



August 4, 2016

Board of County Commissioners
Multnomah County
c/o Land Use Planning Division
1600 SE 190th Avenue
Portland, Oregon 97233

RE: METRO COMMENTS – Draft Comprehensive Plan Updates

Dear Chair Kafoury and County Commissioners:

On behalf of Metro, I want to thank you for the opportunity to participate in this Comprehensive Plan Amendment process. Through this letter, I hope to share a bit more background on Metro's Parks and Nature Program; provide general comments and concerns on the proposed Comprehensive Plan amendments; and propose plan language amendments for your consideration. Metro seeks edits that support Metro's role as a park service provider and to balance recreational needs and uses with natural resource protection and neighborhood concerns. I would also like to thank Planning Director Michael Cerbone and Multnomah County staff for their work on this complex project.

The Comprehensive Plan Amendment Process:

The County's Comprehensive Plan update process is largely a citizen-driven process, with the Citizen Advisory Committee (CAC) submitting its recommendations to the County Planning Commission for consideration and discussion. The Planning Commission was the first county government body to review the draft plan and thereafter provide policy guidance to the Board of County Commissioners.

Before the Planning Commission, Metro presented comments and concerns, as well as proposed revisions to the County's draft comprehensive plan language. The Planning Commission heard testimony that supported Metro's positions. The Planning Commission also heard testimony that sought to isolate the County's rural lands and residents. Additional testimony was received that requested that the commissioners downplay Metro's role as a natural area and parks provider and to support language that, in Metro's respectful opinion, would:

- Incorrectly describe Metro;
- Misstate Metro's actual policies regarding land management and program objectives;

- Regulate recreational uses on resource lands more stringently than other forms of development; and
- Thereby frustrate and burden Metro's ability to serve a diverse and growing population of County residents and their needs within Metro's parks and natural areas program.

Through amendments and clarifications to the draft plan, the Planning Commission addressed some of Metro's concerns, while leaving others for the Board of County Commissioners to consider.

Metro's remaining primary concerns are inaccurate statements and descriptions of Metro and our Bond program, and language that appears to regulate public recreational uses more stringently than other permitted and conditional uses on resource lands. Metro requests that the County Commission adopt the amendment language proposed below. In adopting this language, Metro is seeking to have the proposed comprehensive plan language be consistent with the language found elsewhere in the County's zoning code so as to promote efficient and effective application and implementation.

Metro's role as a park, recreation, and natural resource provider:

Metro, as a park service provider, has its roots in Multnomah County and the County's park system. In 1995, Multnomah County transferred ownership, responsibility and staff for its parks, cemeteries and boating and recreation facilities to Metro. Metro is now the de-facto park service provider for county residents, owning and managing approximately 8,500 acres in Multnomah County. As provided for in Metro's 2016 Parks and Nature System Plan, Metro's Parks and Nature mission is to protect water quality, fish and wildlife habitat, and create opportunities to enjoy nature close to home through a connected system of parks, trails, and natural areas.

With the passage of two regional bond measures in 1995 and 2006, Metro began a natural areas acquisition program that vastly expanded publicly owned natural lands in Multnomah County. The operations levy, passed by regional voters in 2013, made it possible for Metro to begin restoring and promoting the health of local ecosystems, and to provide access for county residents of all ages and abilities to learn and enjoy them. As the greater Portland area grows and becomes more diverse, the County, Metro and partners see a shared opportunity to make parks and nature relevant to the communities they serve.

Metro owns, operates and manages well loved parks and open spaces in the County, including Oxbow and Blue Lake Regional Parks, Sauvie Island's Howell Territorial Park, and Glendoveer Golf Course and Fitness Trail. Additional Metro facilities such as the Sauvie Island Boat Ramp, Gleason Memorial Boat Ramp, Broughton Beach and Chinook Marine Facility provide close-in access to the Columbia River for County residents. Numerous

natural areas throughout the county provide more passive recreational opportunities, in addition to providing important water quality and wildlife habitat benefits. Metro's facilities provide a diverse range of outdoor recreational opportunities and experiences, including boating, hiking, bicycling, bird watching, and general scenic and recreational access.

Metro parks in Multnomah County serve approximately 1 million visitors a year. In 2016, Metro Park's youth educational programs served nearly 9,000 children, with over 6,000 children served at Smith and Bybee, Oxbow, and Blue Lake alone.

Consistent/Compatible word choice issue:

With this background in mind, Metro's objective with the Comprehensive Plan amendments is to have recreational uses regulated on an even playing field with other permitted uses, in a manner that balances recreational uses with wildlife and resource objectives, which is compatible with resource concerns, and does not cause significant impacts. Of note, this is how other uses (such as dwellings) are discussed in the draft Comprehensive Plan and regulated in the County's resource land zoning code.

In hearings before the Planning Commission, much of the discussion centered on the use of words which may regulate recreational uses more stringently than other permitted uses, and that were ambiguous and inconsistent with the County's zoning code. This issue is reflected in Metro's proposed amendment nos. 5-7 discussed below, as well as in response to comments received to date, also discussed below. Metro suggested that "compatibility" was a better, more commonly understood, and more appropriate standard to apply when reviewing the potential impacts of recreational uses on natural resources and the surroundings.

After a public review of all the dictionary definitions of "consistent," the Planning Commission chose to use the word "consistent" with the understanding that it meant or was otherwise synonymous with "compatible." Additionally, for consistency and clarity, the Planning Commission recommended that "consistent" be used repeatedly as the standard, replacing other words such as "harmonious" and "complementary," which they found to be ambiguous after hearing Metro's concerns.

Metro respectfully requests that the Board of County Commissioners, at a minimum, adopt the reasoning of the Planning Commission and find that "consistent," as used in the plan, is synonymous with "compatible."

However, it is our opinion that "compatible" is a better word choice for a land use standard, as is represented in other sections of the draft Comprehensive Plan and in the County zoning code. In our revisions offered below, we have proposed the term "compatible."

For example, in draft plan Chapter 4, Forest Land, and the discussion of dwellings, policy 4.11 states: "Allow no dwellings, or other uses which are **incompatible** with commercial forestry...." 4.14 states that new dwellings are only allowed when "they will have no **significant impact** upon forestry practices, open spaces, public facility, wildlife habitat, and rural community character." In the land use profession, compatibility and significant impact tests are normal and easily applied standards, with developed judicial guidance on how to do so.

As an additional example, County Zoning Code Chapter 33 (West Hills Rural Plan Area) demonstrates that "compatibility" is the standard used when reviewing a proposed use to its surrounding (for example, is the use proposed compatible with wildlife habitat), while "consistent" is used when addressing a specific standard (for example, is the use proposed consistent with § 33.2030). In fact, nowhere in the County code regulating resource areas are the words "consistent" used when reviewing a use to its surroundings, and nowhere is "complementary" or "undue impacts" used.

By comparison, the draft Comprehensive Plan language requires that recreational uses be "consistent" with wildlife and area uses and not cause "undue impacts." Respectfully, these standards are not good fits. In Metro's opinion, the draft language may create ambiguity in application and can be improved by using the word "compatible."

PROPOSED DRAFT PLAN REVISIONS:

In Metro's opinion, the three most critical elements of a comprehensive planning update process are diverse citizen involvement, partnering public agency coordination, and transparency. The plan should reflect the interests, goals and strategies that meet the needs of all County residents. The process also attempts to ensure the compatibility of County planning programs with those of other jurisdictions and agencies. Coordination with other governmental agencies and refining the plan are essential to achieve this end.

The Statewide Planning Goals are Oregon's mandatory standards for comprehensive planning. With respect to the County's natural resources and open space/recreational policies, Statewide Planning Goal 8 calls for the County to evaluate its recreational areas and facilities and develop plans to deal with the projected demand for new recreational opportunities. Similarly, Statewide Planning Goal 5 directs the County to protect natural resources and conserve open spaces, which includes land for recreational uses. In Goal 5 we see the carrying capacity of the natural resources as a planning consideration.

Throughout the planning and policy directives in these Statewide Goals are the requirements of ensuring adequate recreational opportunities for a diverse and growing public with different abilities, to conserve energy by providing opportunities close to urban centers, and highlighting the importance of properties and areas that can meet multiple

needs and objectives and within the carrying capacity of the land. All of those policy objectives pertain to Metro, its lands, and its role as a County natural area, park and recreation service provider.

Metro respectfully requests the following proposed revisions to the June 2016 Draft Comprehensive Plan. This document focuses solely on the Introduction and Citizen Involvement (Chapter 1); Natural Areas (Chapter 5); and Parks and Recreation (Chapter 8).

Revisions are shown with strikethrough/underline text to denote ~~deleted~~ and new text. The recommendations are intended to clarify and correctly represent Metro's role as a service provider; improve and clarify policy language; and eliminate conflicts between other County policies and land use standards. For each revision, Metro offers an explanation for the requested amendment.

#1: Chapter 1 - Introduction and Citizen Involvement:

At page 1-31: Discussing the characteristics of the West Hills

"Public lands: Metro owns over 1,000 acres near the northern end of Forest Park ~~to ensure wildlife connectivity. Metro is actively restoring this former timber land to a diverse native habitat to protect water quality, promote fish and wildlife habitat, and create opportunities for county residents to enjoy nature.~~ These Metro properties are part of a large and extensive network of protected natural and recreational areas in the West Hills that extend into the city of Portland's jurisdiction, including Forest Park Conservancy's Ancient Forest Preserve, over 5000 acres in Portland's Forest Park and the Audubon Society of Portland's 150-acre Nature Sanctuary, Washington Park, and the Hoyt Arboretum. The Bureau of Land Management owns land north of Cornelius Pass Road used for forestry and recreation. Nearby Burlington Bottoms is part of this network of public land, providing high value breeding ponds for amphibians that migrate to and from our upland forests."

Explanation: The proposed amendments seek to accurately state the existing condition of the land and the reasons why Metro owns it. Metro requests the phrase "ensure wildlife connectivity" be deleted and replaced with a correct statement of why Metro holds over 1,000 acres north of Forest Park. The land is not held specifically and only to ensure wildlife connectivity as represented in the draft. Rather, the land is held to promote Metro's park and nature department mission that has three elements: "to protect water quality, fish and wildlife habitat, and create opportunities to enjoy nature close to home through a connected system of parks, trails, and natural areas." Metro's park mission and vision statement are found in the 2016 Parks and Nature System Plan.

During the Planning Commission hearings, County Counsel stated that any representation in the Comprehensive Plan about Metro, including why land is held

and what Metro intends, should be truthful and verifiable in a public document, such as a planning document. The draft plan language currently includes statements about Metro and its West Hills holdings that are not accurate.

Additionally, the public lands located in the Tualatin Mountains include a large and extensive network of interconnected trails, providing access to nature for all County residents. As drafted, there is no mention of the recreational element and the role that public lands play in providing parks and recreational opportunities to County citizens. Metro is of the opinion that this community service should be recognized. As such, Metro requests including "and recreational" areas in describing the West Hills.

#2 Chapter 5 – Natural Resources:

At page 5-28: Fish and Wildlife Habitat

5.27 "Protect significant native fish and wildlife habitat and wildlife corridors and specifically limit conflicting uses within natural ecosystems and sensitive big game winter habitat areas."

Explanation: Metro does not understand what the phrase "within natural ecosystems" in the context of limiting conflicting uses within natural ecosystems means. It seems to be a very broad term and could present problems for both the County and landowners in trying to implement it.

#3 Chapter 8 – Parks and Recreation:

At page 8-3: Discussing agencies/recreational service providers

"Metro. Metro is a regional government agency serving Multnomah County residents and the greater Portland area. Metro, as a parks service provider, and as an owner and operator of open space generally, has its roots in Multnomah County and the County's park system."

In 1995, Metro assumed ownership and operation of a number of park and recreational facilities previously owned and operated by the County, including Oxbow Regional Park, Blue Lake Regional Park, Glendoveer Golf Course and Fitness Trail, Howell Territorial Park, Gleason Memorial Boat Ramp, Broughton Beach, Chinook Marine Facility, historic cemeteries, and a number of other facilities. Metro also owns and manages a number of natural areas and nature preserves in Multnomah County to protect water quality, promote fish and wildlife habitat, and provide citizen access to nature.

With the passage of two regional bond measures in 1995 and 2006, Metro began a natural areas acquisition program that vastly expanded publicly owned natural lands in Multnomah County. The operations levy, passed by regional voters in 2013, made it possible for Metro to begin restoring and promoting the health of local ecosystems, and to provide access for county residents of all ages and abilities to learn and enjoy them.

Metro's facilities provide a diverse range of outdoor recreational opportunities and experiences, including boating, hiking, bicycling, bird watching, and general scenic and recreational access.

Today, Metro's Parks and Nature mission is to protect water quality, promote fish and wildlife habitat, and create opportunities to enjoy nature close to home through a connected system of parks, trails, and natural areas."

Explanation: This section is intended to introduce the public agencies (State of Oregon, Metro, BLM, etc.) that provide parks and recreation services to Multnomah County residents. Respectfully, the description provided in the draft document does not completely describe Metro, its history with Multnomah County, and the degree to which it is park service provider for County residents. Metro is of the opinion that it is important to reflect Metro's role, its park and recreational assets in the County, and its management objectives. As such, Metro proposes language that provides some historical perspective of Metro's role as a park service provider and more accurately reflects the agency and its public mission.

#4 At page 8-9: "Goals, Policies, and Strategies"

"Goal: To help meet the recreational needs of Multnomah County ~~rural~~ residents and visitors to its rural areas through support of, and coordination with local, regional, state, and federal agencies that manage recreation facilities and sites within the County."

Explanation: Metro is uncertain why the County's Comprehensive Plan, and specifically the Goal of the Parks and Recreation chapter, is described as only intended to meet the recreational needs of the county's *rural* residents. Metro understands Multnomah County and its Comprehensive Plan to represent and govern all County residents, and not just rural residents.

The Plan at page 1-18 details County-wide demographics, with county population increasing dramatically. The data indicates that rural areas are characterized by significantly less racial/ethnic diversity and higher median household incomes, with the West Hills having a significantly higher median household income.

Limiting the Goal of the County's recreational policies to rural residents may conflict with other elements of the draft Comprehensive Plan, and specifically Chapter 1

Equity goals and policies. There, the intent of the plan is "to incorporate and embody the County's commitment to racial/ethnic equity and empowerment." Its Goal is: "To support access to all people and to ensure that planning policies and programs are inclusive." Plan at page 1-36.

#5 At page 8-9: "Parks and Recreation Planning"

8.2 "Encourage the development of recreation opportunities by public agencies and private entities ~~consistent~~ compatible with wildlife habitat and wildlife corridor protection."

Explanation: Metro is of the opinion that "consistent" is not an appropriate word/connecting element in the policy statement. "Consistent" means happening in the same way. Recreation opportunities cannot "happen in the same way" as wildlife habitat and wildlife corridor protection. Using the adjective "consistent" in the draft policy will create implementation problems which can be avoided by using the correct adjective in its place. Metro believes it is more appropriate that recreational opportunities be "compatible" with wildlife habitat. "Compatible" is an understandable and common adjective to describe the relationship between a use and its impact on wildlife habitat.

#6 At page 8-10: "West Hills Policies and Strategies"

8.8 "Support only those recreational activities within the West Hills area that are ~~consistent~~ compatible with and do not cause ~~undue~~ negative significant impacts on natural and environmental resources that are identified in Goal 5."

Explanation: The first amendment request is similar to the issue in section 8.2 above.

Regarding the second amendment, without further clarification of what "undue negative impacts" constitutes, Metro is concerned the phrase may result in an overly restrictive standard. As commonly understood and according to Webster's "undue" means: "1: not due; not yet payable 2: exceeding or violating proprietary or fitness." Metro does not believe that "undue" is an appropriate land use planning regulatory term. Instead, Metro recommends the "significant impact" test be used here, as it is elsewhere in the draft plan and throughout the County's zoning code.

#7 At page 8-10: "Sauvie Island and Multnomah Channel Policies and Strategies"

8.9.1. "Ensure activities will be ~~consistent~~ compatible with natural and environmental resources of local and regional significance; and"

8.9.2. "Ensure that Howell Territorial Park uses and improvements are ~~consistent~~ compatible with the rural character of the plan area as well as natural and cultural resources."

8.10 "Support only those recreational activities within the SIMC area that are ~~consistent~~ compatible with and do not negatively impact ~~do not significantly impact~~ natural and environmental resources on Sauvie Island and along the Multnomah Channel and its tributaries that are identified in Goal 5."

Explanation: The edits here are intended to promote consistency: to make the language in the West Hills policies and strategies above, which seek the same policy objectives, consistent with the Sauvie Island policies and strategies.

Response to Comments Received to Date:

To date, the County has received a number of public comments. Metro respectfully offers the following responses to four specific comments.

The first comment proposes that the word "consistent" be replaced with "complementary" throughout the plan as the standard by which a new Metro park needing a plan amendment would be reviewed. We object to this proposal. As stated above, and for purposes of clarity and confirming legislative intent, the Planning Commission chose to use the word "consistent" with the understanding that it meant or was otherwise synonymous with "compatible." The public comment request is for that effort to be undone.

Although "complementary" is used in the SIMC rural area plan, Metro is of the opinion that word is not appropriate for a land use planning standard. The use of an ambiguous and inappropriate word standard should not be repeated, particularly given the importance of the task the County is performing.

As commonly understood and according to Webster's: "Complementary" means: "1: relating to or constituting one of a pair of contrasting colors that produce a neutral color when combined in suitable proportions 2: serving to fill out or complete 3: mutually supplying each other's lack 4: being complements of each other. "Complement" means: 1a: something that fills up, completes or makes perfect b: the quantity or number required to make a thing complete c: one of two mutually completing parts. Metro does not understand how a park use, and trails generally, could be found to make the forest land perfect. Respectfully, the word "complementary" is an unworkable standard.

The comment also references the need to include the word "undue" as in "do not cause undue negative impacts" as a standard. As commonly understood and according to Webster's, "undue" means: "1: not due; not yet payable 2: exceeding or violating proprietary or fitness." This also appears to be an unworkable standard.

The commenter offers their own definitions of "complementary" and "undue" that do not exist in dictionary resources. Metro is of the opinion that creating definitions that are not commonly understood should not be encouraged as it will bring uncertainty, ambiguity, and conflict into administration of the County's Comprehensive Plan.

The second specific comment requests clarification of the relationship between the subarea and countywide policies, stating that the county's draft plan does not do so. Metro respectfully disagrees with the request. The plan already includes language describing the relationship between the plan's goals, policies, and strategies. That is found in the plan's introduction section at pages 1-6, which also highlights the traditional and expected balancing process that occurs when reviewing any proposal for compliance with a comprehensive plan. The offered language would upset that balancing process.

The third comment seeks to impose additional regulations on public park uses and to further regulate them more stringently than any other use permitted in the resource zone. There is already a requirement to balance recreational facilities with environmental concerns. However, the request would create a higher bar for any recreational facility proposed on rural lands by including restrictive and ambiguous language that we believe may be difficult to meet. For example, it is proposed that only "passive recreational and educational use without degrading natural resource is acceptable" and that any resource conflicts must be resolved in favor of no recreational uses.

As commonly understood and defined by Webster's, "degrade" means: "1a: to lower in grade, rank, or status 2: To bring to low esteem or into disrespect 3: to impair in respect to some physical property." Again, words such as "degrade" or "degrading" are not traditional or appropriate standards.

Assuming the third definition of degrade may be applicable, the word "impair" is itself ambiguous – from simply something that damages at one degree to something that is only a material damage to another degree. Again, Metro is of the opinion that using words that are not commonly and traditionally used in land use planning would create hurdles for public park uses that may be impossible to overcome and may forever prevent new parks from serving County residents.

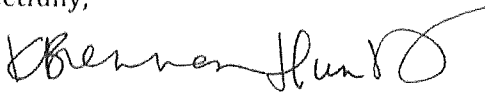
The fourth comment reiterates the request to replace the planning commission's use of the word "consistent" with "complementary." See Metro's response to first comment above. The comment also seeks to have Metro removed from Chapter 8 policy 8.1, which in

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its draft form correctly represents Metro's role in promoting an interconnected regional network of parks, trails, and natural areas. Metro requests that its reference not be removed from policy 8.1.

Metro thanks you for the opportunity to address these matters and appreciates your considerations.

Respectfully,

A handwritten signature in black ink, appearing to read "Kathleen Hunter", with a stylized flourish at the end.

Kathleen Brennan Hunter, Director
Parks and Nature Department