support the counts submitted
by Aud. Soc. of Ad. <sup>for the strongest
program possible.</sup>

~~As a~~ ^{As a} consultant ~~to~~ ^{to} have worked
wildl. in my own
increasingly developed
neighborhood for the
last 34 years. please
~~trust you to know~~
how important every
shred of wildl. hab. is that is maintained
& protected. ^{as urbanization proceeds.} I am heartened by the
acknowledgment inherent in the proposed
Nat. in Neighborhoods program of
the essential need for maintaining natural
systems for air & water qual. as well as
wildl. ~~hab.~~ & rich habitat.

**Nature in Neighborhoods
comments**
Metro
600 NE Grand Ave.
Portland, OR 97232-2736

Place
stamp
here

Thank you for the opportunity,
so testified.



Nature in Neighborhoods

Comments due at Metro by 5 p.m. May 16, 2005

Your written comments will be summarized and presented to the Metro Council prior to council deliberation and decision-making.

Name _____ E-mail _____

Address _____ City/State/ZIP _____

Phone number _____ Fax _____

Do you want to be placed on the mailing list? yes no

Comments (please print) Turn in completed card, mail to address on back or fax to (503) 797-1911.



METRO

PEOPLE PLACES
OPEN SPACES

- GREETINGS
- LDL/WCI FOR L&CC

04/28/05

STRONG SUPPORT FOR PROPOSAL BEFORE YOU

REGIONALLY SIGNIFICANT EDUCATIONAL & MEDICAL FACILITIES

~~THANK YOU~~

- COUNCIL ACTION TO RECOGNIZE HIGH ECONOMIC VALUE OF CAMPUS-BASED FACILITIES IS THE APPROPRIATE RESPONSE TO CRITIQUE OF THE ECONOMIC ASSESSMENT METHODOLOGY

- ASSESSED VALUES OF PROPERTY
 - EMPLOYMENT DENSITY
 - REGION 2040 NODE LOCATIONS
- } BASED ON AVAILABLE DATA ITEMS

CHRIS DIFFEBACH
PAUL KETCHUM
PAUL LARIVIERE

- THANK YOU TO STAFF FOR THEIR WORK TO ARRIVE AT A FAIR, REASONABLE AND PRACTICAL PROPOSAL.

- NOT AN EXEMPTION OR CONCESSION - BASICALLY A MECHANISM FOR THE TENDENCY OF THOSE DATA ELEMENTS TO UNDER-VALUE CAMPUS LOCATIONS WITH RESPECT TO THEIR ECONOMIC IMPORTANCE TO THE REGION (AND THE CITIES IN WHICH THEY ARE LOCATED).

- NOT "SPECIAL TREATMENT" - LIMITED TO THE CONTEXT OF THE SPECIFIC ECONOMIC ASSESSMENT METHOD USED IN THIS PROGRAM.

- RESOURCE PROTECTIONS DO APPLY IN CAMPUS AREAS. LONG-TERM MASTER PLANNING WILL BE REQUIRED TO ADAPT IN RESPONSE TO THE PROPOSED METRO PROGRAM. FOR L&CC, CUMP EXPIRES IN 2008 AND THE COLLEGE IS NOW FRAMING ITS APPROACH, WHICH EMPHASIZES PRESERVATION AND RESTORATION OF RIPARIAN CORRIDORS AND OTHER HABITAT RESOURCES.

(LIBERTY/
JDVARI)



RE-SUBMITTED FOR THE RECORD 04/28/05
METRO ORD. # 05-1077

MEMORANDUM

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

DATE: October 29, 2003
TO: David Bragdon, Metro Council President
Metro Council
FROM: Lee D. Leighton, AICP
RE: Metro Goal 5 ESEE Analysis Issues and Requests
CC: Christina Deffebach, Metro
Michael Sestric, Lewis & Clark College
Steve Pfeiffer, Perkins Coie
Nancy D'Urso, Perkins Coie

Executive Summary of Issues and Requests

- Adjustments are needed to correctly represent certain institutions' economic, social and energy values within the Draft ESEE Analysis. Lewis & Clark College wishes to provide Metro with specific supporting information for making such adjustments with respect to Lewis & Clark College campus sites, prior to adoption of components of the ESEE Analysis in final form. Metro needs to clarify for its constituents the process it will use for receiving and responding to new information from property owners as part of the draft ESEE Analysis finalization process, over the coming months.
- The draft Economic Analysis uses a variety of indicators (e.g., assessed values, employment density, Region 2040 node location) to identify economic values associated with land areas. However, these particular indicators tend to downplay the economic significance of some educational institutions' campuses. Before the draft economic analysis is considered complete, the Metro Council should direct its consulting economists and staff to examine the effects that use of the indicators listed above has on institutional campus sites, and apply corrective adjustments to affected campus locations within the analysis area. Lewis & Clark College expects that such an examination will demonstrate that the relative economic value associated with its campus areas – Law School, Fir Acres (Main), and South Campus – should be increased, and that this revision should be reflected in revised mapping of economic values as part of the economic analysis.
- The Social and Energy Analysis elements of the draft Goal 5 ESEE Analysis document are heavily biased in favor of environmental conservation and restoration values, to the diminishment of competing – but real and important – other social and energy values and consequences. These elements should be scrutinized and revised to arrive at more balanced analysis results.

- At institutional campus locations, the potential for severe, moderate, or slight impacts on master development plan implementation – with corresponding impacts on associated economic, social and energy values – does not necessarily correspond directly with the development limitation concepts formulated by Metro for the ESEE Analysis (i.e., strictly, moderately, and slightly limit). Moreover, at this time Metro has not published any specific programmatic descriptions corresponding to the development limitation concepts, e.g., indications of the spatial requirements each category would involve for resource buffering or other strategies. As a result, it is literally not possible to assess the impact each limitation concept would have on campus master plan follow-through. In the upcoming program formation phase, Metro should consider the effects of specific proposed protective measures on campus areas, in light of approved master development plans, using information provided by owners of affected campus sites. Protective environmental measures should avoid impinging on institutions' ability to follow through on master planned development, by making an "allow" decision at specific locations, by allowing mitigation measures to compensate for resource impacts, or through some combination of similar methods.
- The process of long-range campus master planning, as practiced by Lewis & Clark College, includes identification and consideration of resource values, in a process that requires local jurisdictional approval in a public hearing process. Such master planning – where the duration of the resulting local jurisdiction approval is seven years or more – should be recognized as an appropriate local level Goal 5 environmental program implementation mechanism within the Metro region.
- As part of the implementation process, local jurisdictions will be required to adopt new local regulations consistent with the Metro Goal 5 inventory and analysis work. Within that process, local jurisdictions should have authority to adopt revised local resource inventory maps that more correctly represent the status of resources at that time, based on evidence developed by the local jurisdiction or submitted by constituents. The implementing language the Metro Council ultimately adopts should clearly identify this authority on the part of local implementing jurisdictions.
- To help reduce severe impacts, especially on institutions that have engaged in long-range master planning for development over time, program implementation should include flexible mitigation measures, to allow master planned development to proceed while protecting and enhancing resources at less critical locations.

This information is presented on behalf of Lewis & Clark College, as testimony concerning the proposed Metro Council endorsement of the Draft Goal 5 Phase 1 Economic, Social, Environmental and Energy (ESEE) Analysis, per proposed Resolution No. 03-3376.

Interest. Lewis & Clark College is interested in Metro's Goal 5 ESEE process because:

- Anticipated regulations could directly impact the College's ability to follow through on its long-range planning.
- The College uses an environmentally informed approach to campus planning, beginning with physical inventories and resulting in sensitive, landscape-driven use concepts and plans.
- In practice, institutional master planning is consistent with resource conservation goals, and should be recognized as a viable resource conservation strategy in the implementation program formation process.

Purpose. Lewis & Clark's engagement in the ESEE Analysis and Program phases of the Goal 5 process is intended to:

- Raise awareness and visibility (within the analysis parameters) of the educational institution's important economic, social, and energy values.
- Provide the best available technical information about environmental features and functions within campus areas. The College has worked with Fishman Environmental Services to develop detailed environmental inventory information for campus areas, which we shared with the City of Portland for use in the Healthy Portland Streams project.
- Help Metro develop program implementation measures that include recognition of the value of master planning and long-range development visioning on the part of institutions, which demonstrably yield benefits in all four Goal 5 elements (Environmental, Social, Economic and Energy factors).
- Lewis & Clark wants to be part of the regional solution by helping Metro complete an ESEE Analysis that is well-rounded with respect to institutional uses in the region, including, of course, Lewis & Clark College in particular).

Institutions and Region 2040. The Metro Region 2040 Growth Concept de-emphasizes the importance of educational institutions in several subtle but significant ways:

- Institutions as development/activity nodes are not given adequate consideration as a component of the Region 2040 Growth Concept and mapping.
- Several educational institutions in the region, including Lewis & Clark, are not located in designated Region 2040 Design Type areas (other than inner or outer neighborhoods).
- Nevertheless LSC contributes to Region 2040 objectives through its master planning, which embodies Region 2040 values; examples:
 - **Housing:** Expansion of on-campus housing as approved in the College's Conditional Use Master Plan, for up to 600 students, is analogous to mixed-use development and offers similar benefits (community vitality, reduced VMT/congestion, etc.) Additional housing opportunities are possible on properties already owned by the College, but not currently included in its Master Plan boundary, or in the surrounding community if permitted by zoning regulations.
 - **Affordable Housing:** Because college students typically live in low-cost rental housing, every unit of housing the college builds reduces demand on affordable housing in the market. 600 more students on campus equal about 200 units of affordable housing in other parts of the city.

- o **Transportation:** Private shuttle services, good pedestrian and bicycle circulation, and convenient access to TriMet transit service reduce demand for single-occupant vehicle travel. Employee Commute Option surveys have shown that Lewis & Clark's program has increased the overall mobility of its faculty, staff and students, while reducing vehicle miles traveled (VMT). For every additional student or employee who lives within walking distance of campus, we can conservatively expect a trip reduction of 1.5 to 2 trips per day. Based on the College's 2002-2003 ridership survey, the College's shuttle bus services accommodate over 106,000 riders annually.
- o **UGB:** Denser development, especially housing, takes pressure off the need for expanding the UGB. On- and near-campus college housing is part of the regional housing solution.
- o **Development Density:** By building more densely and providing services for both the college and surrounding community, we use our land more efficiently. The College's Master Plan calls for multi-story buildings that will accommodate space needs while preserving existing resource areas and defining open space quads throughout the pedestrian-oriented campus. At completion, building floor area will be double the square footage when the Master Plan was first approved by the City of Portland (1.8 million square feet, compared to 900 thousand).
- In practice, educational institutions further important Region 2040 design goals, effectively creating dense, mixed-use environments. These functional contributions should be recognized in the context of the Goal 5 ESEE Analysis.

Economic Analysis Issues. The methodology used in the economic analysis is substantially "blind" to the real economic value of higher education institutions, for several reasons, e.g.,

- Nonprofit entities are not subject to the same property tax assessment rules as private properties. As a result, using assessed valuation of property as an indicator of economic value tends to yield artificially low values at non-profit campuses. This effect is reflected in the mapping contained within the draft economic analysis document.
- These low values are misleading because institutions are substantial employers, as well as preparing students for productive careers in the future workforce.
- Metro zoning categories do not account for "institutional" zoning. As a result, some educational institutions, including Lewis & Clark, are located in residential zoning in the Metro analysis data. This tends to further reduce economic value attribution in the economic analysis.
- To the extent the economic analysis method increases values in designated Region 2040 Design Type node locations, it consequently undervalues existing centers of educational employment and related economic activity that are not at nodal locations, i.e., in Inner Neighborhood or Outer Neighborhood areas.
- In the draft economic analysis, employment density is used as a measure of economic value; however, the campus setting of some educational institutions dramatically reduces the statistical density of their employment as compared to city centers – even though activity may be concentrated in a small portion of the overall campus holdings.
- Institutions contribute to a diversified economic base and relatively stable employment base. These contributions are not recognized qualitatively or quantitatively in the economic analysis. Thus some institutions' economic values are more masked than revealed by the economic analysis method.
- Before the draft economic analysis is considered complete, the Metro Council should direct its consulting economists and staff to examine the effects of the factors listed above, and apply corrective adjustments to affected campus locations within the analysis

area. Lewis & Clark College expects that such an examination will demonstrate that the relative economic value associated with its campus areas – Law School, Fir Acres (Main), and South Campus – should be increased, and that this revision should be reflected in revised mapping of economic values as part of the economic analysis.

Social and Energy Analysis Issues. The Social and Energy elements of the draft ESEE Analysis are deficient for many of the same reasons listed above as a critique of the economic analysis. More particularly:

- The social value contributions of educational institutions are not adequately recognized.
- Energy efficiency contributions arising from the mixed-use aspects of campus environments (close integration of campus housing, recreation facilities, offices and classrooms/meeting rooms; transportation demand reduction strategies; and so forth) tend to be overlooked.
- Transportation Demand Management (TDM) programs managed by most institutions substantially reduce single-occupant vehicle (SOV) usage; however there is no clear mechanism for recognizing the energy benefits associated with such programs.
- The social element of the ESEE analysis essentially, and almost exclusively, sets out an advocacy position for the social value of wildlife protection. It does not address the social value of our institutions (education, public services, government, health care, etc.) through a mapping process comparable to the economic analysis maps. This begs the following questions:
 - What is the social value of institutions that contribute to Region 2040 Concept Plan implementation?
 - What are the real energy benefits associated with the mixed-use characteristics achieved by master planned institutional campuses?
 - How will Metro recognize and respond to those values in the program development phase?
- The Social and Energy Analysis elements of the draft Goal 5 ESEE Analysis document are heavily biased in favor of environmental conservation and restoration values, to the diminishment of competing – but real and important – social and energy values and consequences. These elements should be scrutinized and revised to arrive at more balanced analysis results.

Local Adoption Phase of Program Implementation.

- Lewis & Clark College anticipates that the implementation process will be similar to that of Title 3, that is, the Metro framework will require local jurisdictions to adopt local regulations consistent with Metro's program.
- Within that framework, local jurisdictions should be allowed to incorporate new and more detailed information in locally adopted significant resource inventories and program implementation maps, in a manner consistent with the "Map Administration" provisions associated with Title 3 (MC 3.07.340.E).
- Unlike Title 3, this mapping flexibility must allow for changes that recognize all types of mapping errors, even to the extent of removing "resources" mapped by Metro in the Goal 5 Inventory phase, but which are demonstrated to be non-existent or incorrectly classified on the basis of detailed, site-specific field inspection reports at the time of local adoption.
- Metro should clearly recognize the importance of local discretion to respond to timely information, including revised resource inventory mapping, when local implementing ordinances are being considered for adoption.

Mitigation Measures as an Element of Program Implementation.

- In many urban locations, but especially for institutional campuses where substantial long-range utilization and development planning is the norm, inflexible new environmental regulations would be very disruptive, with potential to severely compromise the intended follow-through of the best-laid plans.
- Institutional uses are generally not mobile or geographically substitutable in the way that business operations can be. In that sense, they are captive at their campus locations.
- The implementation program should allow flexible mitigation techniques to be used in cases where resource impacts will be associated with continuing implementation of established master plans.
- Rather than obstruct master plan follow-through, mitigation provisions would, for example, allow for compensatory resource remediation, enhancement or creation activities at other resource locations where there is less conflict with economic, social and energy factors.
- In the context of master planning for long-term use and development of institutional campus sites, flexible provisions should allow mitigation actions to compensate for resource impacts. This approach will give institutions and permitting jurisdictions critical "balancing" strategies, allowing them to weigh the impacts and costs of development proposals, and arrive at workable solutions that can offer "no net loss" – and possibly even net benefit increases – in resource values within the region.

Potential Goal 5 Impacts on Lewis & Clark College Property

Summary of existing site and program conditions:

- Land Area (including acres in conservation zoning)
 - The total area zoned for Lewis & Clark College development (IR) and included in the College's long-range development plan is approximately 137 acres.
 - Approximately 30% is already in environmental protection classification.
 - Resource area expansion opportunities identified in the Goal 5 and Healthy Portland Streams projects may combine to result in a 120 percent increase in areas regulated by some type of conservation zoning (about 80 acres in HPS and about another 10-15 in Metro Goal 5). The majority of this increase is in locations critical to the College's long-term development strategy, where development has already been approved by the City of Portland as part of the College's development master plans.
- Enrollment and programs
 - There are approximately 3,000 students at Lewis & Clark College.
 - Programs include the undergraduate college, law school, and graduate program in teacher education.
 - There are approximately 90,000 post-K-12 students enrolled in institutions within the Portland metropolitan UGB, and another 11,000 in the Vancouver, Washington area.
- Physical location (watersheds vs. drainage basins vs. management basins, etc.)
 - Lewis & Clark College campus areas drain either to the Tryon Creek watershed or to the Willamette River
 - Drainage sub-areas within campus areas have different environmental characteristics, and call for different resource management strategies.
 - Regulatory mechanisms that recognize site-specific resource management strategies are appropriate to implement in such a context.

- Sustainable development practices: for example, steps taken to achieve Kyoto compliance at L&C:
 - Over the past decade, the College encouraged more students to live on campus, started charging for parking on campus, and developed better transit options for student, staff and faculty that cut single-occupancy travel by nearly 50 percent.
 - Students worked proactively to inventory the College's greenhouse gas emissions. They found that Kyoto compliance was affordable through the purchase of offsets. Students are purchasing offsets to mitigate the school's impact on the climate, while simultaneously working to reduce emissions on campus.
 - Students raised \$16,400 for the purchase of offsets.
- The College upgraded its natural gas boilers in the mid-1990s so that, even as campus square footage increased by 10 percent, the College's natural gas usage actually declined. This is a case-in-point example of the College's commitment to implementing sustainable development practices.
- Lewis & Clark College is in the vanguard of institutions within the region that are proactively and creatively implementing environmentally beneficial design, development and management practices. This leadership should be recognized as part of the regional solution through program implementation techniques that foster continued creative leadership, and correspondingly reduce prescriptive mandates and standards that may compromise or constrain those efforts.

Master Planning (with City of Portland Conditional Use Review) is in itself a tool for achieving regional resource conservation and enhancement objectives.

- Institutional master plan processes contribute to regional growth management and resource conservation objectives through discretionary public review and approval procedures and development standards.
- Lewis & Clark College has a 50-year development plan that is consistent with 2040 concepts and objectives (although the College is not mapped as a Region 2040 Design Type node).
- Institutional master plans respect environmental protection/conservation zone boundaries.
- Institutions make improvements continuously over time with typically beneficial results; in the case of Lewis & Clark College:
 - Reduction of impervious area: the College projects an approximately 7% reduction of impervious area over the life of its master plan, in addition to resource impact mitigation on a project-by-project basis.
 - Integration of resource conservation strategies: campus design practices seek to create natural resource buffers with little human activity.
 - Site-specific mapping and resource analysis: science classes in geology, biology, and environmental studies all use the surrounding natural areas as laboratories for education and training.
 - Management of natural resources over large campus areas. LC has approximately 137 acres, of which over 30% are in long-term environmental protection. Additionally, the protected area is surrounded by a development category that will afford long term protection through low density development, minimized intrusion of vehicles, reduced pollution generation, and similar benefits.
 - Implementation of long term resource conservation and restoration projects. The College organizes and implements ivy pulls, education, professionally managed landscape management programs with certified arborists on staff, annual tree plantings, and so forth.

- Master planning furthers resource conservation. Using the recent planning for South Campus utilization as an example,
 - Environmental/physical features inventory, assessment and analysis were first steps in the planning process.
 - Resource conservation a priority.
 - Located human activity and new development in least sensitive areas.
 - Buffered resources, e.g., existing environmental conservation overlay zone.
 - Result: a long-term development strategy compatible with resource values.
- The Metro Goal 5 implementation program should recognize the practical benefits and achievements of long-range campus master planning, by identifying local jurisdictional discretionary approval of master plans as a Goal 5 compliance strategy that can be adopted at the local implementation stage of the Goal 5 process.

Regulatory impact issues.

- Conceptually, Metro has approached the analysis of Goal 5 implementation impacts by characterizing them as Severe, Moderate or Slight according to the degree of environmental regulation applied. However, where impacts on master planned campus sites is concerned, these categories do not necessarily correspond with the conceptual categories used in Metro's Draft ESEE Analysis, i.e., strictly limit, moderately limit, or slightly limit.
- Severe implementation impacts:
 - Generally, would not allow the College to follow through on its Conditional Use Master Plan (CUMP) approvals to build buildings and accommodate specific functions at key campus locations.
 - Some CUMP-approved buildings or additions could not be constructed at their specific proposed locations, due to footprint and height restrictions. Of particular concern are buildings whose scale and dimensions are defined by specific functions. Examples include the proposed Theater and Science (Olin Hall) buildings, Garden Houses 1 & 2, and new buildings in the northern part of the South Campus.
 - Re-planning the campus to relocate certain functions and buildings would be necessary, including obtaining new CUMP approval.
 - Could potentially preclude the College from realizing its CUMP-approved building square footage plans, due to new footprint limitations together with existing building height restrictions.
 - Would constrain access (general as well as emergency and service-related), negatively impacting campus-wide circulation planning.
- Moderate implementation impacts:
 - Generally, would allow the College to follow through on its CUMP approvals to build buildings and accommodate specific functions at key campus locations, with adjustments at the site design and development phase to respect environmental resource protections.
 - CUMP-approved buildings or additions could be constructed at or near their specific proposed locations, with modifications of building location and form to avoid resource areas and buffers. For example, the new Student Union proposal could be modified to reduce its footprint. However, some facilities with specific spatial needs or forms (i.e., Theater, Science building) cannot be adapted in this manner and could not be built as planned.
 - Use of techniques such as buffer width averaging or mitigation to allow moderate encroachments into buffer or resource areas.

- Excessive mitigation requirements would have the effect of suppressing a wide range of potential development.
- Could require taller buildings with reduced footprints to meet square footage needs. However, such changes in building forms and volumes would dramatically affect the appearance and character of the College campus, and tall buildings would conflict with neighboring residential uses, particularly in the southeastern portion of the South Campus.
- Slight implementation impacts:
 - Would allow the College to follow through on its CUMP approvals to build buildings and accommodate specific functions at key campus locations.
 - CUMP-approved buildings or additions could be constructed at their specific proposed locations, using techniques such as buffer width averaging or mitigation to allow moderate encroachments into buffer or resource areas.
- It is very possible that regulations intended to "moderately" or even "slightly" limit resource impacts could in turn produce severe impacts on economic, energy and social values within campus areas, by complicating or disallowing completion of approved long-term plans. In framing the Goal 5 implementation program, Metro should recognize the important social, economic and energy values associated with consistent follow-through on approved long-range campus master planning. Protective environmental measures should avoid impinging on institutions' ability to follow through on master planned development, by making an "allow" decision at specific locations, by allowing mitigation measures to compensate for resource impacts, or through some combination of such methods.

Metro

Resolution Resolution
Ord. 05-1077; 05-3577; 05-3574

April 28, 2005

Jane Leo

Governmental Affairs Director

Portland Metropolitan Association of Realtors[®]

represent 6400 real estate professionals across the region - inside and outside the UGB.

Support COO's recommendation for Nature in Neighborhoods, the Tualatin Basin Approach and the Greenspace Initiative

We support the exemption of existing residential land ^{inside the UGB} from additional Goal 5 regulations.

That said, I would be remiss if I didn't add concern for the impact ^{this ordinance and} these ~~ordinances~~ ^{resolutions} may have on the cost of housing in the region; the supply of housing; and private property rights.

Specific to ^{Resolution} Ord. 05-3574 -

support acquisition of land from "willing sellers."

Funding:
Exhibit A to Resolution 05-3574
Section 3(3): TDRS -

add language at the end of the sentence such as "or the like". Don't limit exploration of funding mechanisms - sources - to only TDRs and density transfer fees.

Date: April 28, 2005

To: Metro

Re: Comments on Metro's Proposed Nature in the Neighborhoods Plan and the TBNRCC's Fish and Wildlife Habitat Protection Program

From: Carol Chesarek
13300 NW Germantown Road
Portland, OR 97231

I live in an area just outside the current UGB but within Metro's jurisdiction, in Councilor Burkholder's district. *(in the Tualatin Basin)*

Relative to the Tualatin Basin plan, I support Portland Audobon's request that all Riparian Class I and II areas should be protected, including undeveloped floodplains. I also support the conditions that Metro staff has recommended for the Tualatin Basin plan. In addition, I would ask that you require the Tualatin Basin to report on the status of habitat in the Basin every other year, to match the reporting standard that Metro has set for itself. A longer interval would allow significant degradation of resources before any corrective action could be taken.

In the proposed Metro plan, protections for upland habitats are still sorely lacking. Broad upland protections are virtually nonexistent in this plan for areas within the UGB, and the proposed approach for areas coming into the UGB where resources are mapped after lands are added to the UGB may actually encourage destruction of upland habitats in these areas.

In Future UGB boundary expansion areas, I would urge you to upgrade Class A Upland Wildlife habitat that has been designated as Low Urban development value from "Moderate HCA" to "High HCA" (Table 3.07-13b of Exhibit C). These should be the easiest lands to protect since they're of high habitat value and lower development value. It seems to me that property owners who are inclined to cut their upland trees to avoid habitat restrictions aren't likely to be mollified by a "Moderate" HCA classification, so we might as well get the highest level of protection possible. Inclusion in the UGB generates huge profits for property owners, and the public should gain some significant habitat protections in exchange.

Perhaps more importantly, I ask you to think harder about habitat protections for areas that are currently outside the UGB but within Metro's jurisdiction. The current versions of Metro's maps are misleading because they show protections in these areas, but the text of the plan makes it clear that they are excluded, though no reason is given. The area that I live in on Germantown Road falls into this category. The Metro maps show significant numbers of Riparian I and II headwater streams here and most of the area is also rated as Class A Upland Wildlife Habitat, but as Metro's plan stands today there is no protection for any of this habitat. Multnomah County protects some habitat on lands purchased after 1994, but there is a lot of acreage with Riparian I and II habitats on lands purchased before 1994 and therefore left with no protection. For example, 6 of the 7 property owners on my stretch of road purchased their land before 1994. It's true that chunks of this area are in Farm and Forest deferral, but there's also a significant amount of Rural Residential zoning area that could be protected. One approach

might be to apply habitat protection rules to these areas while also designating them as an area to be permanently excluded from the UGB. This would eliminate any temptation for property owners to cut their trees to maintain development values. Since the area is steeply sloped, prone to landslides, includes a myriad of headwater streams and highest value upland habitat in large patches that connect to Forest Park, and it's not close to transit corridors, the area isn't a good candidate for inclusion in the UGB and it would seem sensible to protect it in this or some other significant way.

I want to ask if Metro's proposed program is really the best we can do for protecting habitats in the Metro area, especially upland habitats. Since we want to avoid regulations and still have effective habitat protections, it seems to me that we probably need to offer some kind of significant financial incentive to property owners to counterbalance profits they can make by cutting down trees and developing their lands in important habitat areas. The incentive options listed in Metro's proposal are useful, but they all have significant limitations. This uplands habitat protection problem directly impacts the Portland Metropolitan area, so it would be logical for Metro to take the lead in trying to come up with innovative solutions. I've offered up a couple ideas in the past, but maybe what we need is a small task force or workgroup to come up with some new ideas – a breakthrough approach for upland habitats like the "Bottle Bill" was a breakthrough for roadside litter. We have a lot of innovative and creative people in the area who care about the environment. Why not recruit some of them, put them together with a few staff folks who understand existing legal boundaries, and maybe even a developer or two, and see if they can't come up with some new ideas. If Metro hasn't already done so, the first step would be to research what tools are being used in other states and other countries. Then the group could brainstorm ideas for ways to compensate property owners and protect upland habitats, including funding sources. Maybe we wouldn't find any new answers, but at least we would have tried.

Thank you for your consideration.



Carol Chesarek



Nature in Neighborhoods

Comments due at Metro by 5 p.m. May 16, 2005

Your written comments will be summarized and presented to the Metro Council prior to council deliberation and decision-making.

Name Jennifer DeMuth E-mail jdemuth@olev.org
Address 2205 SE Ivon St. Apt A City/State/ZIP Portland, OR 97202
Phone number 503-209-4679 Fax _____

Do you want to be placed on the mailing list? yes no

Comments (please print) Turn in completed card, mail to address on back or fax to (503) 797-1911.

Please ~~do not~~ reject Port of Portland's request for exemption. In addition, please eliminate the reference to "a reduction in fair market value" in the definition of practicable in the proposed amendment to Metro Code Section 30.07.1010.PFF.

Ⓞ Please pass a plan that will include regulatory measures to protect our community's health, safety, & way of life. ~~###~~



METRO
PEOPLE PLACES
OPEN SPACES

092805c - 30

To: Metro Council
Re: Nature in the Neighborhood Final Decision
Date of Hearing: April 28, 2005

Council Members:

I have been a Portland resident since 1967 when I was recruited by the Oregon Regional Primate Research Center. At that time, Hwy 26 was called Canyon Road for the leafy cool canopy of trees overhanging the natural canyon of the 4 lane road westbound out of city center. After spending a short time living in Washington County, I moved to southeast Portland and have lived there ever since, even helping on the original planning for what later became the Oaks Bottom Wildlife Refuge.

Dramatic changes, due largely to population growth fueled by Oregon's need to diversify from an agriculture/timber based economy, have steadily eroded the metropolitan area of its open space, watershed structure, and wildlife habitat. Neighborhoods are being infilled, condominiums perch on the sides of canyons, and whole hillsides have been denuded of vegetation so that profit can be maximized.. And that does not even begin to include losses due to road, freeway, and the enormous cloverleaf exchanges where traffic continues to clog. This pressure to develop residential and industrial land and infrastructure to serve them has been relentless, and we can expect that it will continue to be so.

So, in my view it is **crucial** to realize that what is proposed for protection today is but a fraction of what was here only a decade ago, and may be revised or litigated downward in the future (as Measure 37 so amply illustrates). Accordingly, I feel the Council should be as active as possible in supporting the following guidelines:

1. New development must be required to avoid, minimize or, in a worst case scenario, mitigate all impacts in Class I & II Riparian habitat.
2. There should be no, zero, nada, zip exemptions from mitigating or compensating for impacts of development....habitat lost to development must be compensated for with restoration elsewhere.
3. Exemptions and variances to these regulations should **not** be granted....you **will** be petitioned for such exemptions as sure as water flows downhill... but these regulations already reflect exhaustive input from developmental interests.
4. The urban ecosystem must continue to be monitored and re-evaluated on a regularly scheduled basis to assess the impact and performance of these regulations.

Thank you,

Nancy Beamer
1910 SE Lexington
Portland OR 97202

April 28, 2005

RE: Nature in the Neighborhood

Council President Bragdon and Councilors,

My name is Dick Shook. I am a board member of The Friends of Kellogg and Mt. Scott Creeks Watershed. My home is within the Urban Growth Boundary of unincorporated Clackamas County and I am fortunate enough to live on the banks of an Urban Stream, Mt. Scott Creek. According to the Metro fish and wildlife Habitat map, my property is overlain by three different riparian and wildlife protection zones. Not only is my property indicated to be an Impacted Area, but it also shows that it includes Class 1 and 2 Riparian and Wildlife areas. I want you to know that I appreciate your working towards the development of a regional fish and wildlife program that has both regulatory and non-regulatory protection for these areas. With the rapid growth in the Metropolitan area it is important to have strong natural resource protection. This will be very important in providing guidance for development throughout the area.

Some protection must be provided for all of our streams, wetlands, and riparian areas. Protection for uplands where much of the water flowing in our urban streams comes from would also be valuable. Our streams, fish and wildlife know no political boundaries. They can not vote, they are defenseless. We must protect these areas for them, ourselves, and future generation. Therefore it is important to not only provide protection to these critical habitat areas in Clackamas County, but protection must also be extended to all undeveloped flood plains and high value stream side habitats in the Tualatin basin. Washington County must have the same regulatory standards as the rest of the region for both development and redevelopment. It is also unfair to exempt large industrial and commercial tracts from providing stream protection.

We can not rely on the "good will" of developers to always build in a stream friendly manner. Let us provide some form of regulation guidance that will insure the use of Best Management Practices in protecting our streams, and wetlands. We must act NOW to stop any further degradation of our complete watersheds from development in the flood plains and riparian areas.

Please, provide the maximum protection for our streams, rivers and wet lands while we still can.

Thank you for listening to me and please consider our future, not just a few dollars profit. *now*.

Dick Shook
4815 SE Casa Del Rey Dr.
Milwaukie, OR 97222
503-654-4160

042805c-33

From: "Greg Specht" <GSpecht@spechtprop.com>
To: <bragdond@metro.dst.or.us>, <burkholderr@metro.dst.or.us>, <parkr@metro.dst.or.us>, <newmanb@metro.dst.or.us>, <hostickac@metro.dst.or.us>, <mclains@metro.dst.or.us>
Date: Thursday, April 28, 2005 11:58:19 AM
Subject: Budget Note 4

I would respectfully suggest that you eliminate Note 4 from the '05-06 proposed Metro budget. To do otherwise will only reduce the credibility that Council has with the public you serve. The Auditor has done a fine job in insuring fiscal oversight of Metro, and to change course as contemplated only lets the fox closer to the henhouse.

Gregory L. Specht
Specht Properties, Inc.
Specht Development, Inc.
(503) 646-2202 Ph
(503) 626-8903 Fax
gspecht@spechtprop.com

04-2805c-34

From: "Jim Kotchik" <jim.kotchik@verizon.net>
To: <bragdond@metro.dst.or.us>
Date: Thursday, April 28, 2005 11:26:58 AM
Subject: Opposition to Budget Note 4, Metro 2005-2006 Budget

To: Metro President and Council

Please note my opposition to Budget Note 4, which would transfer responsibility for Metro's external financial audit from the Metro Auditor's office to that of Metro's Chief Financial Officer. As a seasoned financial executive and one in tune with current issues of governance in organizations of all types - public, private, not-for-profit, government, et al - I am very cognizant that effective governance cannot exist in the absence of independence. Even if the "perception" is that instituting such a transfer of responsibility would gain some measure of efficiency, which is debatable, the "reality" is that a loss of independence in oversight is not a good thing. The public trust will continue to be best served to keeping this responsibility with the Metro Auditor, where it has been competently administered for years and where independence lives.

Respectfully submitted,

James L. Kotchik
16130 SW Turtledove Lane
Beaverton, OR 97007

CC: <burkholderr@metro.dst.or.us>, <parkr@metro.dst.or.us>, <newmanb@metro.dst.or.us>, <hostickac@metro.dst.or.us>, <mclains@metro.dst.or.us>, <metro council@metro-region.org>

042805c-35

From: <DQuivey@aol.com>
To: <bragdond@metro.dst.or.us>, <burkholderr@metro.dst.or.us>, <parkr@metro.dst.or.us>, <newmanb@metro.dst.or.us>, <hostickac@metro.dst.or.us>, <mclains@metro.dst.or.us>, <metro council@metro-region.org>, <libertyr@metro.dst.or.us>
Date: Thursday, April 28, 2005 11:32:13 AM
Subject: Budget Note 4

Metro Councilors:

I have just become aware of the Proposed Budget Note 4 which, as I understand it, will transfer the financial audit function from the Auditor to the Chief Financial Officer. This is not in the best interests of the residents of the Metro Region or of the Metro Councilors in performing their jobs. Allowing the Chief Financial Officer to direct the audit activities is at best a conflict of interest and has a perception of self interest that should not be allowed. There must be true independence in audit activities for them to be valuable and believed by the public, especially in today's environment.

In today's environment, internal audit activities need to be independent of management in order to function as a part of the balance and checks that all of the citizens of the Metro Region expect. We do not want the Metro Councilors auditing themselves.

I am a retired CPA having been the partner in charge of numerous audits for Fortune 500 corporations that report to the Securities and Exchange Commission as well as their stockholders. I have seen the positive results of internal auditing that is truly independent and the poor results when it is directed by management.

Again, I believe that the retention's of Budget Note 4 is poor policy and does not serve the people who live in the Metro Region well.

David L. Quivey
6625 West Burnside Rd. #255
Portland, OR 97210
503-297-3162

From: "Darrell Dorrell" <darrelld@financialforensics.com>
To: <bragdond@metro.dst.or.us>, <burkholderr@metro.dst.or.us>, <parkr@metro.dst.or.us>, <newmanb@metro.dst.or.us>, <hostickac@metro.dst.or.us>, <mclains@metro.dst.or.us>, <metro-council@metro-region.org>
Date: Thursday, April 28, 2005 10:57:06 AM
Subject: Today's Metro Council Meeting - Objections to CFO Oversight

Dear Metro Council:

As a financial professional involved in civil/criminal federal, state and local matters you should NOT place outside auditor oversight in the hands of Metro's CFO.

Such a move is contrary to accepted financial accountability practices, and is inconsistent with the public's best interests.

The Metro Auditor has successfully managed the relationship for several years and the public's perception of such a change would reflect poorly on the Metro Council's decision making capability.

Please call me (below) if you would like to discuss.

Regards, DDD

Darrell D. Dorrell, CPA/ABV, MBA, ASA, CVA, CMA, DABFA, CMC

Principal

financialforensicsR

Kruse Woods 1

5285 SW Meadows Road

Suite 340

Lake Oswego, Oregon 97035

United States of America

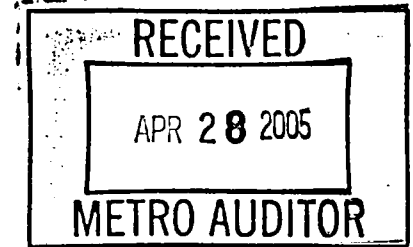
503.636.7999 (Office)

503.639.9113 (Fax)

darrelld@financialforensics.com

042805c-37

Cheryl Perrin
6411 SW Burlingame Place
Portland, OR 97239



April 28, 2005

Alexis Dow, CPA
Metro Auditor
Metro
600 NE Grand Avenue
Portland, Oregon 97232 2736

I had planned to attend today's Metro Council hearing and to present the attached testimony in favor of the proposed amendment to eliminate Budget Note 4. Unfortunately, my plans have changed and I am unable to be there.

Attached is a copy of my testimony. I would request you to seek permission to read it into the record at this afternoon's hearing.

Thank you.

Very truly yours,

Cheryl Perrin
Cheryl Perrin



April 28, 2005

To: Alexis Dow, Metro Auditor

Re: Support of Proposed Amendment to eliminate Budget Note 4

My name is Cheryl Perrin and I strongly support your proposed amendment to eliminate Budget Note 4.

Let me tell you why.

The Sarbanes-Oxley Act recently enacted into law by Congress requires that the financial auditor for publicly traded companies have complete independence from management. This practice has now been widely adopted by non-profit organizations and government agencies as well.

As a board member of the non-profit Energy Trust of Oregon, I also serve on its finance and audit committees. We have worked very hard to follow both the letter and the spirit of Sarbanes-Oxley. Two separate committees were created to oversee the financial statements of the ETO. The audit committee is totally independent of the finance committee and operates under a separate organizational structure to provide an independent review of the ETO financial statements. We also retain outside auditors to ensure that the stringent financial certification requirements of Sarbanes-Oxley are met.

Several years ago, the Metro Charter was changed, giving citizens the right to elect their own independent Auditor. This is an elective office that carries with it an enormous responsibility. It is the Auditor's duty to guarantee to the public that the trust they place in their government is warranted.

That trust will be fundamentally compromised by the adoption of Budget Note 4.

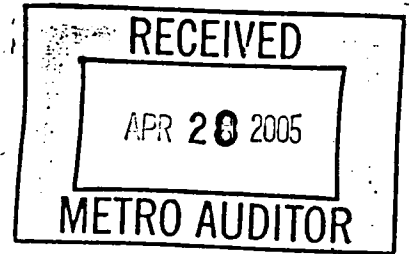
The office of Auditor ensures an independent financial and performance review of the Metro's governing body. In fact, it is the Metro Agency itself that is the greatest beneficiary of the current system. An independently elected Auditor guarantees transparency and, accordingly, accountability for this vital public agency.

This Council's continued support for the elected Auditor provision of the Charter will demonstrate your commitment to best practices in management and an open government for our citizenry.

I urge the Metro Council to support the proposed amendment to eliminate Budget Note 4.

cheryl perrin
6411 sw burlingame place
portland,oregon 97239

Steven R. Schell
805 S.W. Broadway, Suite 1900
Portland, OR 97205



April 28, 2005

Metro Council and President
600 Northeast Grand Avenue
Portland, Oregon 97232

Reference: Proposed FY 2005-6 Budget -- Metro Auditor
Management of External Independent Auditor
Budget Note 4

Dear Councilors and President:

This letter is to protest the transfer of the independent auditor contracting and oversight function from the independently elected Metro Auditor to the Chief Financial Officer. Such a transfer is bad practice, against the public interest, and seems to violate the charter and code.

I served as chairman of the board and president of the Energy Trust of Oregon ("ETO") while it was being formed. At the same time, the papers were full of information about failures by corporate boards, similar in many ways to those of Metro and ETO, to prevent the Enron, WorldCom, Adelphia and other corporate scandals that came out of the dot.com collapse. At ETO, we very carefully reviewed the reports of these board failures and what could be done to prevent the huge injustices that occurred from lax board conduct. The congressional response was the Sarbanes-Oxley Act, made directly applicable to publicly traded companies. The lessons, however, were there for all to see in the councils of government and on nonprofit boards. In Oregon, we had a series of difficulties involving nonprofit boards, such as the Oregon Aquarium in Newport. Particularly for part time Metro Councilors, but also for the president of a large organization such as Metro, it is essential to the preservation of public credibility to do everything in one's power to assure that accounting scandals are avoided, particularly where the rate payers' and public's moneys are involved.

In implementing the Sarbanes-Oxley Act, the Securities and Exchange Commission examined the very point Metro confronts in dealing with whether your Chief Financial Officer or your elected Metro Auditor should manage the requisite audits. Independence is the hallmark of maintaining a system with integrity. The SEC's response was a proposed rule, Section 208-5. In analyzing the comments on the initial draft, the SEC stated:

“Historically, management has retained the accounting firm, negotiated the audit fee, and contracted with the accounting firm for other services. Our proposed rules, however, recognized the critical role that audit committees can play in the financial reporting process and in helping accountants maintain their independence from audit clients. An effective audit committee may enhance the accountant’s independence by, among other things, providing a forum apart from management where the accountants may discuss their concerns. It may facilitate communications among the board of directors, management, internal auditors and independent accountants. An audit committee also may enhance auditor independence from management by appointing, compensating and overseeing the work of the independent accountants.”

These are the very issues that help to keep the board on track by bringing to its attention concerns that the executive might not be ready to deal with. (See e.g., Thomas O. Gorman, Heather J. Stewart, *Is There a New Sheriff in Corporateville? The Obligations of Directors, Officers, Accountants, and Lawyers After Sarbanes-Oxley of 2002*, 56 ADMN. L. REV. 135 (2004)). Further, it is commonly recognized that many of the Sarbanes-Oxley Act principles are applicable to governmental organizations.

What you are dealing with is not new. Some 20 years ago, a Portland Committee I chaired examined the question of the Auditor’s independence in the City context. There were ongoing attempts to take what are auditing functions out of the hands of the auditor and place them elsewhere in the City Government. Ultimately, the Portland City Charter was changed to assure performance auditing and a recognition of the important role the elected City of Portland auditor plays both in preserving the public’s trust and in maintaining the overall integrity of the management systems. See the excerpt and footnotes from Jewell Lansing’s book, Portland, attached hereto.

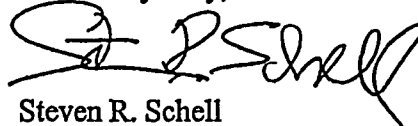
Your auditor has served Metro well. An example is the 2000 Open Spaces Acquisition Report, dated June, 2000. Table 10 of that report, copy attached, raises questions about whether property being acquired for open spaces was being acquired at a fair price. One example is a property that appraised for \$450,000 some 17 months before the sale, was finally acquired for a sale price of \$750,000, with Metro paying the bulk of the purchase price. My purpose in raising this issue is not to reexamine the actual facts, but to suggest that this is the kind of information a board such as the Council should have in order to assure that decisions throughout the organization are being made with proper consideration for the public benefit.

Metro Council and President
April 28, 2005 – Page 3

I offer the following as to the three arguments advanced in President Bragdon's March 10th memo on the issue. First, justifying a transfer of auditing from the Auditor to the Chief Financial Officer is the fox guarding the henhouse, regardless of justifications of timeliness, efficiency and detail. Second, the question is not timing and control of the gathering of information, as argued, rather the question is who controls the direction of the auditing, what is discovered along the way as to what is found and what is not, and finally what happens to the results, both those in the report and those other pieces of information that provide insights as to how an organization works. Third, financial audits reveal significant information about internal controls, about missing records, about testing needed to determine validity; assuring these tests are properly conducted and the information about the organization is properly transmitted are integral elements of why we have independent and elected auditors. It is a fundamental error to assume that the most "efficient" government is the most effective government. Both the Council and the public need a "seeing eye dog" to help insure the integrity of the Metro system. Depriving the Auditor of one means of assuring this "sight" is like trying to have oversight with a blindfold on.

I urge you to remove budget note 4, not transfer the financial statement audit function from the Auditor to the Chief Financial Officer, and provide the Auditor sufficient funding as required by Section 2.15.020. We must ensure that the public's elected Metro Auditor maintains the independence called for in Chapter 2.15.010 of the Code and is able to fulfill her duties as provided in Chapter 4, Section 18(3) of the Charter.

Yours very truly,



Steven R. Schell

SRS:kag
H:\SRS\Metro Service District Council.doc

Enclosures:

Excerpt from the book, Portland

Table 10 from the Open Spaces Acquisitions June 2000 Metro Auditor Report

Portland
People, Politics, and Power,
1851-2001

by
Jewel Lansing

Oregon State University Press
Corvallis

the manager consented to do. Later that day, Mildred Schwab happened to be at Rogers Cable office when the manager got a call from KGW-TV wanting a copy of Strachan's blooper to run on their six o'clock news. The manager asked Mildred what he should do, and Mildred told him not to give out the tape. So he didn't.⁵⁷



Increased trade with Alaska and Asian Pacific Rim countries was a major Ivancie goal. He traveled to foreign ports and mainland cities as a salesman for the city.⁵⁸ Portland played host to a major international conference in 1985 largely through his efforts. He encouraged a leading Japanese precision-machinery manufacturer to open a distributorship in Portland, and fostered Japanese financing for the eighty million-dollar PacWest Center near city hall.⁵⁹ In 1984, Ivancie had Bull Run water bottled for display and tasting at the Louisiana World Exposition in New Orleans. He took along copies of a soft-cover book he had commissioned called *Water, Portland's Precious Heritage*.⁶⁰



Auditor Jewel Lansing, the first certified public accountant to hold that position, arrived at city hall in January 1983 fresh from eight years as Multnomah County auditor, in which position she had successfully implemented performance auditing.⁶¹ She immediately convened a ten-member Citizens' Advisory Task Force to help determine the appropriate function and structure of the auditor's office, a review never before undertaken.⁶²

The auditor's task force interviewed council members and major bureau heads, as well as previous city administrators. Mayor Ivancie at first agreed to meet with the task force, then cancelled his appearance. The group soon learned that, nearly ten years before, Mayor Goldschmidt had moved accounting duties assigned to the auditor by charter to the city finance office without seeking a charter change, albeit with Auditor Yerkovich's consent. Goldschmidt had also convened a performance auditing group reporting to him, but the effort had quickly turned into a management assistance office, then disappeared altogether.

Task force members enthusiastically advocated performance auditing as a function of the city auditor. Mildred Schwab championed the cause. Commissioners Lindberg, Jordan, and Strachan had reservations, afraid that Lansing might use the audits for personal political gain or to portray employees (and by extension, council members) as bad managers.

Commissioners were especially nervous about the fact that Lansing always made her audit reports public.⁶³ Mayor Ivancie was adamantly opposed to this invasion of his turf.⁶⁴ "The city has survived a long time without performance audits," [said] Jim Kuffner, executive assistant to Mayor Ivancie. "The mayor has the authority to initiate an investigation at any time without council approval. However, he does not exercise that authority and doesn't want Lansing to do so, either."⁶⁵

After various stalling tactics by the mayor, the council by a four-to-one vote approved funding for Lansing to conduct performance audits of city bureaus on an eighteen-month trial basis. "This has become an issue of the openness of this government," Lindberg said in supporting the allocation. Public pressure, through the media, was the deciding factor. The public liked the idea of an independent auditor evaluating how well programs were meeting their goals, and whether public dollars were being spent efficiently.

The *Oregonian* termed it a major victory for Lansing, and gave the controversy a banner headline in its afternoon edition.⁶⁶ Auditors in other parts of the country were astounded that a daily newspaper could be that interested in a governmental audit operation. Ivancie probably did Lansing and the public a favor by drawing attention to this new adaptation of the auditor's traditional financial watchdog role.⁶⁷

A new bridge over the Columbia River, the Glenn L. Jackson Bridge, opened to traffic December 15, 1982, with four lanes each direction and a separate pedestrian/cyclist lane in the middle. The bridge was under construction for five years and cost an estimated one hundred seventy-five million dollars. It was designed high enough to allow ships to pass underneath and low enough to clear the flight path of airplanes from nearby Portland International Airport. Three months later, the final segment of Interstate 205 was completed, connecting the Glenn Jackson Bridge with Interstate 5 in a loop that bypassed the downtown districts of Vancouver and Portland on their eastern flanks. The bridge drew twelve thousand runners for a twelve-kilometer "Run Between the States" on May 15, 1983.⁶⁸

Taxpayers were the beneficiaries in 1983 when the city and county agreed to eliminate much duplication and overlap of functions. The governing bodies of Portland and Multnomah County ratified a policy commonly referred to as "Resolution A." Portland was to be the major provider of "city-level services"—police, fire, transportation, parks, water, and sewer⁶⁹—and the county would specialize in state-mandated county

⁶³ The author of this book, Jewel Lansing, served as the elected auditor of Portland for four years, from January 1983 through December 1986.

⁶⁴ Auditor's Citizens' Task Force members were Steve Schell, chair; Richard Botteri, Cliff Carlsen, Jr., Tanya Collier, Ross Hall, Joe Kershner, Wanda Mays, Kathleen Peasley, Nancy Rangila, and Robert Scanlan. "Citizens' Advisory Task Force Report to Jewel Lansing," Portland City Auditor, October 1983. Based on the recommendation of this task force, the council referred a successful charter amendment to the voters in 1984 requiring all future auditors to be certified public accountants. This charter section (2-501) was expanded in 1986 to include certified internal auditors, and again in 1994 to include certified management accountants. A second 1984 amendment referred to the voters at Lansing's urging required elimination of masculine and feminine terms from the charter (unless context dictated otherwise). Charter section 2-513. Previous proposals for change in city government had replaced the elected auditor with appointed personnel. Early drafts of the Multnomah County Home Rule Charter passed in 1966 had eliminated the elected county auditor until incumbent Jack O'Donnell warned that he would publicly and vigorously oppose the charter if his position were axed.

⁶⁵ "Lansing a Blow at City Hall," by Linda Keene, *WW*, June 14-20, 1983, 8; "Pursuit of performance audit creates unease in City Hall," by Linda Williams, *Oreg.*, June 22, 1983.

⁶⁶ Two months before the council vote, Lansing had refused to authorize funds for the mayor's office to buy wine for an official city function. She invoked her seldom-used, but charter-mandated "pre-audit of claims" power in Section 2-506, meaning that no city money could be dispersed unless and until the auditor "was satisfied" that the money was for an appropriate city expenditure. Lansing notified council members that if they wanted to buy alcohol with public funds, they would have to do so out of the council's emergency fund (five thousand dollars) or the mayor's emergency fund (two thousand dollars), both provided for in the charter, neither of which required vouchers or explanation of usage. Memo from auditor Jewel Lansing to council members dated May 19, 1983, "Intent to Disallow Any Expenditure of City Funds for Alcoholic Beverages."

⁶⁷ Keene, "Lansing a Blow," 8.

⁶⁸ "Lansing wins OK for city audits," by Linda Williams, *Oreg. Street Edition*, July 28, 1983, p. 1. Lansing hired Richard Tracy from the California Auditor General's office to establish the performance auditing function.

⁶⁹ Voters subsequently approved a 1986 charter amendment which specified that the auditor should conduct both financial and performance audits of city government in accordance with generally accepted governmental auditing standards, and "appoint, coordinate and monitor" the annual certified audit of the city's finances required by state law. Bureaus and managers were required to respond to the auditor's recommendations in writing. All audit reports were to be made public. Charter Sec. 2-505 (a)-(e). See also "Alter charter for audits," *Oreg. editorial*, Dec 24, 1983.

⁷⁰ Oregon Department of Transportation newsletter, Vol. 7, No. 12, December 1982; "The Glenn L. Jackson Memorial Bridge," publication of the Oregon Department of Transportation, received from the ODOT Archives by the author on Nov 17, 2000.

⁷¹ City Council Resolution #33327, adopted Feb 23, 1983, as cited in "Urban Services Report IAR #3-86," City Auditor's Office, Sept 1986, p. 1, 111, 113; Yeates, 23.

⁷² "City at a Crossroad, Creating a Framework for Change," a paper prepared by Mark Gardiner, former City of Portland fiscal administrator, June 9, 1989.

⁷³ Yeates, 23.

⁷⁴ Communications with former city commissioners Earl Blumenauer and Mike Lindberg by the author, Jan 9, 2001.

⁷⁵ Members of both boards deserve credit for this historic agreement. City council members were Mayor Frank Ivancie, Charles Jordan, Mike Lindberg, Mildred Schwab, and Margaret Strachan. County Executive Dennis Buchanan, and his staff member, Steve Telfer, were key players. County commissioners were Arnold Biskar, Earl Blumenauer, Gladys McCoy, Caroline Miller, and Gordon Shadburne. Others involved in either the early negotiations or later implementation included previous county executive Don Clark, county commissioners Pauline Anderson and Gretchen Kafoury, subsequent mayor Bud Clark, and city commissioner Dick Bogle. City financial administrator Mark Gardiner worked out details of the plan on behalf of mayors Ivancie and Clark.

⁷⁶ *Consolidation Threshold Study, Final Report*, Sept 1988, 8.

⁷⁷ Multnomah County cut funding for its parks in 1982 planning to phase them out, and transferred four county parks—Sasajawa Park, Floyd Light Park, John Luby Park, and Cherry Park—to the city on October 15, 1985. The following year, the county transferred two acres on top of Rocky Butte, Brentwood Park, and Park 51. Draft *Portland Parks and Recreation, A Chronological History*, Dec 1998, 1985 and 1986 sections.

⁷⁸ For the effects of early 1920s prohibition on other "vice" activities, see Marsh, 182-89.

⁷⁹ Draft *Portland Parks and Recreation*, 1984 section.

⁸⁰ "City Club of Portland Annual Report, 1991," p. 3.

⁸¹ The Oregon Lottery was approved by voters in November 1984. 1997-98 *OBR*, 365. There was no connection between this new state law and the opening of a popular Indian casino, Spirit Mountain, sixty miles southwest of Portland eleven years later. Indian casinos operate under federal jurisdiction. In a switch from prohibited vice activity to legitimate business, gaming devices formerly prohibited, such as slot machines, roulette, and video poker, had now become legally and socially acceptable. *OS*, 140.

⁸² Among those considering an Ivancie challenge were Commissioner Charles Jordan; future county commissioner Pauline Anderson (the first woman president of the Portland City Club and spouse of former city commissioner Lloyd Anderson); and State Representative Rick Bauman. *Oreg.*, Feb 19, C1, c.2, and May 6, 1983, C1, c.2; *WW*, June 28 - July 4, 1983.

⁸³ "This Bud's for You," by John Schrag, *WW*, Nov 10, 2000.

Table 10 Summary of Four Appraisals With Elements of Concern

<u>Description of property</u>	<u>Sale price</u>	<u>Auditor Concerns</u>
40 acres in East Buttes target area	\$3,150,000 (Metro paid \$2,362,500, another jurisdiction paid \$787,500)	<ul style="list-style-type: none"> • Appraisal assumed 175 lots could be created on the property. This assumption was inadequately supported, according to the appraiser hired by the Metro Auditor. It exceeds the base zone limit of 85 units and prior development approval for 131 units. • The risk, expense and time to achieve development approval for the property were not adequately reflected in the appraised value, according to the Metro Auditor hired appraiser.
152 acres on Multnomah Channel	\$750,000*	<ul style="list-style-type: none"> • Appraisal value 17 months before the sale was \$450,000. An additional appraisal conducted at time of sale moved appraised value to \$600,000. • Appraised value was adjusted from \$600,000 to \$650,000 based on two \$800,000 offers. Both contemplated a high level of development which Metro's appraisers found likely infeasible. Property is below flood stage and about 60% is wetlands. • Metro's final appraised value of \$650,000 was much higher than the per-acre sale price of comparable properties cited in the \$600,000 appraisal report.
3.2 acres near Forest Park	\$168,000	<ul style="list-style-type: none"> • The appraisal report on this property stated, "Metro has requested this update appraisal be based on the assumption that the subject legally could be developed as three buildable lots, rather than as only one buildable lot, which was the highest and best use conclusion in the original appraisal." Evidence was not clear that more than one house could be built, according to the Auditor hired appraiser. • Appraised value of this property assuming one house could be built on it was \$37,000. Appraised value assuming three houses was originally \$138,000 and increased to \$161,000 by the review appraiser. • The three-lot assumption was based on a memo from a City of Portland Planning Bureau employee summarizing a meeting with Metro staff to discuss development possibilities and limitations for this property. The Metro Auditor hired appraiser stated this memo does not indicate an outright potential for any development and stated that the Metro appraiser conferred with the same Planning Bureau planner, and originally determined the highest and best use was a one-house site.
.71 acres near Forest Park	\$127,500	<ul style="list-style-type: none"> • The seller experienced a foundation failure on the property due to unstable soils. This factor does not appear to have been considered in the appraisals. • Separate appraisals were done for two components of a single transaction purchase, which may have raised appraised value.

* This purchase was specifically approved by the Metro Council, as purchase price exceeded appraised value by more than 10%.



Office of Mayor Tom Potter
City of Portland

Metro Council President David Bragdon
600 NE Grand Avenue
Portland, OR 97232-2736

April 26, 2005

Dear Council President Bragdon;

Metro Council will be voting shortly on year 16 funding for local government waste reduction and recycling programs. I want to express our Council's appreciation for this support from Metro for our programs and outline briefly its importance to our continued efforts.

Metro support through funding of local activities provides needed resources to foster important waste reduction and recycling initiatives for Portland. In fiscal year 2005/2006, the Office of Sustainable Development will receive roughly \$238,000, or approximately 3.0 FTE (25% of Portland's Solid Waste & Recycling staff). These critical funds support the foundation of the solid waste program and allow the City to engage in long-term, strategic planning for recycling and waste reduction. Maintenance funds, unlike competitive grants, give the OSD the means to:

- 1) Secure continuous and consistent program support from year to year and the opportunity to grow, improve and mature effective program initiatives;
- 2) Build and maintain base programs over a range of waste reduction areas, the foundation from which to launch new initiatives and pursue targeted grant opportunities;
- 3) Generate a growing public awareness and deliver programs that meet the expectations of informed, motivated residents; and,
- 4) Develop successful programs that serve as models for other local governments in the Metro region.

The following are some examples of OSD programs that local government funding from Metro has supported. These programs illustrate the type of continuity that is critical to program success and in reaching long-range objectives:

Portland Composts! An innovative outreach program to food generating businesses in Portland designed to recruit and train them to separate organics from their waste for composting.

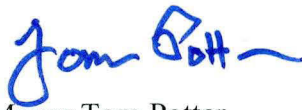
Go Blue. Be Green. A new recycling communications strategy focused on Portland businesses. The purpose of the strategy is to inform businesses of their rights and responsibility and to promote new opportunities to recycle.

Simplify and publicize multifamily recycling systems. In July the city will adopt a uniform system of multifamily recycling sorting at the 65,000 apartment complexes throughout the city. We have prepared and tested a variety of outreach/education materials including recycling preparation posters and refrigerator magnets, decals for the containers, and several large color metal signs to be placed above the containers and tenant education brochures.

As the Oregonian mentioned this weekend, waste generation in the region continues to grow and we have seen our recycling percentages plateau over the last few years. The City is in the process of conducting its own program cost modeling to determine what aggressive new programs we should initiate to give recover more material. The Metro funding will help us to move forward to realize our ambitious regional goals.

I look forward to building a more sustainable future for our region with effective partnerships between Metro and the City of Portland.

Sincerely,



Mayor Tom Potter



Commercial Real Estate Economic Coalition

1211 SW Fifth Ave. ♦ Suite L-17 ♦ Portland, OR 97204
 (503) 228-9214 ♦ Fax (503) 223-1659

**PUBLIC TESTIMONY ON RESOLUTIONS 05-3574, 05-1077 AND 05-3577
 BY BEVERLY BOOKIN, AICP
 ON BEHALF OF THE COMMERCIAL REAL ESTATE ECONOMIC COALITION (CREEC)
 APRIL 28, 2005**

President Bragdon and Members of the Metro Council:

On behalf of the Commercial Real Estate Economic Coalition (CREEC), which represents 13 trade associations, organizations and companies involved in the development, sale and management of retail, office, industrial and institutional property, I wish to submit testimony to the public record in support of Ordinances 05-3574, -1077 and -3577. We urge the speedy adoption of these ordinances to approve the Nature in Neighborhoods Program.

Both as an advocate for the development community and member of MTAC on behalf of the Columbia Corridor Association, I have been involved in the Regional Goal 5 Program deliberations since 2000. The program has come a long way since the initial proposals to regulate all 82,000 acres on Metro's fish and wildlife habitat map on the presumption that the entire inventory was "regionally-significant", a premise that lacked both technical and political credibility. In the current proposal, essentially Class I and II riparian resources have been declared regionally-significant and, thus, subject to regulation, while all other inventoried resources are subject to non-regulatory measures. Also, in recent years, more attention has been paid to the balancing of environmental and economic concerns, which is more in the spirit of Goal 5 than the original proposal, which emphasized environmental protection over other considerations.

There are four issues upon which we would like to comment:

- *The current program dials back regulations so that only a relatively small proportion of vacant, privately-owned commercial/industrial acreage within the UGB is affected, perhaps 1,200-2,000 acres, substantially less than in the earlier version of the regulations. Nevertheless, Metro still has a deficit of 1,000 net acres of industrial land from the most recent UGB expansion and there is no provision here to make up for the loss of additional acreage resulting from the implementation of the regional Goal 5 program until the next periodic review. This lag is of concern but there appears to be no statutory mechanism for a compensatory expansion of the regional UGB outside the periodic review process. CREEC suggests that one way to address this is to extend the Title 3 exemption for industrial sites with developed flood plains from this title except for the requirements of Section 4(a)(4) Habitat Friendly Practices. This would include West Hayden Island, portions of Rivergate and Columbia Corridor East.*
- *CREEC also supports the exemption of the Port of Portland's Terminals 4, 5 and 6 from these regulations, in that these meet all of the criteria established for the exemption of Schnitzer's International Terminal. The City of Portland's 11th-hour opposition to granting of the exemptions to these three important facilities involved in international trade is ill-timed and ill-advised. Not only is the Port the region's economic engine, but it has demonstrated strong environmental stewardship. We hope that the Metro Council will override the City of Portland's objection in this matter.*

Associated Builders & Contractors ♦ Associated General Contractors ♦ Certified Commercial Investment Members of Commercial Investment Real Estate Institute ♦ Columbia Corridor Association ♦ Commercial Association of REALTORS® ♦ International Council of Shopping Centers ♦ National Association of Industrial & Office Properties ♦ Olson Engineering Inc. ♦ Oregon Mortgage Lenders Association ♦ Portland Metropolitan Association of Building Owners & Managers ♦ Providence Health Systems ♦ Retail Task Force ♦ Schnitzer Investment Corp. ♦ Society of Industrial and Office REALTORS® ♦ Westside Economic Alliance

- *CREEC strongly supports the Tualatin Basin approach. This regional coalition of local governments and special districts has a long track record of environmental stewardship with both very stringent regulations and innovative programs such as its Healthy Streams Initiative in place. Moreover, through its regional storm water and sewerage agency, Clean Water Services (CWS), it has adopted a stormwater management fee that will raise \$95 million over 20 years for targeted watershed acquisition and restoration. As a result, we believe that the basin approach meets requirements for substantive compliance and urge its approval.*
- *Finally, CREEC supports the effort to increase the "urban development" value of colleges and medical centers, from "low" to "high" in recognition of their value in providing regional educational and health care services, serving as major employers and pumping millions of dollars into the regional economy. The fact that these institutions by historic accident often are located in residential neighborhoods should not be used as the basis for judging their economic value. Thus, we urge you to adopt the list of ten institutions granted this special consideration, adding Providence St. Vincent Medical Center that was inadvertently left off the list.*

Thanks as always for the opportunity to testify on this important issue.

**PORT OF PORTLAND TESTIMONY ON ORDINANCE 05-1077,
RESOLUTION 05-3574, AND RESOLUTION 05-3577
April 28, 2004**

Council President Bragdon and Metro Councilors:

The Port of Portland is the regional agency charged with providing competitive passenger and cargo access to regional, national and international markets while enhancing the region's quality of life. The Port manages the four public marine terminals and three public airports in the tri-county area on behalf of the region. We also hold and develop large tracts of industrial land to ensure these properties are preserved for industrial purposes and not developed for short term financial gain. One in 6 jobs in the region is affected by Port activity. Over 12 million tons of waterborne cargo, 250,000 tons of air cargo, and 12 million passengers traveled through our facilities in 2003. The Port strives to operate all its facilities in compliance with local, state and federal natural resource and environmental regulations. The Port has a formal commitment to integrating environmental considerations into all Port planning and development activities. The innovative environmental design of the new Toyota facility is a recent example of implementing our commitment.

The Port appreciates Metro Council's current Title 13 Nature in the Neighborhood program direction, which encourages acquisition and incentives to address protection, enhancement and restoration and focuses the regulatory aspects of the program on the most significant habitat, while also recognizing the economic realities of the region. We largely support the Chief Operating Officer's (COO) recommendation on the program. It reflects the hard work of Metro Council and staff in weighing many interests. We certainly appreciate this challenge. Nonetheless, we encourage Metro Council to proceed with this direction and timely approval of the Nature in the Neighborhood program. The region needs certainty and consistency wherever possible on this issue.

The Port has four requests of Metro Council:

1. Support the COO's recommendation on the region's public marine terminals and airports.

In consideration of the unique and irreplaceable economic value of the region's airport and marine facilities and the need to manage habitat at the airports in order to minimize the wildlife hazards, the Port urges Metro Council to retain the COO's proposed exemption for the region's marine terminals 4, 5 and 6 and the alternate compliance method for the Port's three airports. Note this is not an exemption for airports but an alternative compliance method which includes mitigation, yet recognizes the unique constraints and circumstances facing the Port in balancing public safety with natural resource values. The marine and airport facilities are regional assets and should be given special consideration in Metro's program. Further, as the regional planning entity, Metro is the appropriate body to make this determination.

For historical purposes, the exemption for our marine terminals 4, 5 and 6 was recommended in response to Metro Council's May 2004 direction to staff to identify other sites similarly situated to the International Terminal site, where the site's special economic importance outweighs its resource values. In March 2005, the Port provided

Metro staff with detailed justification for these exemptions, demonstrating that their economic value far outweighed any natural resource value at the terminals. Metro staff's concurrence with this analysis is reflected in the COO's recommendation.

While these facilities are located in the City of Portland, these marine terminals are regional assets which merit exemption from any additional natural resource protection. This exemption should be retained and we respectfully disagree with the City of Portland recommendation that these terminals be addressed in a City District Plan process. The Metro exemption does not preclude the City from developing their Willamette River District Plan, nor does it limit our commitment to participate in that process and continue our integration of environmental considerations into all of our developments. The exemption provides regional acknowledgement of these facilities and near term certainty, and the legitimate role of Metro as the regional planning authority.

To clarify, we did not provide similar justification to Metro staff for the region's airport facilities because we believed that their economic value was self-evident. In the COO's recommendation, Metro staff acknowledged the special economic value of these facilities and the Port's need to address aircraft wildlife safety hazards in a timely manner by providing "by right" development of these facilities with mitigation off-site. This has been mischaracterized by some as an exemption. It is not; it is merely an alternate compliance method for Port-owned property within 10,000 feet of an aircraft operating area. The language as written also allows mitigation in the watershed where not in conflict with a FAA-compliant wildlife hazard management plan. By development of the wildlife hazard management plan, the Port has demonstrated avoidance and minimization of habitat. We urge you to retain this language. The City of Portland concurs. Nonetheless, we will be participating with the City in a legislative planning process for Portland International Airport where other environmental and community issues will be addressed. Metro's action here will not supersede the City-Port legislative process as some have also suggested.

Bottom line: The Port's ability to provide this regional transportation service and secure new service on behalf of the region is constrained by additional natural resource regulation and cost. For this reason, we support the exemption for the region's public marine terminals and the alternate compliance method for the region's public airports.

2. Minimize impacts of the program on the region's industrial land supply with additional program amendments.

Metro currently has a deficit in its 20-year industrial land supply. The Port happens to own two of the largest remaining infrastructure-served industrial parcels within the Urban Growth Boundary (UGB) – the 825-acres on West Hayden Island and the 695-acre Reynolds property. Based on our analysis of the impact of the additional natural resource regulation on these industrial parcels, we believe Metro's proposed regulations will add significant costs to these industrial lands, and effectively prohibit development in the case of West Hayden Island - further decreasing the industrial land supply and reducing our region's competitiveness in the global economy.

The impact of the proposed Nature in the Neighborhood regulations is particularly significant for West Hayden Island which the Port owns and is being held for future marine-related industrial development. West Hayden Island is located adjacent to region's marine terminals, deepwater navigation channel, I-5 freeway, and two Class 1

rail lines (Union Pacific and Burlington Northern Santa Fe). Metro has designated this property as a Regionally Significant Industrial Area, exempted the 580-acre development footprint from Title 3 flood plain and water quality requirements, included transportation infrastructure to serve future West Hayden Island development in the Regional Transportation Plan, designated the island as a Metro 2040 primary land use, and included the development footprint in the region's industrial land supply estimate. Note that 240 acres would remain in a non-development category.

It also is significant for the Reynolds site which the Port is purchasing for future industrial development. This brownfield site, located adjacent to I-84 and the Union Pacific class one rail line, was acquired by the Port for future industrial development.

We estimate Metro's proposed natural resource regulations on these two properties alone would have the impact of reducing the region's industrial land supply by several hundred acres – nearly a quarter of the 1,940 industrial acres Metro Council fought hard to bring into the UGB in June 2004. We hate to see Metro and the region lose ground that, once lost, will never be regained in this area. The availability and developability of industrial land is critical to the region's future economic health. Further expansion of the UGB is likely to put additional strain on the region's limited infrastructure dollars as much of the new industrial land is not infrastructure-served. Expansion of the boundary will also impact other natural resource lands in rural areas of potentially higher habitat value.

Because of the potential impact of the Nature in the Neighborhood program on the region's limited industrial land supply, we urge Metro Council to reconcile Metro's industrial land policies with its natural resource policies. To minimize the impacts on industrial land, we urge Metro to:

- 1) Relative to West Hayden Island, carry over the Title 3 exemptions for property designated for future economic development; and
- 2) Relative to the Reynolds site, designate all industrial land as "high urban development" value. This is not an exemption, but rather classifies it comparably to Regionally Significant Industrial Areas (RSIAs). The program still applies to this property, but is a recognition of it as an industrial resource.

3. Support the COO's recommendation to provide an "allow" use for routine operation, maintenance and repair activities to support flood control within the four drainage districts in the Columbia Corridor.

The Multnomah County Drainage District provides flood control management services for over 2,000 property owners within four drainage district areas in the Columbia Corridor: Sandy Drainage Improvement Company, Peninsula 1 Drainage District, Peninsula 2 and Multnomah County Drainage District. These areas are within a managed flood plain. The services provided by the District are mandated by state flood control regulations and federal levy regulations. The COO's recommendation to "allow" routine operation, maintenance and repair activities by MCDD is critical as it prevents flooding in the Columbia Corridor, the region's largest industrial area. It also ensures reduced flood insurance rates from the Federal Emergency Management Agency, and allows continued development in this area.

4. Support the Tualatin Basin Natural Resource Coordinating Committee fish and wildlife habitat protection program as being in substantial compliance with Metro's Nature in the Neighborhood program.

The Port supports the Tualatin Basin Natural Resource Coordinating Committee's fish and wildlife habitat protection program. We believe this program will provide real protection and enhancement of natural resources in the Tualatin Basin. Not only does this program include a list of projects for implementation, but there is funding committed as well.

In closing, the Port urges Metro Council to carefully consider the impacts of the Nature in the Neighborhood program on the region's airport and marine facilities and limited industrial lands. Thank you for the opportunity to provide comments.

Lise Glancy
Regional Affairs Manager
Port of Portland