 Metro | Agenda

REVISED

Meeting: Metro Policy Advisory Committee (MPAC)
Date: Wednesday, November 17, 2010
Time: 5 to 7 p.m.
Place: Council Chambers

- | | | | |
|----------------|-----|---|---|
| 5 PM | 1. | <u>CALL TO ORDER</u> | Mike Weatherby, Chair |
| 5:02 PM | 2. | <u>SELF INTRODUCTIONS & COMMUNICATIONS</u> | Mike Weatherby, Chair |
| 5:05 PM | 3. | <u>CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS</u> | |
| 5:10 PM | 4. | # Consideration of the MPAC Minutes for November 10, 2010 | |
| 5:15 PM | 5. | <u>COUNCIL UPDATE</u> | |
| 5:20 PM | 6.1 | ** <u>RECOMMENDATIONS: Community Investment Strategy</u>
Community Investment Strategy: Implementing Policies –
Urban Growth Management Functional Plan
• Centers, Corridors, Station Communities, and Main Streets
(Title 6)
1. Does MPAC recommend that the Council adopt an
incentive approach to encourage development in
centers, corridors, station communities, and main
streets?
• <i>Purpose:</i> MPAC review of staff and MTAC recommendations.
• <i>Outcome:</i> Final recommendation to Council on Title 6. | John Williams
Richard Benner |
| 5:50 PM | 6.2 | ** Report from MPAC Housing Planning Subcommittee –
1. Should plans describe in detail the variety of housing types
that are intended for a new urban area?
2. Should plans describe how the city would address housing
needs in the prospective UGB expansion area, in the
prospective governing city, and the region?
3. Should plans identify the types of housing that are likely to
be built in the 20-year planning period and describe
additional strategies to encourage the development of
needed housing types that would otherwise not be built?
4. Does MPAC recommend that the Metro Council adopt the
proposed changes to Title 11 (Planning for New Urban
Areas)?
• <i>Purpose:</i> MPAC review of subcommittee recommendations.
• <i>Outcome:</i> Final recommendation to Council on Title 11. | Robert Liberty
Jack Hoffman |

6:20 PM 6.3 ** **Linking Policies with Investments:** Ordinance 10-1244, “For the Purpose of Making the Greatest Place and Providing Capacity for Housing and Employment to the year 2035; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency” – **ACTION**

John Williams
Richard Benner

- *Purpose:* Review of draft transmittal to Metro Council on MPAC’s policy and implementation recommendations.
- *Outcome:* Final recommendation to Council of:
 - Regional Framework Plan policies and Metro Code changes;
 - Residential and employment range to plan for; and
 - Changes to centers.

6:55 PM 7. **MPAC MEMBER COMMUNICATION**

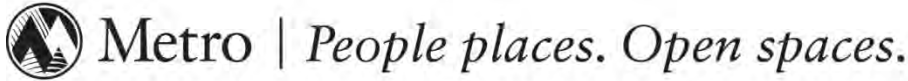
7PM 8. **ADJOURN**

Mike Weatherby, Chair

** Material will be distributed in advance of the meeting.

Material will be provided at the meeting.

For agenda and schedule information, call Kelsey Newell at 503-797-1916, e-mail: kelsey.newell@oregonmetro.gov. To check on closure or cancellations during inclement weather please call 503-797-1700.



2010 MPAC Tentative Agendas *Tentative as of November 12, 2010*

<p><u>MPAC Meeting</u> November 17</p> <ul style="list-style-type: none">• Community Investment Strategy: Implementing Policies – Urban Growth Management Functional Plan Title 6• Report from MPAC Title 11 Subcommittee (discussion and recommendation)• Recommendation to Council on Community Investment Strategy and Capacity Ordinance<ul style="list-style-type: none">○ Regional Framework Plan and Urban Growth Management Functional Plan changes○ 2040 Growth Concept map update○ Strategies to address large lot industrial needs○ Strategies to address residential needs	<p><u>MPAC Meeting</u> December 8</p>
<p><u>FYI: Nov. 29 Metro Council Public Hearing on Capacity of Urban Growth Boundary</u> Location: Clackamas County Public Services Building Time: beginning at 5 p.m.</p>	<p><u>FYI: Dec. 2 Metro Council Public Hearing on Capacity of Urban Growth Boundary</u> Location: Hillsboro Civic Center Time: beginning at 5 p.m.</p>
<p><u>FYI: Dec. 16 Metro Council Public Hearing on Capacity of Urban Growth Boundary (during regularly scheduled Metro Council meeting)</u> Location: Metro Regional Center Time: beginning at 2 p.m.</p>	

MPAC Worksheet

Agenda Item Title (include ordinance or resolution number and title if applicable):

Community Investment Strategy: Implementing Policies – Urban Growth Management Functional Plan: Centers and Corridors (Urban Growth Management Functional Plan Title 6)

Presenter: Sherry Oeser, Dick Benner

Contact for this worksheet/presentation: Sherry Oeser

Council Liaison Sponsor:

Purpose of this item (check no more than 2):

Information

Update

Discussion

Action

MPAC Target Meeting Date: October 27, 2010

Amount of time needed for:

Presentation 5 min

Discussion 20 min

Purpose/Objective (what do you expect to accomplish by having the item on *this meeting's* agenda):

(e.g. to discuss policy issues identified to date and provide direction to staff on these issues)

To discuss the Chief Operating Officer and MTAC recommendations for changes to implementing Centers, Corridors, Station Communities and Main Streets

Action Requested/Outcome (What action do you want MPAC to take at *this meeting*? State the *policy* questions that need to be answered.)

Make a recommendation to the Metro Council on adoption of Title 6 of the Urban Growth Management Functional Plan (Centers, Corridors, Station Communities and Main Streets)

Background and context:

Currently, Title 6 of the Urban Growth Management Functional Plan (Metro Code. 3.07) seeks to encourage development in centers and station communities and calls for each city and county with a center shown on the 2040 Growth Concept map to develop a strategy to enhance Centers. Title 6 currently does not address corridors. Since Title 6 was adopted, however, development in centers has not achieved the results originally anticipated.

Since the Regional Framework Plan identifies Centers, Corridors, Station Communities, and Main Streets throughout the region as the principal centers of urban life in the region, the Chief

Operating Officer (COO) recommends that Title 6 be strengthened and expanded. Because of their potential for redevelopment and revitalization, corridors would be added to Title 6 and Title 6 would link strategies for centers and corridors to a community investment strategy.

To identify investment priorities and to provide local governments with a means to address Transportation Planning Rule requirements, the COO is recommending that the Metro Council adopt a revised Title 6 map which would depict center boundaries and indicate instances where a city had officially adopted center boundaries. Proposed revisions to Title 6 would make cities and counties that have adopted official center boundaries eligible for regional investments, higher volume-to-capacity standards, and a 30 percent trip reduction credit.

Earlier this year, a Metro Technical Advisory Committee (MTAC) Title 6 subcommittee was convened and included representatives from local governments in the region as well as ODOT, DLCDC and TriMet. The subcommittee spent considerable time reviewing current Title 6 language and making recommendations for changes. MTAC reviewed Title 6 on several occasions. Because proposed changes to Title 6 now link land use and transportation, the Transportation Policy Advisory Committee (TPAC) also reviewed and commented on the proposed changes.

What has changed since MPAC last considered this issue/item?

Since the COO recommendation was released in August, MTAC and TPAC have discussed Title 6. MTAC is scheduled to make a recommendation to MPAC at their October 20th meeting.

What packet material do you plan to include? (must be provided 8-days prior to the actual meeting for distribution)

Proposed version of Urban Growth Management Functional Plan Title 6 Centers, Corridors, Station Communities, and Main Streets

What is the schedule for future consideration of item (include MTAC, TPAC, JPACT and Council as appropriate):

In November, MPAC will continue to review changes to other titles in the Urban Growth Management Functional Plan that implement regional policy with a final recommendation to the Metro Council scheduled for the November 17 MPAC meeting. Given the number of agenda items needing discussion at upcoming MPAC meetings, the October 27 meeting is most likely the best opportunity that MPAC will have to discuss Title 6.

Exhibit G of Ordinance No. 10-1244

TITLE 6: CENTERS, CORRIDORS, STATION COMMUNITIES AND MAIN STREETS

3.07.610 Purpose

The Regional Framework Plan (RFP) identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

- A. In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:
1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;
 2. Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and
 3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D.
- B. The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:
1. Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;
 2. For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;
 3. For a Corridor designated for future high-capacity transit in the Regional Transportation Plan (RTP), include the area identified during the system expansion planning process in the RTP; and
 4. Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and Metro in the manner set forth in subsection A of section 3.07.820 of this chapter.

- C. An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:
1. Physical and market conditions in the area;
 2. Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;
 3. The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;
 4. Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and
 5. For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.
- D. A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street shall consider the assessment completed under subsection C and include at least the following elements:
1. Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;
 2. Revisions to its comprehensive plan and land use regulations, if necessary, to allow:
 - a. In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in section 3.07.640; and
 - b. In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;
 3. Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and
 4. A plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to subsections 3.08.230A and B of the Regional Transportation Functional Plan (RTFP), that includes:
 - a. The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;

- b. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and
 - c. A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP.
- E. A city or county that has completed all or some of the requirements of subsections B, C and D may seek recognition of that compliance from Metro by written request to the Chief Operating Officer (COO).
- F. Compliance with the requirements of this section is not a prerequisite to:
- 1. Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or
 - 2. Investments in areas other than Centers, Corridors, Station Communities and Main Streets.

3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates

- A. A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:
- 1. Established a boundary pursuant to subsection B of section 3.07.620; and
 - 2. Adopted land use regulations to allow the mix and intensity of uses specified in section 3.07.640.
- B. A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:
- 1. Established a boundary pursuant to subsection B of section 3.07.620;
 - 2. Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in section 3.07.640 and to prohibit new auto-dependent uses that rely principally on auto trips, such as gas stations, car washes and auto sales lots; and
 - 3. Adopted a plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to subsections 3.08.230A and B of the Regional Transportation Functional Plan (RTFP), that includes:

- a. Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTPFP;
- b. A transportation system or demand management plan consistent with section 3.08.160 of the RTPFP; and
- c. A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTPFP.

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets

A. Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:

- 1. Central City - 250 persons
- 2. Regional Centers - 60 persons
- 3. Station Communities - 45 persons
- 4. Corridors - 45 persons
- 5. Town Centers - 40 persons
- 6. Main Streets - 39 persons

B. Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:

- 1. The land uses listed in *State of the Centers: Investing in Our Communities*, January, 2009, such as grocery stores and restaurants;
- 2. Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;
- 3. Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.

C. Centers, Corridors, Station Communities and Main Streets need a mix of housing types to be vibrant and successful. The following mix of housing types is recommended for each:

- 1. The types of housing listed in the “needed housing” statute, ORS 197.303(1);
- 2. The types of housing identified in the city’s or county’s housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and
- 3. Accessory dwellings pursuant to section 3.07.120 of this chapter.

3.07.650 Centers, Corridors, Station Communities and Main Streets Map

- A. The Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title and is Metro's official depiction of their boundaries. The map shows the boundaries established pursuant to this title and boundaries established prior to January 1, 2011. Until a local government has established a boundary by action of its elected officials, the map will depict the approximate locations of Centers, Corridors, Station Communities and Main Streets shown on the 2040 Growth Concept Map in the Regional Framework Plan (RFP).
- B. A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on the 2040 Growth Concept Map in the RFP. The city or county shall provide notice of its proposed revision as prescribed in subsection B of section 3.07.620.
- C. The COO shall revise the Centers, Corridors, Station Communities and Main Streets Map by order to conform the map to establishment or revision of a boundary under this title.



Date: Thursday, October 21, 2010
To: MPAC
From: Sherry Oeser, Planning and Development Services Department
Subject: MTAC Comments on Urban Growth Management Functional Plan Title 6 (Centers, Corridors, Station Communities and Main Streets)

MTAC generally supports the changes to Title 6 as proposed in the version included in the MPAC packet and requested that the following background information and comments be forwarded to MPAC for consideration.

Background

The purpose of Title 6 of the Urban Growth Management Functional Plan is to support mixed-use, pedestrian-friendly, and transit-supportive development in centers, corridors, station communities and main streets.

The existing Title 6 requires local governments to submit progress reports which have not been an effective way to encourage center development. Earlier this year, a subcommittee of MTAC met several times to identify potential changes to Title 6. The subcommittee included staff from local governments, Department of Land Conservation and Development, Oregon Department of Transportation (ODOT), and TriMet. MTAC discussed the subcommittee's changes at their meetings from July through October and identified additional refinements. The Transportation Policy Advisory Committee (TPAC) also reviewed Title 6.

The objective of the MPAC meeting is to review the new approach to supporting centers, corridors, station areas and main streets and seek MPAC comments and recommendations to the Council for their consideration as part of the capacity ordinance.

Summary of changes

The changes reflected in the version included in the MPAC agenda packet:

- Align local and regional investments to support local aspirations in centers, corridors, station communities and main streets and make progress toward the region's six desired outcomes
- Reflect a desire to focus development in all centers (central city, regional and town centers, and station communities) as well as along corridors and main streets
- Better link land use and transportation to support mixed-use, pedestrian-friendly, and transit-supportive development
- Provide incentives to local governments that adopt a plan of actions and investments to enhance their center, corridor, station community, or main streets. The incentives include:

- eligibility for a regional investment,
- ability to use a higher volume-to-capacity standard under the Oregon Highway Plan when considering amendments to comprehensive plans or land use regulations, and
- eligibility for an automatic 30 percent trip reduction credit under the Transportation Planning Rule when analyzing traffic impacts of new development in plan amendments for a center, corridor, station community or main street.
- Recognize that transportation impacts are often a problem in achieving center visions

Summary of MTAC comments

- Need to define regional investments
- Concerning the 30% trip reduction credit: While supporting the principle behind the credit and the flexibility it provides local governments, members expressed concern about how ODOT would apply the credit moving forward. Members believed that a new level of regional cooperation and trust between local governments and the state is needed for this to be successful.
- Concerning the 30% trip reduction credit: Longer-term, the region should focus on revising state administrative rules to reconcile the conflict between existing mobility policies and policies for compact urban form rather than using Metro's Functional Plan to make this change.
- Concerning not allowing new auto dependent uses: Some members suggested that there is also a design element that needs to be considered and not simply traffic generation. There are uses that Title 6 encourages in mixed-use areas (e.g., grocery stores and restaurants) that may produce higher auto trip generation rates than the examples provided in the changes to Title 6.
- Concerning implementation: Members supported Metro's desire to create implementation guidelines for Title 6 and other relevant functional plan titles as a way to address the remaining concerns. Metro would develop the guidelines in consultation with local governments. In addition, it was recognized that Title 6 could be revised in the future through the next regional growth management decision based on an assessment of what was working or not working.



City of Gresham

Mayor Shane T. Bemis

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Fax (503) 665-7692

October 26, 2010

Metro Policy Advisory Committee
Metro
600 NE Grand Avenue
Portland, Oregon 97232

RE: Proposed amendments to the Functional Plan

Colleagues:

While many of us have shared concerns and interests in the potential urban growth boundary expansions that are part of the Chief Operating Officer recommendation for the Community Investment Strategy, I am writing you to share my concerns about the proposed policy revisions to Title 1 (Housing Capacity) and Title 6 (Centers, Corridors, Station Communities and Main Streets) of the Functional Plan and the implications of these revisions to the daily work we all do.

Title 1 Housing Capacity: Title 1's purpose is to ensure a "fair-share" approach to housing and to ensure each jurisdiction maintains or increases its housing capacity. Proposed revisions seek to simplify the process of maintaining housing capacity by replacing a housing targets table with a "no net loss" policy.

One of the biggest benefits of the Title 1 table will be significantly curtailed by this policy change. Jurisdictions that have provided housing above the capacity target have been able to rely on the additional capacity when pursuing a downzone that enhances the community's livability. The revisions would allow this kind of "banking" but only for a period of two years after an upzoning. The time and staffing needs of a legislative process may extend beyond this horizon, thus making it untenable.

The "no net loss" approach also serves to continuously ratchet up the minimum housing capacity provided by a jurisdiction. This will ultimately cause an "unfair-share" approach to housing since those jurisdictions that already provide housing above the targets and those that intensify housing capacity will have increased minimum capacities that are out-of-scale with what their regional fair share actually is.

The proposed revisions would also require a jurisdiction to determine the effect on housing capacity of land use regulations in districts that allow residences. It is unclear what this determination would be. Gresham recently adopted design standards for multi-family housing. Would each standard need to be evaluated for its impact on capacity? This could be a substantial amount of work, and it is unclear what is gained through the process.

Title 6: Centers, Corridors, Station Communities and Main Streets

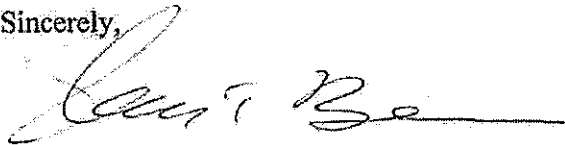
Title 6 is proposed to expand beyond Centers and Station Communities to include Corridors and Main Streets. It proposes linking regional investments administered by Metro to certain actions by a local jurisdiction in the geographies: adopting a boundary, developing an area assessment, and implementing a plan of action to realize the potential in the area. There are numerous policy issues with the proposed revisions. Some key issues are:

1. It is unclear what problem the revisions are trying to solve, and if the solution presented – to withhold investments until local jurisdictions comply – is viable. It is unclear what regional funds will be withheld until a jurisdiction complies with the Title 6 requirements of adopting a boundary, developing an assessment, and implementing a plan of action. It is unclear if a jurisdiction must comply before every funding cycle of every regional investment, or if the three steps are valid for a longer period of time.
2. Adopting a boundary, developing an assessment, and implementing a plan of action for each of these geographies takes significant time and staffing resources. According to the last Metro Compliance Report, all jurisdictions comply with boundary adoption. It is unclear why this task is required again.
3. The proposed assessment requirements include assessing physical and market conditions of the area and the physical, regulatory and development code barriers and role of existing and potential incentives to mixed-use, pedestrian friendly and transit supportive development. It then requires that jurisdictions adopt revisions to comprehensive plans and land use regulations to implement the assessment. This includes adopting land use regulations that allow a mix and intensity of land uses that are specified in the revised Title 6. It is unclear what the expected scale of effort by jurisdictions is and how Metro will determine compliance. Metro staff has stated that a handbook will be developed but without understanding how the proposal will effect local decisions and resources this is a problematic approach.
4. Metro jurisdictions already implement Region 2040 and strive to have walkable, transit supportive communities. Some communities, like Gresham, have already done the three steps required in the proposed Title 6 but it is unclear if our previous work will be recognized as complying. Metro staff has stated a handbook will be developed to provide guidance on how to recognize work previously accomplished. However, without the assurance that our prior work will be recognized, we remain uncomfortable with this response.

In summary, it is unclear what the proposed revisions to Titles 1 and 6 are trying to solve, and if the solution presented will be successful. There is no imperative to adopt revisions as part of the broader recommendation on the Community Investment Strategy. I recommend we postpone action until the policy and technical questions are answered. Gresham's previous correspondence detailing policy and technical issues with these two titles is attached.

Thank you for your consideration of these matters.

Sincerely,



Shane T. Bemis
Mayor



CITY OF GRESHAM

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October 5, 2010

Robin MacArthur
Metro
600 NE Grand Avenue
Portland, OR 97232

RE: Proposed amendments to the Function Plan

Robin,

Thank you for the opportunity to review the recommended capacity ordinance provided by Chief Operating Officer Michael Jordan and subsequent revisions presented by Metro staff. The recommendation includes numerous policy changes and proposed modifications to the Urban Growth Management Functional Plan. Gresham has concerns about the proposed revisions. **At this time, Gresham cannot support these proposed revisions moving forward.**

Title 1. The revisions to Title 1 seek to eliminate the jobs capacity portion, shift to a 'no net loss' of housing capacity, and simplify the process. Metro staff attorney Dick Benner sent out a version of Title 1 on September 21, 2010. We sent some comments via email September 28 regarding this revision, which are attached. The latest version of Title 1 in the MTAC packet demonstrates that none of Gresham's concerns are addressed. There is nothing in the packet that demonstrates what kind of consideration these comments were provided, if any, and why they were not incorporated. The email to Dick Benner is attached.

Title 6: Title 6 is proposed to be expanded beyond Centers and Station Communities to include Corridors and Main Streets. It proposes to link regional investments to certain actions by a local jurisdiction in these geographies: adopting a boundary, developing an area assessment, and implementing a plan of action to realize the potential in the area. Gresham concerns with the title are shown in the attachment on Title 6.

Thank you for the opportunity to share concerns. I look forward to working with you to ensure these concerns are addressed.

Cordially,

Jonathan Harker, AICP
Long Range Planning Manager

CC: Ron Papsdorf, Government Relations Manager
Mike Abbaté, Urban Design & Planning Director
Stacy Humphrey, Associate Planner

Att.

From: Humphrey, Stacy
Sent: Tuesday, September 28, 2010 12:50 PM
To: 'Richard Benner'
Cc: Harker, Jonathan
Subject: RE: Title 1, Housing capacity

Hi Dick,

Thank you for the opportunity to review revisions to Title 1. I appreciate that some of Gresham's concerns have been heard and incorporated. I believe you stated at a recent MTAC meeting that Title 1 modifications are not critical to the rest of the capacity ordinance and can be handled at a future date. I would recommend that we handle Title 1 at a later date. I have many concerns about this language and I'm not sure they can be addressed in the time allocated for the capacity ordinance. Below are my concerns and questions.

1. From the materials provided, I am still uncertain on what the problem is that we are trying to solve. Why is a capacity calculation needed? Aren't all jurisdictions implementing the 2040 plan?
2. The purpose statement talks about a "fair share" approach to housing. Why is this phrase in quotes? This part of the purpose statement is not continued elsewhere in the Code. Is there really a way to ensure a "fair share" approach? As presented, it seems that "fair share" is where the region is today.
3. While I am not sure why we need to calculate capacity, I have questions about what is stated. For example:
 - a. 3.7.120.A talks about zoning districts. Does this mean that the calculation would only apply for actions modifying zoning districts and not actions affecting a single tax lot? The same question comes up on 3.07.120B.
 - b. 3.07.120.A.1 lists geographies where housing capacity cannot be reduced. Are these the design types? The geographies are those in a proposed/expanded Title 6.
 - c. 3.07.120.A.3, who makes the judgment on what is "reasonably likely"? What does "reasonably likely" mean?
 - d. 3.07.120.B.2 – what does "complete" mean? Does this mean it is approved? The appeal period has ended?
 - e. 3.07.120.B.2 includes the "banking" that we discussed. While this addresses the concern I voiced, I'm not sure it does all it needs to do. As written, this version of Title 1 assumes that every jurisdiction is moving forward for this moment in time and may only increase capacity. There may be legacy issues that a jurisdiction would like to address (as Gresham did with the Residential Districts Review) to ensure the community is a great place.
 - f. 3.07.120.E talks about determining the effect of a proposed land use regulation on capacity. Would this need to occur for every proposed regulation? Gresham recently adopted multi-family design standards. This includes information on materials, facade composition, landscaping, etc. How would an analysis look for this kind of land use regulation? This could end up being an extraordinary amount of work. What will Metro do with it?
 - g. 3.07.120.E also introduces acres into the calculation (not in the existing Title 1). Can this be clarified to net acres?

- h. How would capacity be calculated for an area where housing is allowed as a secondary use? We have some districts where housing is allowed only as part of a mixed-use development.
- i. With 3.07.120.F – how does this work in light of Title 11 planning? It is conceivable that an area may allow residences while in the County, but Title 11 planning anticipates it being commercial with no allowance for residential. F suggests this could not occur because it would lower capacity.
- j. 3.07.120.G – something is missing after the word “shall”. Also, would actions done as part of Title 11 be better located in Title 11? Does G allow for refinement of the design types applied at the time of UGB expansion?

Thank you for the opportunity to review the proposed language. Please give me a call if I can clarify anything or provide additional thoughts.

Brightly,

Stacy Humphrey, AICP
Urban Design & Planning
(p) 503.618.2202
Stacy.Humphrey@GreshamOregon.gov
www.greshamoregon.gov

From: Richard Benner [mailto:Richard.Benner@oregonmetro.gov]
Sent: Tuesday, September 21, 2010 3:51 PM
To: Armstrong, Tom; brent curtis (brent_curtis@co.washington.or.us); Julia Hajduk; Humphrey, Stacy; katie mangle (manglek@ci.milwaukie.or.us)
Cc: Sherry Oeser; Brian Harper; Ray Valone; Ted Reid; Christina Deffebach
Subject: Title 1, Housing capacity

Here is a revised version of Title 1 responding to comments from the MTAC meeting of 9/15. Notable changes from the MTAC version are highlighted in yellow:

It's shorter!

Drops the requirement that each city and county calculate its total minimum zoned housing capacity and report it to Metro.

Allows non-simultaneous changes in capacity: can “bank” an upzone for two years.

Drops the process for sending capacity to another city or county (current 3.07.150) (never used).

Drops the “may not prohibit the partition or subdivision of a lot or parcel” at least twice the minimum size (current 3.07.140B).

Modifies the purpose statement.

This is on the MTAC agenda for October 6. Please send me your comments as soon as you can so we can make revisions before sending it to full MTAC.

Proposed Title 6	Comments from Gresham
<p>Exhibit G of Ordinance No. 10-1244 TITLE 6: CENTERS, CORRIDORS, STATION COMMUNITIES AND MAIN STREETS</p> <p>3.07.610 Purpose The Regional Framework Plan (RFP) identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.</p>	<p><i>There is no clarity in this section about what a regional investment is. Some funding programs that come to mind are MTIP, CET, Nature in the Neighborhoods, Open Space Bond Local Share, and TOD. Are these the types of funding contemplated in this section? Is there evidence that these programs do not support the design types in Title 6? Can Metro provide evidence that that these programs' criteria are not working, or that all these programs must support Title 6 land?</i></p> <p><i>It is unclear what problem exists that these revisions are trying to solve, and why holding investments pending local action is a solution.</i></p>
<p>3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets</p> <p>A. In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:</p> <p>1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;</p> <p>2. Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and</p>	<p><i>There is nothing in Title 6 that clarifies that regional investments may be available to a local government in order to do the work outlined in the Title.</i></p> <p><i>There is no clear process specified for how Metro will recognize work previously accomplished by a local government. Requiring cities to do this work again will detract jurisdictions from the business of responding to development interests and economic development.</i></p> <p><i>The last compliance report – 2004 – shows all jurisdictions comply with Title 3.07.130, which requires them to adopt boundaries for design types. Why is this requirement needed? Does Metro simply need the shape files from local governments?</i></p> <p><i>As assessment like this (as describe below) is both time consuming and costly. For example the 2007 assessment of Downtown Gresham (part of the Regional Center) was partially funded by TGM at about \$90,000. 0.5 FTE was dedicated to the project. Other city staff and regional partners (i.e. TriMet) were involved. Gresham has three centers and nine corridors. To do a new assessment for all these geographies could take many years and large sums of funding.</i></p>

Proposed Title 6	Comments from Gresham
<p>3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D.</p> <p>B. The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:</p> <ol style="list-style-type: none"> 1. Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project; 2. For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center; 3. For a Corridor designated for future high-capacity transit in the Regional Transportation Plan (RTP), include the area identified during the system expansion planning process in the RTP; and 4. Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and Metro in the manner set forth in subsection A of section 3.07.820 of this chapter. 	<p><i>Moving from an assessment to a plan of action is typically a legislative process with public participation, notice, and hearing requirements. Best planning practices would require the development of goal creation, creating and evaluating alternatives, choosing a preferred alternative, etc. This is a significant commitment of resources and time.</i></p> <p><i>What is "Metro's land use final order for a light rail transit project"? When talking about a proposed new Station Community – who is it proposed by?</i></p> <p><i>What is this supposed to mean? The Blue Line passes through Rockwood Town Center and the Gresham Regional Center. Both centers have zoning designations that support the line. Is there evidence that some jurisdictions do not have appropriate zoning along these lines? If there is no evidence, then why have this statement?</i></p> <p><i>What is 3 trying to get at? What is meant by "system expansion planning process in the RTP"?</i></p> <p><i>What does 'adopted' mean in this context? Is a resolution sufficient? Does it need to be by ordinance? Isn't this already done since all jurisdictions comply with the mapping requirement in 3.07.130? Is the specification of a boundary a land use action? Why is the requirement to provide ODOT notice here? Local governments make the determination when sending out notice which affected agencies should receive notice. If Metro believes it is important to notice ODOT, then the code should obligate Metro to do this notice.</i></p>
<p>C. An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:</p>	<p><i>As stated previously, an assessment can be a tremendous effort in terms of staffing and financial resources. While the practices described in this section are good practices, it is unclear what the ultimate goal of this work is. Most likely, all jurisdictions have taken action to make Title 6 geographies pedestrian friendly, mixed-use and supportive of transit.</i></p> <p><i>How frequently does an assessment need to be updated? Does it need to be refreshed for every funding cycle of each regional investment? How detailed does this study need to be? How will Metro evaluate it?</i></p>

Proposed Title 6	Comments from Gresham
<p>1. Physical and market conditions in the area;</p> <p>2. Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;</p> <p>3. The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;</p> <p>4. Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and</p> <p>5. For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.</p> <p>D. A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street shall consider the assessment completed under subsection C and include at least the following elements:</p> <p>1. Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;</p> <p>2. Revisions to its comprehensive plan and land use regulations, if necessary, to allow:</p> <p>i. In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in section 3.07.640; and</p>	<p><i>These conditions change over time. Can this requirement be satisfied by a study done a decade ago? Five years ago?</i></p> <p><i>Physical barriers are typically identified in a local TSP or CIP. The way this is written assumes that there are regulatory barriers to such development. There may not be any.</i></p> <p><i>The way this is written assumes that a local jurisdiction has not already done this work for all the geographies. Gresham has done this work and continuously makes sure that the Development Code works as anticipated.</i></p> <p><i>This is open-ended. How many incentives need to be provided to meet this requirement? Gresham is currently waiving fees to support developments – is this enough? Why does Metro need to know this? What will Metro do with this information?</i></p> <p><i>How can a mix of uses occur in corridors through Industrial Areas and Regionally Significant Industrial Areas? These design types purposefully limit a mix of uses in order to maintain the land for industrial purposes. Aren't they a barrier? What other barriers does Metro believe may exist?</i></p> <p><i>When these two design types overlap, isn't the Title 4 land the dominant type?</i></p> <p><i>How do previous actions such as adopting an urban renewal area get recognized through this requirement?</i></p> <p><i>Many barriers are outside the control of a local jurisdiction (i.e. financing, lending). If a local jurisdiction cannot eliminate such barriers, does that mean they cannot comply with this Title? Also, it is possible that a local government does not have any regulatory barriers. Are there examples Metro can point to that demonstrate regulatory barriers in this region?</i></p> <p><i>This section requires this mix of uses. Later, this mix of uses is recommended, not required. This section should say this mix of uses is recommended so that the local government remains the decision maker. Also, the</i></p>

Proposed Title 6	Comments from Gresham
<p>ii. In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;</p> <p>3. Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and</p> <p>4. A plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to section 3.08.230 of the Regional Transportation Functional Plan (RTFP) that includes:</p> <p>i. The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;</p> <p>ii. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and</p> <p>iii. A parking management program consistent with section 3.08.410 of the RTFP.</p> <p>E. A city or county that has completed all or some of the requirements of subsections B, C and D may seek recognition of that compliance from Metro by written request to the Chief Operating Officer (COO).</p> <p>F. Compliance with the requirements of this section is not a prerequisite to:</p> <p>1. Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or</p> <p>2. Investments in areas other than Centers, Corridors, Station Communities and Main Streets.</p>	<p><i>document in section 3.07.640 is not adopted by any finding. What standing does it have?</i></p> <p><i>It is unclear how a mix of uses is viable in these design types. They specifically limit uses to ensure the land is available for industrial applications.</i></p> <p><i>What is needed to demonstrate this? Can a jurisdiction indicate it has an urban renewal district and a vertical housing development zone and comply? Why is it necessary to articulate all the local efforts?</i></p> <p><i>Items in #4 are typically done as part of a TSP. Why does this need to be in Title 6? Do all jurisdictions need a current TSP to have access to regional investments? At what point is a TSP considered "too old" to meet this requirement?</i></p> <p><i>It is unclear how Metro will respond to this. What are Metro's obligations under this section? What is the time frame for a response from Metro? What form will it take?</i></p> <p><i>F seems to say there are Metro funding programs that are not regional funding programs that a local government can use without meeting Title 6. What are these?</i></p> <p><i>Does this mean that a local jurisdiction can pursue a regional investment for other geographies even if the jurisdiction is not in compliance with Title 6?</i></p> <p><i>Can a facility that goes through a Title 6 geography such as the Springwater Trail be eligible for regional investments if a jurisdiction does not comply with Title 6?</i></p>

Proposed Title 6	Comments from Gresham
<p data-bbox="87 275 732 342">3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates</p> <p data-bbox="87 373 740 562">A. A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:</p> <ol data-bbox="87 594 683 751" style="list-style-type: none"> <li data-bbox="87 594 683 661">1. Established a boundary pursuant to subsection B of section 3.07.620; and <li data-bbox="87 688 672 751">2. Adopted land use regulations to allow the mix and intensity of uses specified in section 3.07.640. <p data-bbox="87 783 753 1003">B. A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:</p> <ol data-bbox="87 1035 753 1675" style="list-style-type: none"> <li data-bbox="87 1035 683 1102">1. Established a boundary pursuant to subsection B of section 3.07.620; <li data-bbox="87 1129 753 1224">2. Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in section 3.07.640; and <li data-bbox="87 1255 745 1381">3. A plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to section 3.08.230 of the Regional Transportation Functional Plan (RTFP) that includes: <ol data-bbox="87 1413 753 1675" style="list-style-type: none"> <li data-bbox="87 1413 753 1480">i. Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP; <li data-bbox="87 1507 712 1575">ii. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and <li data-bbox="87 1602 748 1669">iii. A parking management program consistent with section 3.08.510 of the RTFP. 	<p data-bbox="774 275 1219 300"><i>No comments on this section at this time.</i></p>

Proposed Title 6	Comments from Gresham
<p>3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets</p> <p>A. Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:</p> <ol style="list-style-type: none"> 1. Central City - 250 persons 2. Regional Centers - 60 persons 3. Station Communities - 45 persons 4. Corridors - 45 persons 5. Town Centers - 40 persons 6. Main Streets - 39 persons <p>B. Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:</p> <ol style="list-style-type: none"> 1. The land uses listed in <i>State of the Centers: Investing in Our Communities</i>, January, 2009, such as grocery stores and restaurants; 2. Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities; 3. Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces. <p>C. Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:</p> <ol style="list-style-type: none"> 1. The types of housing listed in the "needed housing" statute, ORS 197.303(1); 2. The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and 3. Accessory dwellings pursuant to section 3.07.120 of this chapter. 	<p><i>In this section, the list of uses is identified as "recommended". Previously, this list is identified as required.</i></p> <p><i>2 and 3 are not a bad list of uses, but it may not be reasonable to think that every Title 6 geography can support a college, a hospital, and various civic uses. The ability to site these facilities depends on local conditions.</i></p>

Proposed Title 6	Comments from Gresham
<p data-bbox="90 279 760 342">3.07.650 Centers, Corridors, Station Communities and Main Streets Map</p> <p data-bbox="90 373 760 695">A. The Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title and is Metro's official depiction of their boundaries. The map shows the boundaries established pursuant to this title and boundaries established prior to January 1, 2011. Until a local government has established a boundary by action of its elected officials, the map will depict the approximate locations of Centers, Corridors, Station Communities and Main Streets shown on the 2040 Growth Concept Map in the Regional Framework Plan (RFP).</p> <p data-bbox="90 726 760 909">B. A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on the 2040 Growth Concept Map in the RFP. The city or county shall provide notice of its proposed revision as prescribed in subsection B of section 3.07.620.</p> <p data-bbox="90 940 760 1066">C. The COO shall revise the Centers, Corridors, Station Communities and Main Streets Map by order to conform the map to establishment or revision of a boundary under this title.</p>	<p data-bbox="781 373 1430 562"><i>As stated previously, all jurisdictions are in compliance with 3.07.130 regarding boundary adoption. There should be no need to adopt a new boundary. Gresham will be providing Metro a letter showing these adoptions and maps demonstrating the area. We presume Metro will update the Title 6 map accordingly.</i></p> <p data-bbox="781 720 1398 846"><i>Is the notice described in this section different than the notice described in Title 8? If not, there is no need to include it here. What is Metro obligated to do once they receive this notice?</i></p> <p data-bbox="781 940 1430 1098"><i>What is the time frame anticipated for map updates? There are other planning actions Gresham has taken in the past five years that have yet to be reflected in Metro's mapping (i.e. Springwater Title 11 planning is not reflected on the Regional 2040 map)</i></p>

 **Metro | Memo**

To: MTAC

From: Sherry Oeser, Planning and Development Services

Subject: Response to City of Gresham Regarding Title 6 changes

Date: October 26, 2010

The City of Gresham recently sent a letter which was included in last week's MTAC agenda packet with questions concerning Title 6 (Centers, Corridors, Station Communities, and Main Streets) of the Urban Growth Management Functional Plan. This memo responds to those questions and is being sent to all MTAC members and alternatives.

The existing version of Title 6 required local governments to develop a strategy to enhance all centers by December 2007 and to submit progress reports to Metro every two years. Only one local government developed a strategy for its center. This approach has not been effective in encouraging center development. An MTAC subcommittee on Title 6 spent considerable time earlier this year discussing possible revisions to Title 6. The subcommittee included staff from several local governments, the Department of Land Conservation and Development, Oregon Department of Transportation, and TriMet. MTAC itself reviewed Title 6 on several occasions between May through October. Title 6 was also reviewed by the Transportation Policy Advisory Committee.

The changes to Title 6 are intended to:

- Align local and regional investments to support local aspirations in centers, corridors, station communities and main streets
- Reflect a desire to focus development in all centers (central city, regional and town centers, and station communities) as well as along corridors and main streets
- Better link land use and transportation to support mixed-use, pedestrian-friendly, and transit-supportive development
- Provide incentives to local governments that adopt a plan of actions and investments to enhance their center, corridor, station community, or main street. The incentives include:
 - Eligibility for a regional investment,
 - Ability to use a higher volume-to-capacity standard under the Oregon Highway Plan, and
 - Eligibility for an automatic 30 percent trip reduction credit under the Transportation Planning Rule
- Address the problems that transportation impacts have on achieving mixed-use, pedestrian-friendly, and transit-supportive development

The City of Gresham questions are presented below and are followed by a response from Metro staff.

Section 3.07.610 Purpose:

Question 1: There is no clarity in this section about what a regional investment is. Same funding programs that come to mind are MTIP, CET, Nature in Neighborhoods, Open Space Bond Local Share, and TOD. Are these the types of funding contemplated in this section? Is there evidence that these programs do not support the design types in Title 6? Can Metro provide evidence that that these programs' criteria are not working, or that all these

programs must support Title 6 land? Is it unclear what problem exists that these revisions are trying to solve, and why holding investments pending local action is a solution.

Response: Title 6 implements the Regional Framework Plan policies on enhancing centers and setting centers as a priority for investment (See current RFP policy 1.16 or proposed new RFP policy 1.2) and seeks to encourage development in centers and station communities. Since Title 6 was adopted, however, development in centers has not achieved the results originally anticipated. A key reason why centers are not developing is because local governments do not have sufficient funds available for public works or other investments or have policies that create barriers to development. The Chief Operating Officer is recommending that the approach to center development be changed to an incentive approach, that Title 6 be expanded to include corridors and main streets where significant revitalization opportunities exist, and that investments of regional dollars be made strategically in areas that are ready for such investments to have the most impact. As stated in Title 6, funding for High Capacity Transit is a regional investment. For other programs, Metro will work with our regional partners to ensure the criteria meet the goals of Title 6 but do not inadvertently create a barrier to achieving mixed-use, pedestrian-friendly and transit-supportive development in centers, corridors, station communities, and mains streets.

3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets:

Question 2: There is nothing in Title 6 that clarifies that regional investments may be available to a local government in order to do the work outlined in the Title. As assessment like this (as described) is both time consuming and costly. For example the 2007 assessment of Downtown Gresham (part of the Regional Center) was partially funded by TGM at about \$90,000. 0.5 FTE was dedicated to the project. Other city staff and regional partners (i.e. TriMet) were involved. Gresham has three centers and nine corridors. To do a new assessment for all these geographies could take many years and large sums of funding. Additionally, there is no clear process specified for how Metro will recognize work previously accomplished by a local government. Requiring cities to do this work again will detract jurisdictions from the business of responding to development interests and economic development.

Response: It is not the intent of this provision to require local governments to conduct a new assessment if one has already been completed relatively recently. Metro staff will review any assessments to determine if they meet the requirements of Title 6. Metro understands that work required by Title 6 can be costly and requires local jurisdictions to seek multiple funding options. In the past, Metro provided technical or funding to assist local jurisdictions.

Question 3: What is "Metro's land use final order for a light rail transit project"?

Response: Metro staff work with local government staff in determining the Locally Preferred Alternative. The Metro Council adopts the Land Use Final Order, following receipt of an application from TriMet. This is probably not an issue for Gresham, unless a new light rail project is proposed for Gresham and state law authorizes it.

Question 4: What is meant by "system expansion planning process in the RTP"?

Response: The System Expansion Planning process (SEP) was established in the recently adopted High Capacity Transit (HCT) System Plan, which is considered one part of the recently adopted Regional Transportation Plan (RTP). The SEP is a set of guidelines that is meant to help local jurisdictions gain a better understanding of what measurable steps are needed to advance previously identified HCT lines, ultimately, into the highest tier of the plan thus making them eligible for a regional investment in a new HCT line. The HCT Plan currently places existing HCT corridors into one of four tiers, which indicates which lines are most "ripe" for new transit investment.

Question 5: *What does 'adapted' mean in the context of establishing boundaries for Centers, Corridors, Main Streets, and Station Communities? Is a resolution sufficient? Does it need to be by ordinance? Isn't this already done since all jurisdictions comply with the mapping requirement in 3.07.130? Is the specification of a boundary a land use action?*

Response: "Adopted" means a formal action by a governing body. Local jurisdictions may be in compliance with previous requirements of the UGMFP, such as Title 1, concerning the delineation of a boundary. However, new requirements proposed by Title 6, including the official adoption of Center, Corridor, Main Street and Station Community boundaries would be required to be officially adopted by each jurisdiction that wished to be eligible for a regional investment. Many jurisdictions proposed "analysis boundaries" for their centers, but never officially adopted boundaries by their governing body. Some local jurisdictions did officially adopt boundaries in their approved comprehensive plans. Those jurisdictions will be given credit for official adoption of boundaries going forward. It is important to adopt the boundaries to know which areas are eligible for the incentives.

Question 6: *How frequently does an assessment need to be updated? Does it need to be refreshed for every funding cycle of each regional investment? How detailed does this study need to be? How will Metro evaluate it?*

Response: These are details that deal primarily with implementation of Title 6 and that will need to be worked out in consultation with local jurisdictions as guidelines are developed in 2011. The assessment should be detailed enough to help each local jurisdiction identify priorities, investments and possible policy actions.

Question 7: *Section 3.07.620.D is open-ended: How many incentives need to be provided to meet this requirement? Gresham is currently waiving fees to support developments – is this enough? Why does Metro need to know this? What will Metro do with this information?*

Response: Metro seeks to understand the tools and techniques used by our local partners and how well they work to promote mixed-use, pedestrian-friendly, and transit-supportive developments in order to assist local jurisdictions in achieving their local aspirations through a mix of investments and policy decisions. The best way to understand the success of a jurisdiction is to have a comprehensive understanding of how it is tackling its problems with revitalization and redevelopment in its centers, corridors, station communities, and main streets. Since each of these is unique and needs its own special mix of investments and policies, there is no hard and fast number of incentives needed to meet the requirement of a plan of action because each center has its own needs. Metro will review each plan on a case-by-case basis.

Question 8: *Per Section 3.07.620.D.2.b, how can a mix of uses occur in corridors through Industrial Areas and Regionally Significant Industrial Areas? These design types purposefully limit a mix of uses in order to maintain the land for industrial purposes. Aren't they a barrier?*

Response: A mix of uses could include employment areas that provide services, such as restaurants and banks, to industrial areas. Corridors are key areas providing transit service to serve the employment areas. The MTAC Title 6 subcommittee discussed this issue and concluded that it is up to the local government to map the boundary for a corridor and decide which part of the corridor is included.

Question 9: Many barriers are outside the control of a local jurisdiction (i.e. financing, lending). If a local jurisdiction cannot eliminate such barriers, does that mean they cannot comply with this Title? Also, it is possible that a local government does not have any regulatory barriers. Are there examples Metro can point to that demonstrate regulatory barriers in this region?

Response: Metro works everyday with its local partners to help identify actions to eliminate regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development. The two Community Investment Toolkits that Metro produced in recent years (Financial Incentives and Innovative Design and Development Codes) are tools to help local jurisdictions overcome barriers. In addition, Metro has been able to work with individual jurisdictions to identify site specific barriers and potential ways to eliminate those barriers through work such as code audits and market analyses. Some barriers that have been identified are height limitations, lack of parking management plans and design approval processes. The intent is to assess what barriers may exist that are preventing development of mixed-use, pedestrian-friendly and transit-supportive development and seek innovative ways to overcome those barriers.

Question 10: Per Section 3.07.620.D.4, these items are typically done as part of a TSP. Why does this need to be in Title 6? Do all jurisdictions need a current TSP to have access to regional investments? At what point is a TSP considered "too old" to meet this requirement?

Response: Local jurisdiction TSPs are required to be in compliance with the most recently adopted RTP. The RTP is updated every five years, thus local jurisdictions are required to update their TSPs for compliance within each 5 year cycle to be considered in compliance with the Transportation Functional Plan. As part of the 2035 RTP adoption this year, a compliance chart was developed that sets out the deadline for each jurisdiction to update their TSP.

Question 11: Per Section 3.07.620.E [completion of requirements], it is unclear how Metro will respond. What is the timeframe for a response and what form will it take?

Response: These are details that will need to be worked out in consultation with local governments when the guidelines are developed in 2011. The intent is to help local governments become eligible for the incentives contained in Title 6.

Question 12: Can a local jurisdiction pursue a regional investment for other geographies even if the jurisdiction is not in compliance with Title 6?

Response: As proposed in Title 6, a regional investment applies only to a center, corridor, station community or main street. If the investment that the local jurisdiction is seeking does not fall into one of those design types, then the jurisdiction can pursue investments.

Question 13: Can a facility that goes through a Title 6 geography such as the Springwater Trail be eligible for regional investments if a jurisdiction does not comply with Title 6?

Response: As noted earlier, regional investments other than HCT will be determined in consultation with our local government partners and it has not yet been determined if funding for trails will be a regional investment. What Title 6 seeks to accomplish is mixed-use, pedestrian-friendly, transit-oriented development that supports centers, corridors, station communities and main streets.

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets:

Question 14: Section 3.07.640.B.2 and 3 are not a bad list of uses, but it may not be reasonable to think that every Title 6 geography can support a college, a hospital, and various civic uses. The ability to site these facilities depends on local conditions.

Response: Clearly not all areas are going to support each of the listed land uses. The intent is to provide a combination of the uses listed to achieve the critical number of residents and workers listed in paragraph A of 3.07.640. Each center, corridor, station community, and main street will require its own unique combination of land uses to be successful. Research done by Metro, as well as its partner jurisdictions, has clearly shown that the listed uses have the most impact on the success of places throughout the region.

MPAC Worksheet

Agenda Item Title Report from the MPAC housing planning subcommittee

Presenter: Robert Liberty, Jack Hoffman

Contact for this worksheet/presentation: Ted Reid

Council Liaison Sponsor: Robert Liberty

Purpose of this item (check no more than 2):

Information _____
Update x
Discussion _____
Action x

MPAC Target Meeting Date: _November 10, 2010

Amount of time needed for:

Presentation 10

Discussion 5

Purpose/Objective

Update MPAC on work of the subcommittee and seek MPAC's recommendation on changes to Title 11.

Action Requested/Outcome

1. Should plans describe in detail the variety of housing types that are intended for a new urban area?
2. Should plans describe how the city would address housing needs in the prospective UGB expansion area, in the prospective governing city, and the region?
3. Should plans identify the types of housing that are likely to be built in the 20-year planning period and describe additional strategies to encourage the development of needed housing types that would otherwise not be built?
4. Does MPAC recommend that the Metro Council adopt the proposed changes to Title 11 (Planning for New Urban Areas)?

Background and context:

As part of the adoption of urban and rural reserves, the Metro Council revised the requirements for concept planning of urban reserves and comprehensive planning of UGB expansion areas. Both of these

topics are part of Title 11 of Metro's Urban Growth Management Functional Plan. The revisions require concept plans to be developed prior to UGB expansion decisions to better inform those decisions and to facilitate development once the UGB is expanded. During adoption, Metro Councilor Liberty suggested additional changes to Title 11 to add specificity on housing planning. The Council agreed to send the issue to MPAC for further discussion. Several MPAC members expressed interest in participating in a subcommittee charged with suggesting refinements to Title 11. Any changes recommended by MPAC could be adopted by Council as part of the Council's broader growth management decision in December 2010.

The subcommittee was charged with making recommendations to MPAC and the Metro Council about adding specificity to the housing planning requirements for both concept planning of urban reserves and comprehensive planning for UGB expansion areas. The subcommittee has met on five occasions.

What has changed since MPAC last considered this issue/item?

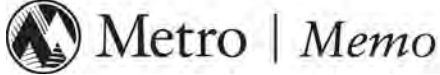
The subcommittee has met on five occasions and has agreed on a recommendation to MPAC. MTAC has had an opportunity to comment on an earlier version of revisions to Title 11.

What packet material do you plan to include?

Redline version of proposed changes to Title 11 and a memo from the subcommittee to MPAC that describes their recommendations in more general terms.

What is the schedule for future consideration of item?

The Metro Council will consider proposed changes to Title 11 as a part of the larger capacity ordinance on December 16, 2010.



Date: November 3, 2010

To: MPAC

From: *MPAC housing planning subcommittee:*
Metro Councilor Robert Liberty, chair
West Linn Councilor Jody Carson
Gresham Councilor Shirley Craddick
Portland Councilor Nick Fish
Beaverton Mayor Denny Doyle
Lake Oswego Mayor Jack Hoffman
Clackamas County Commissioner Charlotte Lehan
Hillsboro Mayor Jerry Willey

Re: Subcommittee recommendation on housing planning

Background

As part of the adoption of urban and rural reserves, the Metro Council revised the requirements for concept planning of urban reserves and comprehensive planning of UGB expansion areas. Both of these topics are part of Title 11 of Metro's Urban Growth Management Functional Plan. The revisions require concept plans to be developed prior to UGB expansion decisions to better inform those decisions and to facilitate development once the UGB is expanded. During adoption, Metro Councilor Liberty suggested additional changes to Title 11 to add specificity on housing planning. The Council agreed to send the issue to MPAC for further discussion. Several MPAC members expressed interest in participating in a subcommittee charged with suggesting refinements to Title 11. Any changes recommended by MPAC could be adopted by Council as part of the Council's broader growth management decision in December 2010.

Subcommittee charge

To make recommendations to MPAC and the Metro Council about adding specificity to the housing planning requirements for both concept planning of urban reserves and comprehensive planning for UGB expansion areas.

Subcommittee recommendations

In the course of developing its recommendations, the subcommittee discussed the fact that affordability must be addressed on multiple fronts, not just in UGB expansion areas. However, the subcommittee agreed to stick with its original charge, which was limited to developing greater specificity on how to plan for housing in UGB expansion areas.

The subcommittee recommends three principles to guide revisions to Title 11:

1. Plans should describe the variety of different housing types that are intended for the area.
2. Plans should describe how they would address housing needs in the prospective UGB expansion area, in the prospective governing city, and the region.
3. Plans should identify the types of housing that are likely to be built in the 20-year planning period and describe additional strategies to encourage the development of needed housing types that would otherwise not be built.

Using these three guiding principles, the subcommittee proposes several revisions to Title 11 that are shown in an attached redline version. In developing the proposed changes, the subcommittee has consulted with MTAC. The subcommittee requests that MPAC discuss the proposed changes and make a recommendation to the Metro Council to adopt changes to Title 11 that are in keeping with the above principles.

Exhibit Q to Ordinance No. 10-1244

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

3.07.1110 Planning for Areas Designated Urban Reserve

A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to Metro Code 3.01.015 and 3.01.020. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

B. A concept plan shall achieve, or contribute to the achievement of, the following outcomes:

1. If the plan proposes a mix of residential and employment uses:
 - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
 - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
 - c. ~~Opportunities for a~~ range of needed housing types needed in the prospective UGB expansion area, the prospective governing city, and the region, -including ownership and rental housing; single-family and multi-family housing; and a mix of public, nonprofit and -private market housing with an option for households with incomes at or

below 80, 50 and 30 percent of median family incomes for the region;

- d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
 - e. Well-connected systems of streets, bikeways, parks ~~and other public open spaces, natural areas~~, recreation trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;
 - f. A well-connected system of parks, natural areas and other public open spaces;
 - ~~f.g.~~ g. Protection of natural ecological systems and important natural landscape features;
 - ~~g.h.~~ h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands;
- or

2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:

- a. ~~Opportunities for a~~ range of ~~needed~~ housing ~~types needed in the prospective UGB expansion area, the prospective governing city, and the region, including ownership and rental housing; and single-family and multi-family housing; and a mix of public, nonprofit and private market housing with an option for households with incomes at or below 80, 50 and 30 percent of median family incomes for the region;~~
- b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
- c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;
- d. Protection of natural ecological systems and important natural landscape features;
- e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

C. A concept plan shall:

1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;

2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:

- a. The general locations of proposed sewer, park and trail, water and storm-water systems;
- b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;
- c. The proposed connections of these systems and facilities, if any, to existing systems;
- d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
- e. Proposed methods to finance the systems and facilities; and
- f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;

4. If the area subject to the concept plan calls for designation of land for residential use, include strategies such as partnerships and incentives that increase the likelihood that needed housing types described in subsection B of this section will be market-feasible or provided by non-market housing developers within the 20-year UGB planning period;

5. Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance

standards under Titles 3 and 13 of the Urban Growth Management Functional Plan;

| 56. Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;

| 67. Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;

| 78. Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;

| 89. Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

| 910. Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement

adopted pursuant to 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by Metro Code 3.01.040(b)(4).

B. If the concept plan developed for the area pursuant to Section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to Metro Code 3.01.040(b)(2);

4. ~~Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if if~~ If the comprehensive plan authorizes housing in any part of the area, provision for a range of needed housing types needed in the prospective UGB expansion area, the prospective governing city, and the region, including ownership and rental housing; single-family and multi-family housing; and a mix of public, nonprofit and private market housing with an option for households with incomes at or below 80, 50 and 30 percent of median family incomes for the region and implementing strategies that increase the likelihood that needed housing types will be market-feasible or provided by non-market housing developers within the 20-year UGB planning period;

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts.

This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

8. Provision for the financing of local and state public facilities and services; and

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

D. The county or city responsible for comprehensive planning of an area shall submit a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, to Metro within 30 days after adoption of new land use regulations for the area.

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;
- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in Metro Code section 3.01.010, or for a new public school;

D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:

1. A commercial use that is not accessory to industrial uses in the area; and

2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on March 31, 2011.



Date: November 12, 2010
To: MPAC
From: John Williams, Deputy Director, Metro Planning & Development Department
Re: Summary of MPAC recommendations on the 2010 Capacity Ordinance

Purpose of MPAC's November 17, 2010 meeting

For the last two years, MPAC has discussed the purpose and elements of the decision that will be before the Metro Council in December 2010. The proposed legislation addresses Metro's statutory growth management obligations and includes updates to the Regional Framework Plan, the Urban Growth Management Functional Plan, and the 2040 Growth Concept map. The proposed legislation, referred to as the "Capacity Ordinance," is included in your packet. The current draft of this proposed legislation reflects:

- The conclusions of the adopted 2030 forecast and urban growth report (completed in 2009)
- MPAC policy recommendations
- MTAC technical recommendations
- Metro Council direction

The proposed Capacity Ordinance also reflects the recent decision by the Oregon Land Conservation and Development Commission on urban and rural reserves. In light of that decision, the Metro Council has agreed to delay any urban growth boundary expansions that are needed until 2011.

This memo summarizes the contents of the proposed Capacity Ordinance. Where possible, MPAC's previous recommendations are summarized. At the November 17 MPAC meeting, Metro staff will seek MPAC's final recommendation on several remaining items, as noted in this memo. The Metro Council will consider MPAC's final recommendation and comments heard at public hearings when it takes up the Capacity Ordinance in December 2010.

Forecast and urban growth report

Background

The 2009 forecast and urban growth report (UGR) determine the region's needs for capacity for residential and employment growth through the year 2030.

MPAC recommendation to date

On November 18, 2009, MPAC recommended that the Metro Council accept the forecast and urban growth report as the basis for growth management decisions to be made by the end of 2011.

Contents of the proposed Capacity Ordinance

On December 10, 2009, the Metro Council accepted the forecast and UGR as the basis for growth management decisions to be made by the end of 2011. By voting in favor of the proposed Capacity Ordinance, the Council would officially adopt the UGR to support its growth management decision.

Remaining questions for MPAC on forecast and UGR

None

Proposal for residential capacity

Background

The 2009 UGR identified a need for additional residential capacity at the low end of the forecast range. The Metro Council has a statutory obligation to identify the source of at least half of the region's needed residential capacity by the end of 2010. Since the completion of the 2009 UGR, cities, counties, and Metro have adopted a number of policies ("efficiency measures") that are likely to provide additional residential capacity inside the existing urban growth boundary (UGB). Those actions are sufficient to meet demand at the low end of the forecast range. Whether there is a need for additional capacity from UGB expansions depends on the point in the forecast range for which the Council chooses to plan.

MPAC recommendation to date

On October 27, 2010, MPAC recommended that the Metro Council plan for at least the low end of the middle-third of the forecast range.

Contents of the proposed Capacity Ordinance

Based on MPAC and Metro Council discussions, staff proposes that the Council plan for around the low end of the middle-third of the forecast range¹. The Council may choose to adopt a point in this range or retain a narrowed range into 2011. If the Council adopts the low end of the middle-third of the forecast range, it would be required to expand the UGB in 2011 to add capacity for approximately 15,000 more dwelling units². The size of the UGB expansion would depend on the densities that are planned for the UGB expansion area. Discussion from here on should focus on the extent to which residential urban growth boundary expansions can help the region and local governments achieve the six desired outcomes, complement existing communities and/or create great new communities and be financially feasible.

Remaining questions for MPAC on residential capacity

None until 2011.

Proposal for employment capacity

Background

The 2009 UGR assessed capacity for three types of employment growth. The UGR found:

- Non-industrial employment: a need for additional capacity only if we plan for growth at the high end of the forecast range
- General industrial employment: a surplus of capacity, even at the high end of the forecast range
- Large-lot industrial employment: a need for 200 to 1,500 acres in large-lot configurations

¹ The Findings of Fact and Conclusions of Law that will be an exhibit to the Capacity Ordinance will specify a point in the range forecast. Draft Findings are not yet available for review.

² The recent decision by the Oregon Land Conservation and Development Commission on urban and rural reserves means that there will be no UGB expansions in 2010. Any UGB expansions will take place by the end of 2011.

MPAC recommendation to date

- On October 13, 2010, MPAC recommended that the Metro Council address large-lot industrial needs by adding to the UGB 310 acres north of Hillsboro.
- On October 27, 2010, Tualatin Mayor Lou Ogden proposed that MPAC consider adding a 117-acre area SE of Tualatin to the large-lot recommendation. MPAC agreed to discuss this proposal at a future meeting.

Contents of the proposed Capacity Ordinance

- Consistent with MPAC's recommendation, staff proposes that the Metro Council should address large-lot industrial land needs in 2011 by expanding the UGB to add 310 acres north of Hillsboro.
- Staff also recommends that in 2011, MPAC and the Council consider the Tualatin request prior to making a large-lot industrial UGB decision.
- To provide consistency with the residential proposal, Metro staff proposes that the Council plan for the low end of the middle-third of the employment forecast³. If the Council adopts this point in the range, there is no need for additional non-industrial or general industrial employment capacity.

Remaining questions for MPAC on employment capacity
None until 2011.

Proposed amendments to the Regional Framework Plan

Background

The Regional Framework Plan, originally adopted in 1997, is a statement of the Metro Council's policies concerning land use, transportation, and other planning matters that relate to implementing the 2040 Growth Concept. While the Regional Framework Plan has helped guide efforts to implement the 2040 Growth Concept, it has become clear that these implementing plans need to be updated to reflect today's better understanding of how to support community and regional goals. Staff proposes a number of updates to the policies in the Land Use chapter of the Framework Plan to more clearly articulate Metro Council policy positions.

MPAC recommendations to date

MPAC reviewed the Regional Framework Plan at their September 2010 meetings and provided comments to Council. The Council discussed MPAC's recommendations in October and provided initial direction, which is reflected in the current staff proposal. For brevity's sake, not all MPAC comments and Council directions are summarized below. For specifics, please refer to Exhibit A to the proposed Capacity Ordinance.

Contents of the proposed Capacity Ordinance

The proposed policies commit Metro to several new courses of action:

- A new policy sets forth six overall outcomes that Metro efforts with local governments would aim to achieve.
- New policies would focus Metro investments in city centers, main streets, corridors connecting centers and light rail stations, and would coordinate its investments with investments by the private sector and other governments.

³ The Findings of Fact and Conclusions of Law that will be an exhibit to the Capacity Ordinance will specify a point in the range forecast. Draft Findings are not yet available for review.

- New policies would use transportation investments to offer lower-income residents less expensive modes of travel to leave more household income for housing.
- New policies would aim to improve the regional economy by ensuring a supply of large sites for industries that need them to prosper. Metro would have a policy to work with jurisdictions in the region to consolidate smaller parcels and clean up brownfields.

Remaining questions for MPAC on Regional Framework Plan

None

Proposed amendments to the Urban Growth Management Functional Plan

Background

The Urban Growth Management Functional Plan contains the detailed requirements that implement the 2040 Growth Concept and the policies found in the Framework Plan. City and county comprehensive plans and implementing ordinances must be consistent with the Functional Plan. Experience has pointed to the need to revise portions of the Functional Plan to lead to more effective implementation of the 2040 Growth Concept. Some proposed changes are also necessary to make the Functional Plan conform with proposed changes to the Framework Plan.

MPAC recommendations

For the last few months, MPAC (and MTAC) has discussed proposed changes to the Functional Plan. For brevity's sake, not all MPAC comments and staff responses are summarized below. Please refer to the proposed Capacity Ordinance exhibits for specifics.

Contents of the proposed Capacity Ordinance

Title 1 (Requirements for Housing and Employment Accommodation)

Currently, Title 1 specifies minimum zoned capacity for jobs and housing for each city and unincorporated area within the UGB. Many cities have now exceeded these requirements. Having worked extensively with MTAC on the details, staff proposes that Title 1 should apply to housing capacity only and that Table 1, which specifies minimum zoned capacities for each city and each county's unincorporated areas, should be replaced with a no-net-loss policy. The proposed Title 1 is included as Exhibit B to the Capacity Ordinance. At the November 10 discussion, MPAC recommended clarifying that some small property-specific zoning changes and changes to design standards that don't reduce minimum zoned capacity will not be subject to these requirements. Also recommended was allowing transfers of zoned capacity between jurisdictions. Staff will present these suggestions to Council for their consideration. Staff is not recommending the addition of two other concepts discussed by MPAC:

- Providing credit for actions taken in recent years. Staff believes this would be difficult to measure and difficult to agree on; some jurisdictions have added capacity while others have reduced capacity.
- Allowing downzones before upzones. Staff believes this could create very difficult enforcement situations; what would the region's recourse be if a jurisdiction reduces zoning, builds at that reduced density and then takes no action to replace the lost capacity?

Staff will summarize all of these issues for the Metro Council, allowing Council to weigh the advantages and disadvantages of these concepts to make informed decisions.

Remaining questions for MPAC on Title 1

With the comments noted above, does MPAC support sending the current Title 1 to Metro Council?

Title 4 (Industrial and Other Employment Areas)

Consistent with MPAC's recommendation, staff proposes that Title 4 be amended to prohibit new schools, places of assembly, recreational facilities and parks (with exceptions for habitat protection) in Regionally Significant Industrial Areas. The proposed Title 4 is included as Exhibit C to the draft Capacity Ordinance.

MPAC has requested that Metro staff develop a proposal for a system that would maintain an inventory of large sites for industrial uses. MPAC also indicated that the site inventory should be organized in tiers to identify any obstacles to development readiness of sites inside the UGB. Metro staff has convened a small group of MTAC members to sort out the details of the proposal. Having met twice, it appears that, while there is considerable interest in the concept, additional time and expertise are needed to refine the proposal. The Metro Council also recently discussed the concept and indicated a desire to spend the time to get it right.

Consequently, staff does not propose changes to Title 4 that would implement this concept at this time. Instead, staff proposes changes to the Framework Plan that would state the Council's policies on the topic (see above discussion of Framework Plan). Staff also proposes additional work on the concept and its details in 2011.

Several MPAC members indicated that they regarded industrial land protections, the proposed UGB expansion, and the inventory maintenance concept as a package. Dedicating additional time to refining the concept would allow for integration of the concept with the more comprehensive overhaul of the Title 4 map that was proposed by the MPAC employment subcommittee (following the recommendations of the Greater Metropolitan Employment Lands Study). It would also allow the Metro Council to consider those proposals concurrently with a UGB expansion for large-lot industrial capacity, which is now delayed in light of LCDC's decision on urban and rural reserves.

Remaining questions for MPAC on Title 4

None

Title 6 (Central City, Regional Centers, Town Centers and Station Communities)

Currently, Title 6 seeks to encourage development in centers and station communities but is silent on corridors. Staff recommends the inclusion of corridors in Title 6 and revisions that include provisions that would link strategies for centers and corridors with a community investment strategy. Staff also recommends revisions to Title 6 that would provide local jurisdictions with a safe harbor for addressing the state Transportation Planning Rule as they update plans for their communities. Staff has worked extensively with MTAC, including representatives from the Oregon Department of Transportation, to arrive at this proposal. The proposed Title 6 is included as Exhibit E to the draft Capacity Ordinance.

To identify investment priorities and to provide local jurisdictions with a means to address Transportation Planning Rule requirements, staff proposes that the Metro Council adopt a revised Title 6 map, which would depict center boundaries and indicate instances where a city had officially adopted center boundaries.⁴ Proposed revisions to Title 6 would make eligible for regional investments those cities that have adopted official boundaries for their centers, corridors, station communities and main streets. Regional investments include high capacity transit lines and could in the future include other major investments designated as such in the future by the Metro Council.

⁴ The proposed Title 6 map is included as Exhibit F to the draft Capacity Ordinance

Designation of other investments in the future would be subject to further discussion and recommendation by MPAC (and approval by JPACT, if a transportation investment).

Remaining questions for MPAC on Title 6
See November 17 MPAC agenda

Title 8 (Compliance Procedures)

Revisions to Title 8 would simplify Metro's procedures for ensuring city and county compliance with the Urban Growth Management Functional Plan. Initial decisions on extensions of time for local compliance and on exceptions from compliance would be made by Metro's Chief Operating Officer, with the right to seek review of the decisions by the Metro Council. The revisions would also re-activate an annual report on compliance with the functional plan. The proposed Title 8 is included as Exhibit G to the draft Capacity Ordinance.

Remaining questions for MPAC on Title 8
None

Title 9 (Performance Measures)

The Functional Plan is intended to articulate requirements for cities and counties, not for Metro. As written, Title 9 instructs Metro to track performance. The Functional Plan is, therefore, not the appropriate location for this type of requirement. Staff proposes the repeal of Title 9. As proposed, performance measurement would be called for in Metro's Regional Framework Plan.

Questions for MPAC on Title 9
None

Title 10 (Functional Plan Definitions)

If the Metro Council decides to adopt some or all of the proposed changes to the Urban Growth Management Functional Plan and the Transportation Functional Plan, it will be necessary to revise definitions in Title 10. The proposed Title 10 is included as Exhibit I to the draft Capacity Ordinance.

Questions for MPAC on Title 10
None

Title 11 (Planning for New Urban Areas)

An MPAC subcommittee chaired by Metro Councilor Liberty has met on several occasions to propose changes to Title 11. MTAC comments on an earlier draft were provided to the subcommittee for consideration. The proposed revisions would emphasize affordable housing in the planning for urban reserve areas both before and they are added to the UGB. The revisions would provide greater detail for planning by requiring attention to affordable types of housing and to strategies and incentive programs to facilitate the development of affordable housing once urban reserves are added to the UGB. The proposed Title 11 is included as Exhibit J to the draft Capacity Ordinance.

Remaining questions for MPAC on Title 11

See November 17 MPAC agenda

Title 14 (Urban Growth Boundary and Urban Reserves)

Currently, urban growth boundary and urban reserves procedures are located in Metro Code Chapter 3.01. Staff proposes repealing Chapter 3.01 and moving its contents to a new Title 14 of the Urban Growth Management Functional Plan. This change will make it easier for local government staff and the public to find the requirements associated with the UGB and reserves. The proposed Title 14 is included as Exhibit L to the draft Capacity Ordinance.

Questions for MPAC on Title 14

None

Proposed 2040 Growth Concept map changes

Background

Initially adopted in 1995, the 2040 Growth Concept presents a vision that guides development in the region. The 2040 Growth Concept Map illustrates this regional vision through the designation of centers, corridors, employment and industrial areas and other regional transportation, parks, trails and natural area features. Though local jurisdictions determine the boundaries of their centers and corridors, changes to the location or type of Center on the map require Metro Council action. In making their determination, Council must consider consistency between the changes and adopted center and corridor policies.

MPAC recommendation

On October 13, 2010, MPAC recommended that the Metro Council amend the 2040 Growth Concept map in keeping with the requests from the cities of Happy Valley, Cornelius, and Hillsboro.

Contents of the Capacity Ordinance

In keeping with MPAC's recommendation, Metro staff recommends that the Metro Council approve the center designation changes illustrated in a revised 2040 Growth Concept Map (Exhibit O to the Capacity Ordinance). These requests are to:

- Relocate the existing Town Center in Happy Valley from King Road to Sunnyside and SE 172nd Avenue, about two miles to the east.
- Change the Main Street designation in downtown Cornelius to a Town Center designation.
- Expand the existing Tanasbourne Town Center to include the adjacent AmberGlen area and change the designation from a Town Center to Regional Center.

The revised 2040 Growth Concept Map in Exhibit O also includes some changes to the depiction of the major highways and arterials, high capacity transit lines, parks, trails, and open space in order to reflect the new Regional Transportation Plan investments, changes to Vancouver and Clark County Plans and other updates. In addition to identifying the urban growth boundary location, the 2040 Map will depict urban and rural reserves once they are adopted and acknowledged by LCDC.

Remaining questions for MPAC on Growth Concept map changes

None

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF MAKING THE GREATEST) Ordinance No. 10-1244
PLACE AND PROVIDING CAPACITY FOR)
HOUSING AND EMPLOYMENT TO THE YEAR) Introduced by Chief Operating Officer
2030; AMENDING THE REGIONAL FRAMEWORK) Michael Jordan with the Concurrence of
PLAN AND THE METRO CODE; AND DECLARING) Council President Carlotta Collette
AN EMERGENCY

WHEREAS, Metro, the cities and counties of the region and many other public and private partners have been joining efforts to make our communities into “the Greatest Place”; and

WHEREAS, state law requires Metro to assess the capacity of the urban growth boundary (UGB) on a periodic basis and, if necessary, increase the region’s capacity for housing and employment for the next 20 years; and

WHEREAS, Metro forecasted the likely range of population and growth in the region to the year 2030; and

WHEREAS, Metro assessed the capacity of the UGB to accommodate the forecasted growth, assuming continuation of existing policies and investment strategies, and determined that the UGB did not provide sufficient and satisfactory capacity for the next 20 years; and

WHEREAS, the Metro Council, with the advice and support of the Metro Policy Advisory Committee (MPAC), established six desired outcomes to use as the basis for comparing optional amendments to policies and strategies to increase the region’s capacity; and

WHEREAS, the outcomes reflect the region’s desire to develop vibrant, prosperous and sustainable communities with reliable transportation choices that minimize carbon emissions and to distribute the benefits and burdens of development equitably in the region; and

WHEREAS, Metro undertook an extensive process to consult its partner local governments and the public on optional ways to increase the region’s capacity and achieve the desired outcomes; and

WHEREAS, joint efforts to make the region “the Greatest Place” not only improve our communities but also increase our capacity to accommodate growth and achieve the desired outcomes; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Regional Framework Plan (RFP) is hereby amended, as indicated by Exhibit A, attached and incorporated into this ordinance, to adopt: desired outcomes toward which the Metro Council will direct its policies and efforts; new policies on performance measurement to measure progress toward achievement of the outcomes; new policies on efficient use of land, public works and other public services; and new policies on investment in Centers, Corridors, Station Communities, Main Streets and Employment Areas.

2. Title 1 (Housing) of the UGMFP is hereby amended, as indicated in Exhibit B, attached and incorporated into this ordinance, to help ensure sufficient capacity to meet housing needs to year 2030.
3. Title 4 (Industrial and Other Employment Areas) of the UGMFP is hereby amended, as indicated in Exhibit C, attached and incorporated into this ordinance, to help ensure sufficient capacity to meet employment needs to year 2030.
4. The Title 4 Industrial and Other Employment Areas Map is hereby amended, as indicated in Exhibit D, attached and incorporated into this ordinance, to show changes to design-type designations to conform to new comprehensive plan designations by cities and counties pursuant to Title 11 of the UGMFP, to respond to needs identified in the 2009 Urban Growth Report, and to make corrections requested by local governments to reflect development on the ground.
5. Title 6 (Centers, Corridors, Station Communities and Main Streets) of the UGMFP is hereby amended, as indicated in Exhibit E, attached and incorporated into this ordinance, to implement new policies and investment strategies in those places.
6. The Title 6 Centers, Corridors, Station Communities and Main Streets Map is hereby adopted, as shown on Exhibit F, attached and incorporated into this ordinance, to implement Title 6 and other functional plan requirements.
7. Title 8 (Compliance Procedures) of the UGMFP is hereby amended, as indicated in Exhibit G, attached and incorporated into this ordinance, to reduce procedural burdens on local governments and Metro.
8. Title 9 (Performance Measures) is hereby repealed, as indicated in Exhibit H, to be consistent with new policies on performance measurement.
9. Title 10 (Functional Plan Definitions) of the UGMFP is hereby amended, as indicated in Exhibit I, attached and incorporated into this ordinance, to conform to the definitions to the use of terms in the amended UGMFP.
10. Title 11 (Planning for New Urban Areas) of the UGMFP is hereby amended, as indicated in Exhibit J, attached and incorporated into this ordinance, to provide more specific guidance on planning for affordable housing in new urban areas.
11. Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) is hereby repealed, as indicated in Exhibit K, to be replaced by new Title 14 adopted by section 12 of this ordinance.
12. Title 14 (Urban Growth Boundary) is hereby adopted and added to the UGMFP, as indicated in Exhibit L, attached and incorporated into this ordinance, with amendments from Metro Code Chapter 3.01 to provide a faster process to add large sites to the UGB for industrial use.
13. The urban growth boundary (UGB), as shown on the attached Exhibit M, is hereby adopted by this ordinance as the official depiction of the UGB and part of Title 14 of the Urban Growth Management Functional Plan (UGMFP).

14. Metro Code Chapter 3.09 (Local Government Boundary Changes) is hereby amended, as indicated in Exhibit N, attached and incorporated into this ordinance, to conform to revisions to ORS 268.390 and adoption of urban and rural reserves pursuant to ORS 195.141, and to ensure newly incorporated cities have the capability to become great communities.
15. The 2040 Growth Concept Map, the non-regulatory illustration of the 2040 Growth Concept in the RFP, is hereby amended, as shown on Exhibit O, attached and incorporated into this ordinance, to show new configurations of 2040 Growth Concept design-type designations and transportation improvements.
16. The *Urban Growth Report 2009-2030* and the *20 and 50 Year Regional Population and Employment Range Forecasts*, approved by the Metro Council by Resolution No. 09-4094 on December 17, 2009, are adopted to support the decisions made by this ordinance.
17. The Findings of Fact and Conclusions of Law in Exhibit P, attached and incorporated into this ordinance, explain how the actions taken by the Council in this ordinance provide capacity to accommodate housing and employment to year 2030 and comply with state law and the Regional Framework Plan.
18. This ordinance is necessary for the immediate preservation of public health, safety and welfare because it repeals and re-adopts provisions of the Metro Code that govern changes to local government boundaries that may be under consideration during the ordinary 90-day period prior to effectiveness. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter section 39(1).

ADOPTED by the Metro Council this 16th day of December, 2010.

 Carlotta Colette, Council President

Attest:

Approved as to form:

 Tony Andersen, Clerk of the Council

 Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 10-1244

AMENDMENTS TO THE REGIONAL FRAMEWORK PLAN

A. Add the following:

It is the policy of the Metro Council to exercise its powers to achieve the following six outcomes, characteristics of a successful region:

1. People live and work in vibrant communities where they can choose to walk* for pleasure and to meet their everyday needs.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices than enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

*Walk is intended to convey the notion of a development pattern that allows people, including people with disabilities, to travel to common destinations by means other than auto or transit.

It is also the policy of the Metro Council to:

Use performance measures and performance targets to:

1. Evaluate the effectiveness of proposed policies, strategies and actions to achieve the desired Outcomes
2. Inform the people of the region about progress toward achieving the Outcomes.
3. Evaluate the effectiveness of adopted policies, strategies and actions and guide the consideration of revision or replacement of the policies, strategies and actions; and
4. Publish a report on progress toward achieving the desired Outcomes on a periodic basis.

B. Amend Chapter 1 (Land Use) Policy 1.1 as follows:

1.1 Compact Urban Form

It is the policy of the Metro Council to:

- 1.1.1 Encourage and facilitate a compact urban form within the UGB.
- 1.1.2 Adopt and implement a strategy of investments and incentives to use land within the UGB more efficiently.
- 1.1.3 Facilitate infill and re-development, particularly within Centers, Corridors, Station Communities, Main Streets and Employment Areas, to use land and urban services efficiently, to support public transit, to promote successful, walkable communities and to achieve the appropriate activity levels along the Activity Spectrum in the State of the Centers Report of January, 2009.
- 1.1.4 Encourage elimination of unnecessary barriers to compact, mixed-use, pedestrian-friendly and transit-supportive development within Centers, Corridors, Station Communities and Main Streets.
- 1.1.5 Promote the distinctiveness of the region's cities and the stability of its neighborhoods.
- 1.1.6 Enhance compact urban form by developing the Intertwine, an interconnected system of parks, greenspaces and trails readily accessible to people of the region.
- 1.1.7 Promote excellence in community design.

C. Amend Chapter 1 (Land Use) Policy 1.2 as follows:

1.2 Centers, Corridors, Station Communities and Main Streets

It is the policy of the Metro Council to:

- 1.2.1 Recognize that the success of the 2040 Growth Concept depends upon the success of the region's Centers, Corridors, Station Communities and Main Streets as the principal centers of urban life in the region. Recognize that each Center, Corridor, Station Community and Main Street has its own character and stage of development and its own aspirations; each needs its own strategy for success.
- 1.2.2 Work with local governments, community leaders and state and federal agencies to develop an investment strategy for Centers, Corridors, Station Communities and Main Streets with a program of investments in public works, essential services and community assets that will enhance their roles as the centers of public life in the region. The strategy shall:
 - a. Give priority in allocation of Metro's investment funds to Centers, Corridors, Station Communities and Main Streets;
 - b. Link Metro's investments so they reinforce one another and maximize contributions to Centers, Corridors, Station Communities and Main Streets;

- c. Coordinate Metro’s investments with complementary investments of local governments and with state and federal agencies so the investments reinforce one another , maximize contributions to Centers, Corridors, Station Communities and Main Streets and help achieve local aspirations; and
 - d. Include an analysis of barriers to the success of investments in particular Centers, Corridors, Station Communities and Main Streets.
- 1.2.3 Encourage employment opportunities in Centers, Corridors, Station Communities and Main Streets by:
- a. Improving access within and between Centers, Corridors, Station Communities and Main Streets;
 - b. Encouraging cities and counties to allow a wide range of employment uses and building types, a wide range of floor-to-area ratios and a mix of employment and residential uses; and
 - c. Encourage investment by cities, counties and all private sectors by complementing their investments with investments by Metro.
- 1.2.4 Work with local governments, community leaders and state and federal agencies to employ financial incentives to enhance the roles of Centers, Corridors, Station Communities and Main Streets and maintain a database of incentives and other tools that would complement and enhance investments in particular Centers, Corridors, Station Communities and Main Streets.
- 1.2.5 Measure the success of regional efforts to improve Centers and Centers, Corridors, Station Communities and Main Streets and report results to the region and the state and revise strategies, if performance so indicates, to improve the results of investments and incentives.

C. Amend Chapter 1 (Land Use) Policy 1.3 as follows:

1.3 Housing Choices and Opportunities

It is the policy of the Metro Council to:

- 1.3.1 Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors, paying special attention to those households with fewest housing choices.
- 1.3.2 As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations:
 - a. Allow a diverse range of housing types;
 - b. Make housing choices available to households of all income levels; and
 - c. Allow affordable housing, particularly in Centers and Corridors and other areas well-served with public services.

- 1.3.3 Reduce the percentage of the region's households that are cost-burdened, meaning those households paying more than 50 percent of their incomes on housing and transportation.
- 1.3.4 Maintain voluntary affordable housing production goals for the region, to be revised over time as new information becomes available and displayed in Chapter 8 (Implementation), and encourage their adoption by the cities and counties of the region.
- 1.3.5 Encourage local governments to consider the following tools and strategies to achieve the affordable housing production goals:
 - a. Density bonuses for affordable housing;
 - b. A no-net-loss affordable housing policy to be applied to quasi-judicial amendments to the comprehensive plan;
 - c. A voluntary inclusionary zoning policy;
 - d. A transferable development credits program for affordable housing;
 - e. Policies to accommodate the housing needs of the elderly and disabled;
 - f. Removal of regulatory constraints on the provision of affordable housing; and
 - g. Policies to ensure that parking requirements do not discourage the provision of affordable housing.
- 1.3.6 Require local governments in the region to report progress towards increasing the supply of affordable housing and seek their assistance in periodic inventories of the supply of affordable housing.
- 1.3.7 Work in cooperation with local governments, state government, business groups, non-profit groups and citizens to create an affordable housing fund available region wide in order to leverage other affordable housing resources.
- 1.3.8 Provide technical assistance to local governments to help them do their part in achieving regional goals for the production and preservation of housing choice and affordable housing.
- 1.3.9 Integrate Metro efforts to expand housing choices with other Metro activities, including transportation planning, land use planning and planning for parks and greenspaces.
- 1.3.10 When expanding the Urban Growth Boundary, assigning or amending 2040 Growth Concept design type designations or making other discretionary decisions, seek agreements with local governments and others to improve the balance of housing choices with particular attention to affordable housing.
- 1.3.11 Consider incentives, such as priority for planning grants and transportation funding, to local governments that obtain agreements from landowners and others to devote a portion of new residential capacity to affordable housing.
- 1.3.12 Help ensure opportunities for low-income housing types throughout the region so that families of modest means are not obliged to live concentrated in a few neighborhoods, because concentrating poverty is not desirable for the residents or the region.

- 1.3.13 Consider investment in transit, pedestrian and bicycle facilities and multi-modal streets as an affordable housing tool to reduce household transportation costs to leave more household income available for housing.
- 1.3.14 For purposes of these policies, “affordable housing” means housing that families earning less than 50 percent of the median household income for the region can reasonably afford to rent and earn as much as or less than 100 percent of the median household income for the region can reasonably afford to buy.

D. Amend Chapter 1 (Land Use) Policy 1.4 as follows:

1.4 Employment Choices and Opportunity

It is the policy of the Metro Council to:

- 1.4.1 Locate expansions of the UGB for industrial or commercial purposes in locations consistent with this plan and where, consistent with state statutes and statewide goals, an assessment of the type, mix and wages of existing and anticipated jobs within subregions justifies such expansion.
- 1.4.2 Balance the number and wage level of jobs within each subregion with housing cost and availability within that subregion. Strategies are to be coordinated with the planning and implementation activities of this element with Policy 1.3, Housing Choices and Opportunities and Policy 1.8, Developed Urban Land.
- 1.4.3 Designate, with the aid of leaders in the business and development community and local governments in the region, as Regionally Significant Industrial Areas those areas with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs.
- 1.4.4 Require, through the Urban Growth Management Functional Plan, that local governments exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas from incompatible uses.
- 1.4.5 Facilitate investment in those areas of employment with characteristics that make them especially suitable and valuable for traded-sector goods and services, including brownfield sites and sites that are re-developable.
- 1.4.6 Inventory and maintain a sufficient supply of tracts 50 acres and larger to meet demand by traded-sector industries for large sites and protect those sites from conversion to non-industrial uses.
- 1.4.7 Establish a program, in coordination with cities, counties, the Port of Portland and the private sector to consolidate smaller lots and parcels into parcels 50 acres or larger and to rehabilitate brownfields to help achieve Policy 1.4.6

Repeal Chapter 1 (Land Use) Policy 1.6

Repeal Chapter 1 (Land Use) Policy 1.15

Exhibit B to Ordinance No. 10-1244

TITLE 1: HOUSING CAPACITY

3.07.110 Purpose and Intent

The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.

3.07.120 Housing Capacity

- A. A city or county may reduce the minimum zoned capacity of the Central City or a Regional Center, Town Center, Corridor, Station Community or Main Street under subsection D. A city or county may reduce its minimum zoned capacity in other locations under subsections C or D.
- B. Each city and county shall adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010(rr). If a city or county has not adopted a minimum density for such a zone prior to March 16, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.
- C. A city or county may reduce its minimum zoned capacity by one of the following actions if it increases minimum zoned capacity by an equal or greater amount in other places where the increase is reasonably likely to be realized within the 20-year planning period of Metro’s last capacity analysis under ORS 197.299:
 1. Reduce the minimum dwelling unit density, described in subsection B, for one or more zones;
 2. Revise the development criteria or standards for one or more zones; or
 3. Change its zoning map such that the city’s or county’s minimum zoned capacity would be reduced.

Action to reduce minimum zoned capacity may be taken any time within two years after action to increase capacity.

- D. A city or county may reduce the minimum zoned capacity of a zone without increasing minimum zoned capacity in another zone for one or more of the following purposes:
 1. To re-zone the area to allow industrial use under Title 4 of this chapter or an educational or medical facility similar in scale to those listed in section 3.07.1340D(5)(i) of Title 13 of this chapter; or

2. To protect natural resources pursuant to Titles 3 or 13 of this chapter.
- E. A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes.

Exhibit C to Ordinance No. 10-1244

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

3.07.420 Protection of Regionally Significant Industrial Areas

A. Regionally Significant Industrial Areas (RSIAs) are those areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning district boundaries of RSIAs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in this section and the need to achieve a mix of employment uses.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers - such as financial, insurance, real estate, legal, medical and dental offices - to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
2. Training facilities whose primary purpose is to provide training to meet industrial needs.

C. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the Regional Transportation Plan or require added road capacity to prevent falling below the standards.

D. Cities and counties shall review their land use regulations and revise them, if necessary, to prohibit the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA.

E. No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection B that were not authorized prior to July 1, 2004.

F. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph 2 of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed, with uses described in subsection B of this section.
4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

- c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
- d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

G. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection E of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
2. Training facilities whose primary purpose is to provide training to meet industrial needs.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the Regional Transportation Plan. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.
4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

E. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace and 10 percent more land area.

3.07.440 Protection of Employment Areas

A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code section 3.07.130, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.

B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.

D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:

1. The ordinance authorized those uses on January 1, 2003;
2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and
3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.

E. A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:

1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
2. Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.08-3 of Title 4 of the Regional Transportation Functional Plan.

3.07.450 Employment and Industrial Areas Map

A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.

B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer (COO) shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.

C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:

1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;
2. The amendment will not reduce the employment capacity of the city or county;
3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;
4. The amendment would not allow uses that would reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the Regional Transportation Plan below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;
5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and
6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.

D. A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:

1. The entire property is not buildable due to environmental constraints; or
2. The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and
3. The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by this title, exceeds the assessed value of the land by a ratio of 1.5 to 1.

E. The COO shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C or D of this section within 30 days after notification by the city or county that no appeal of the amendment was filed

pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.

F. After consultation with MPAC, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.

G. The Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to make corrections in order to better achieve the policies of the Regional Framework Plan.

H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:

1. Would not reduce the employment capacity of the city or county;
2. Would not allow uses that would reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the Regional Transportation Plan below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;
3. Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;
4. Would not reduce the integrity or viability of a traded sector cluster of industries;
5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and
6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.

I. Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.

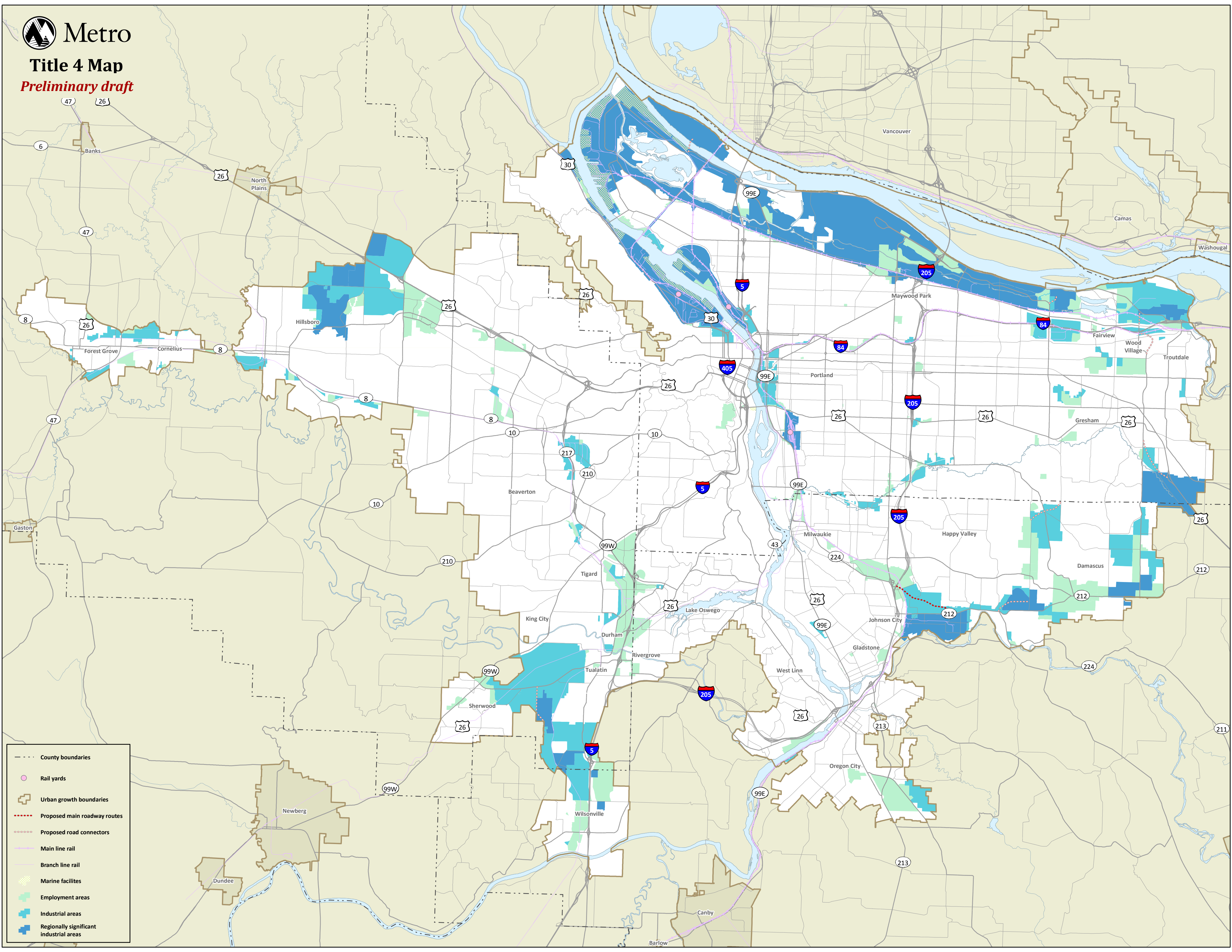
J. The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.

K. By January 31 of each year, the COO (COO) shall submit a written report to the Council and MPAC on the cumulative effects on employment land in the region of the amendments to the Employment and Industrial Areas Map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects.



Title 4 Map

Preliminary draft



- County boundaries
- Rail yards
- ▣ Urban growth boundaries
- ⋯ Proposed main roadway routes
- ⋯ Proposed road connectors
- Main line rail
- Branch line rail
- Marine facilities
- Employment areas
- Industrial areas
- Regionally significant industrial areas

Exhibit E of Ordinance No. 10-1244

TITLE 6: CENTERS, CORRIDORS, STATION COMMUNITIES AND MAIN STREETS

3.07.610 Purpose

The Regional Framework Plan (RFP) identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

- A. In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:
1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;
 2. Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and
 3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D.
- B. The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:
1. Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;
 2. For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;
 3. For a Corridor designated for future high-capacity transit in the Regional Transportation Plan (RTP), include the area identified during the system expansion planning process in the RTP; and
 4. Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and Metro in the manner set forth in subsection A of section 3.07.820 of this chapter.

- C. An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:
 - 1. Physical and market conditions in the area;
 - 2. Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;
 - 3. The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;
 - 4. Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and
 - 5. For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.

- D. A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street shall consider the assessment completed under subsection C and include at least the following elements:
 - 1. Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;
 - 2. Revisions to its comprehensive plan and land use regulations, if necessary, to allow:
 - a. In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in section 3.07.640; and
 - b. In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;
 - 3. Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and
 - 4. A plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to subsections 3.08.230A and B of the Regional Transportation Functional Plan (RTFP), that includes:
 - a. The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;

- b. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and
 - c. A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP.
- E. A city or county that has completed all or some of the requirements of subsections B, C and D may seek recognition of that compliance from Metro by written request to the Chief Operating Officer (COO).
- F. Compliance with the requirements of this section is not a prerequisite to:
- 1. Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or
 - 2. Investments in areas other than Centers, Corridors, Station Communities and Main Streets.

3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates

- A. A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:
- 1. Established a boundary pursuant to subsection B of section 3.07.620; and
 - 2. Adopted land use regulations to allow the mix and intensity of uses specified in section 3.07.640.
- B. A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:
- 1. Established a boundary pursuant to subsection B of section 3.07.620;
 - 2. Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in section 3.07.640 and to prohibit new auto-dependent uses that rely principally on auto trips, such as gas stations, car washes and auto sales lots; and
 - 3. Adopted a plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to subsections 3.08.230A and B of the Regional Transportation Functional Plan (RTFP), that includes:

- a. Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;
- b. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and
- c. A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP.

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets

A. Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:

1. Central City - 250 persons
2. Regional Centers - 60 persons
3. Station Communities - 45 persons
4. Corridors - 45 persons
5. Town Centers - 40 persons
6. Main Streets - 39 persons

B. Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:

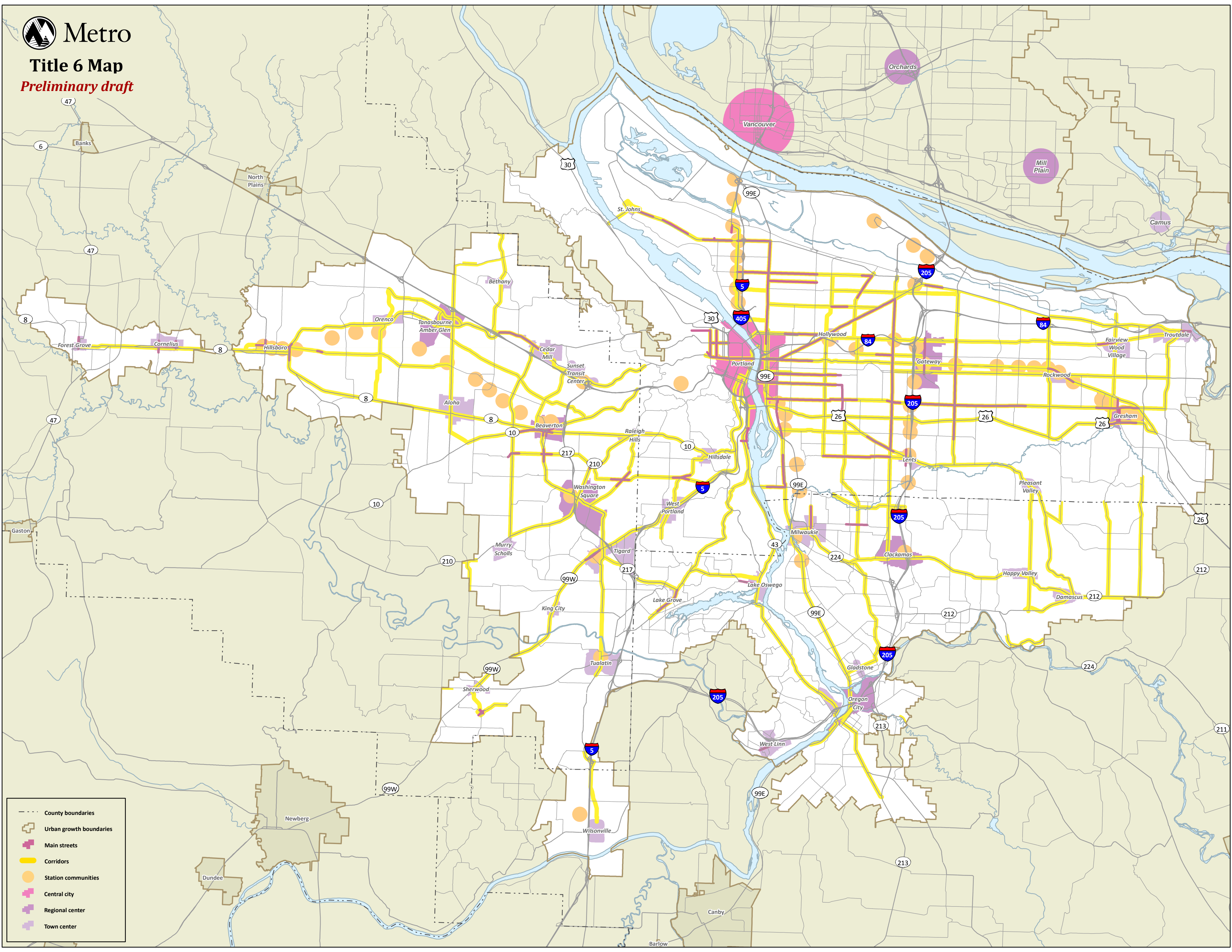
1. The land uses listed in *State of the Centers: Investing in Our Communities*, January, 2009, such as grocery stores and restaurants;
2. Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;
3. Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.

C. Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:

1. The types of housing listed in the “needed housing” statute, ORS 197.303(1);
2. The types of housing identified in the city’s or county’s housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and
3. Accessory dwellings pursuant to section 3.07.120 of this chapter.

3.07.650 Centers, Corridors, Station Communities and Main Streets Map

- A. The Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title and is Metro's official depiction of their boundaries. The map shows the boundaries established pursuant to this title and boundaries established prior to January 1, 2011. Until a local government has established a boundary by action of its elected officials, the map will depict the approximate locations of Centers, Corridors, Station Communities and Main Streets shown on the 2040 Growth Concept Map in the Regional Framework Plan (RFP).
- B. A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on the 2040 Growth Concept Map in the RFP. The city or county shall provide notice of its proposed revision as prescribed in subsection B of section 3.07.620.
- C. The COO shall revise the Centers, Corridors, Station Communities and Main Streets Map by order to conform the map to establishment or revision of a boundary under this title.



- County boundaries
- Urban growth boundaries
- Main streets
- Corridors
- Station communities
- Central city
- Regional center
- Town center

TITLE 8: COMPLIANCE PROCEDURES

3.07.810 Compliance with the Functional Plan

A. The purposes of this chapter are to establish a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements. Where the terms "compliance" and "comply" appear in this title, the terms shall have the meaning given to "substantial compliance" in section 3.07.1010.

B. Cities and counties shall amend their comprehensive plans and land use regulations to comply with the functional plan, or an amendment to the functional plan, within two years after acknowledgement of the functional plan or amendment, or after any later date specified by the Metro Council in the ordinance adopting or amending the functional plan. The Chief Operating Officer (COO) shall notify cities and counties of the acknowledgment date and compliance dates described in subsections C and D.

C. After one year following acknowledgment of a functional plan requirement, cities and counties that amend their comprehensive plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.

D. Cities and counties whose comprehensive plans and land use regulations do not yet comply with the new functional plan requirement shall, after one year following acknowledgment of the requirement, make land use decisions consistent with the requirement. The COO shall notify cities and counties of the date upon which functional plan requirements become applicable to land use decisions at least 120 days before that date. For the purposes of this subsection, "land use decision" shall have the meaning of that term as defined in ORS 197.015(10).

E. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan upon the expiration of the appropriate appeal period specified in ORS 197.830 or 197.650 or, if an appeal is made, upon the final decision on appeal. Once the amendment is deemed to comply, the functional plan requirement shall no longer apply to land use decisions made in conformance with the amendment.

F. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan as provided in subsection E only if the city or county provided notice to the COO as required by subsection A of section 3.07.820.

3.07.820 Review by the Chief Operating Officer

A. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to the COO at least 45 days prior to the first evidentiary hearing on the amendment. The COO may request, and if so the city or county shall submit, an analysis of compliance of the amendment with the functional plan. If the COO submits

comments on the proposed amendment to the city or county, the comment shall include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with the functional plan. The COO shall send a copy of comment to those persons who have requested a copy.

B. If the COO concludes that the proposed amendment does not comply with the functional plan, the COO shall advise the city or county that it may:

1. Revise the proposed amendment as recommended in the COO's analysis;
2. Seek an extension of time, pursuant to section 3.07.830, to bring the proposed amendment into compliance with the functional plan; or
3. Seek an exception pursuant to section 3.07.840.

3.07.830 Extension of Compliance Deadline

A. A city or county may seek an extension of time for compliance with a functional plan requirement. The city or county shall file an application for an extension on a form provided by the COO. Upon receipt of an application, the COO shall notify the city or county and those persons who request notification of applications for extensions. Any person may file a written comment in support of or opposition to the extension.

B. The COO may grant an extension if the city or county is making progress toward compliance or there is good cause for failure to meet the deadline for compliance. Within 30 days after the filing of a complete application for an extension, the COO shall issue an order granting or denying the extension. The COO shall not grant more than two extensions of time to a city or county and shall grant no extension of more than one year. The COO shall send the order to the city or county and any person who filed a written comment.

C. The COO may establish terms and conditions for the extension in order to ensure that compliance is achieved in a timely and orderly fashion and that land use decisions made by the city or county during the extension do not undermine the ability of the city or county to achieve the purposes of the functional plan requirement. A term or condition must relate to the requirement of the functional plan to which the COO has granted the extension.

D. The city or county applicant or any person who filed written comment on the extension may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is filed, the Council shall hold a hearing to consider the appeal. After the hearing, the Council shall issue an order granting or denying the extension and shall send copies to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A).

3.07.840 Exception from Compliance

A. A city or county may seek an exception from compliance with a functional plan requirement by filing an application on a form provided by the COO. Upon receipt of an application, the COO shall notify the city or county and those persons who request notification of requests for exceptions. Any person may file a written comment in support of or opposition to the exception.

B. Except as provided in subsection C, the COO may grant an exception if:

1. it is not possible to achieve the requirement due to topographic or other physical constraints or an existing development pattern;
2. this exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;
3. the exception will not reduce the ability of another city or county to comply with the requirement; and
4. the city or county has adopted other measures more appropriate for the city or county to achieve the intended result of the requirement.

C. The COO may grant an exception to the housing capacity requirements in section 3.07.120 if:

1. the city or county has completed the analysis of capacity for dwelling units required by section 3.07.120;
2. it is not possible to comply with the requirements due to topographic or other physical constraints, an existing development pattern, or protection of natural resources pursuant to Titles 3 or 13 of this chapter; and
3. this exception and other similar exceptions will not render the targets unachievable region-wide.

D. The COO may establish terms and conditions for the exception in order to ensure that it does not undermine the ability of the region to achieve the purposes of the requirement. A term or condition must relate to the requirement of the functional plan to which the COO grants the exception. The COO shall incorporate the terms and conditions into the order on the exception.

E. The city or county applicant or a person who filed a written comment on the exception may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is filed, the Council shall hold a hearing to consider the appeal. After the hearing, the Council shall issue an order granting or denying the exception and send copies to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A).

3.07.850 Enforcement of Functional Plan

A. The Metro Council may initiate enforcement if a city or county has failed to meet a deadline for compliance with a functional plan requirement or if the Council has good cause to believe that a city or county is engaged in a pattern or a practice of decision-making that is inconsistent with the functional plan, ordinances adopted by the city or county to implement the plan, or the terms or conditions in an extension or an exception granted pursuant to section 3.07.830 or 3.07.840, respectively. The Council may consider whether to initiate enforcement proceedings upon the request of the COO or a Councilor. The Council shall consult with the city or county before it determines there is good cause to proceed to a hearing under subsection B.

B. If the Council decides there is good cause, the Council President shall set the matter for a public hearing before the Council within 90 days of its decision. The COO shall publish notice of the hearing in a newspaper of general circulation in the city or county and send notice to the city or county, MPAC and any person who requests a copy of such notices.

C. The COO shall prepare a report and recommendation on the pattern or practice, with a proposed order, for consideration by the Council. The COO shall publish the report at least 14 days prior to the public hearing and send a copy to the city or county and any person who requests a copy.

D. At the conclusion of the hearing, the Council shall adopt an order that dismisses the matter if it decides the city or county complies with the requirement. If the Council decides the city or county has failed to meet a deadline for compliance with a functional plan requirement or has engaged in a pattern or a practice of decision-making that is inconsistent with the functional plan, ordinances adopted by the city or county to implement the plan, or terms or conditions of an extension or an exception granted pursuant to section 3.07.830 or 3.07.840, respectively, the Council may adopt an order that:

1. Directs changes in the city or county ordinances necessary to remedy the pattern or practice; or
2. Includes a remedy authorized in ORS 268.390(7).

E. The Council shall issue its order not later than 30 days following the hearing and send copies to the city or county, MPAC and any person who requests a copy.

3.07.860 Citizen Involvement in Compliance Review

A. Any person may contact Metro staff or the COO or appear before the Metro Council to raise issues regarding local functional plan compliance, to request Metro participation in the local process, or to request the COO to appeal a local enactment for which notice is required pursuant to subsection A of section 3.07.820. Such contact may be oral or in writing and may be made at any time.

B. In addition to considering requests as described in A above, the Council shall at every regularly scheduled meeting provide an opportunity for people to address the Council on any matter related to this functional plan. The COO shall maintain a list of persons who request notice in writing of COO reviews, reports and orders and proposed actions under this chapter and shall send requested documents as provided in this chapter.

C. Cities, counties and the Council shall comply with their own adopted and acknowledged Citizen Involvement Requirements (Citizen Involvement) in all decisions, determinations and actions taken to implement and comply with this functional plan. The COO shall publish a citizen involvement fact sheet, after consultation with the Metro Committee for Citizen Involvement, that describes opportunities for citizen involvement in Metro's growth management procedures as well as the implementation and enforcement of this functional plan.

3.07.870 Compliance Report

A. The COO shall submit a report to the Metro Council by March 1 of each calendar year on the status of compliance by cities and counties with the requirements of the Urban Growth Management Function Plan. The COO shall send a copy of the report to MPAC, JPACT, MCCI and each city and county within Metro.

B. Upon receipt of the compliance report, the Council shall hold a public hearing to receive testimony on the report and determine whether a city or county has complied with the requirements of the functional plan. Any person may testify, orally or in writing, at the public hearing. The COO shall send notice of the hearing to all cities and counties, MPAC, JPACT, MCCI, the Department of Land Conservation and Development and any person who requests notification. The notification shall state that the Council does not have jurisdiction to:

1. Determine whether previous amendments of comprehensive plans or land use regulations made by a city or county comply with functional plan requirements if those amendments already comply pursuant to subsections E and F of section 3.07.810; or
2. Reconsider a determination in a prior order issued under this section that a city or county complies with a requirement of the functional plan.

C. Following the public hearing, the Council shall enter an order that determines with which functional plan requirements each city and county complies. The order shall be based upon the COO's report and testimony received at the public hearing. The COO shall send a copy of the order to cities and counties and any person who testifies, orally or in writing, at the public hearing.

D. A city or county or a person who participated, orally or in writing, at the public hearing, may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A).

Exhibit H to Ordinance No. 10-1244

TITLE 9: PERFORMANCE MEASURES

Title 9 is repealed.

Exhibit I to Ordinance No. 10-1244

TITLE 10: FUNCTIONAL PLAN DEFINITIONS

3.07.1010 Definitions

For the purpose of this functional plan, the following definitions shall apply:

- (a) "Balanced cut and fill" means no net increase in fill within the floodplain.
- (b) "COO" means Metro's Chief Operating Officer.
- (c) "Comprehensive plan" means the all inclusive, generalized, coordinated land use map and policy statement of cities and counties defined in ORS 197.015(5).
- (d) "DBH" means the diameter of a tree measured at breast height.
- (e) "Design flood elevation" means the elevation of the 100-year storm as defined in FEMA Flood Insurance Studies or, in areas without FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.
- (f) "Design type" means the conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas.
- (g) "Designated beneficial water uses" means the same as the term as defined by the Oregon Department of Water Resources, which is: an instream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife uses.
- (h) "Development" means any man-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than 10 percent of the vegetation in the Water Quality Resource Area on the lot is defined as development, for the purpose of Title 3 except that less than 10 percent removal of vegetation on a lot must comply with section 3.07.340(C) - Erosion and Sediment Control. In addition, any other activity that results in the removal of more than either 10 percent or 20,000 square feet of the vegetation in the Habitat Conservation Areas on the lot is defined as development, for the purpose of Title 13. Development does not include the following: (1) Stream enhancement or restoration projects approved by cities and counties; (2) Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm

uses are subject to the requirements of Titles 3 and 13 of this functional plan; and (3) Construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

- (i) "Development application" means an application for a land use decision, limited land decision including expedited land divisions, but excluding partitions as defined in ORS 92.010(7) and ministerial decisions such as a building permit.
- (j) "Division" means a partition or a subdivision as those terms are defined in ORS chapter 92.
- (k) "Ecological functions" means the biological and hydrologic characteristics of healthy fish and wildlife habitat. Riparian ecological functions include microclimate and shade, streamflow moderation and water storage, bank stabilization and sediment/pollution control, sources of large woody debris and natural channel dynamics, and organic material sources. Upland wildlife ecological functions include size of habitat area, amount of habitat with interior conditions, connectivity of habitat to water resources, connectivity to other habitat areas, and presence of unique habitat types.
- (l) "Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.
- (m) "Enhancement" means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.
- (n) "Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed in a wetland or floodplain for the purposes of development or redevelopment.
- (o) "Flood Areas" means those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood.
- (p) "Flood Management Areas" means all lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.
- (q) "Floodplain" means land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

- (r) "Growth Concept Map" means the conceptual map demonstrating the 2040 Growth Concept design types attached to this plan¹.
- (s) "Habitat Conservation Area" or "HCA" means an area identified on the Habitat Conservation Areas Map and subject to the performance standards and best management practices described in Metro Code section 3.07.1340.
- (t) "Habitat-friendly development" means a method of developing property that has less detrimental impact on fish and wildlife habitat than does traditional development methods. Examples include clustering development to avoid habitat, using alternative materials and designs such as pier, post, or piling foundations designed to minimize tree root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, collecting rooftop water in rain barrels for reuse in site landscaping and gardening, and reducing the amount of effective impervious surface created by development.
- (u) "Habitats of Concern" means the following unique or unusually important wildlife habitat areas as identified based on cite specific information provided by local wildlife or habitat experts: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.
- (v) "Hazardous materials" means materials described as hazardous by Oregon Department of Environmental Quality.
- (w) "Implementing ordinances or regulations" means any city or county land use regulation as defined by ORS 197.015(11) which includes zoning, land division or other ordinances which establish standards for implementing a comprehensive plan.
- (x) "Invasive non-native or noxious vegetation" means plants listed as nuisance plants or prohibited plants on the Metro Native Plant List as adopted by Metro Council resolution because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.
- (y) "Land Conservation and Development Commission" or "LCDC" means the Oregon Land Conservation and Development Commission.
- (z) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan, as defined in ORS 197.015.
- (aa) "Large-format retail commercial buildings" means a building intended for retail commercial use with more than 60,000 square feet of gross leasable area, or that amount or more of retail sales area on a single lot or parcel, or that amount or more on contiguous lots or parcels including lots or parcels separated only by a transportation right-of-way.

¹ On file in the Metro Council office.

- (bb) "Local program effective date" means the effective date of a city's or county's new or amended comprehensive plan and implementing ordinances adopted to comply with Title 13 of the Urban Growth Management Functional Plan, Metro Code sections 3.07.1310 to 3.07.1370. If a city or county is found to be in substantial compliance with Title 13 without making any amendments to its comprehensive plan or land use regulations, then the local program effective date shall be December 28, 2005. If a city or county amends its comprehensive plan or land use regulations to comply with Title 13, then the local program effective date shall be the effective date of the city's or county's amendments to its comprehensive plan or land use regulations, but in no event shall the local program effective date be later than two years after Title 13 is acknowledged by LCDC. For territory brought within the Metro UGB after December 28, 2005, the local program effective date shall be the effective date of the ordinance adopted by the Metro Council to bring such territory within the Metro UGB.
- (cc) "Metro" means the regional government of the metropolitan area, the elected Metro Council as the policy setting body of the government.
- (dd) "Metro boundary" means the jurisdictional boundary of Metro, the elected regional government of the metropolitan area.
- (ee) "MCCI" means the Metro Committee for Citizen Involvement.
- (ff) "MPAC" means the Metropolitan Advisory Committee established pursuant to Metro Charter, Chapter V, Section 27.
- (gg) "Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and (5) compensating for the impact by replacing or providing comparable substitute water quality resource areas or habitat conservation areas.
- (hh) "Mixed use" means comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.
- (ii) "Mixed-use development" includes areas of a mix of at least two of the following land uses and includes multiple tenants or ownerships: residential, retail and office. This definition excludes large, single-use land uses such as colleges, hospitals, and business campuses. Minor incidental land uses that are accessory to the primary land use should not result in a development being designated as "mixed-use development." The size and definition of minor incidental, accessory land uses allowed within large, single-use

developments should be determined by cities and counties through their comprehensive plans and implementing ordinances.

- (jj) "Native vegetation" or "native plant" means any vegetation listed as a native plant on the Metro Native Plant List as adopted by Metro Council resolution and any other vegetation native to the Portland metropolitan area provided that it is not listed as a nuisance plant or a prohibited plant on the Metro Native Plant List.
- (kk) "Net acre" means an area measuring 43,560 square feet which excludes:
- Any developed road rights-of-way through or on the edge of the land; and
 - Environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected under statewide planning Goal 5 in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a Federal fill and removal permit under Section 404 of the Clean Water Act. These excluded areas do not include lands for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and
 - All publicly-owned land designated for park and open spaces uses.
- (ll) "Net developed acre" consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses.
- (mm) "Net vacant buildable land" means all vacant land less all land that is: (1) within Water Quality Resource Areas; (2) within Habitat Conservation Areas; (3) publicly owned by a local, state or federal government; (4) burdened by major utility easements; and (5) necessary for the provision of roads, schools, parks, churches, and other public facilities.
- (nn) "Perennial streams" means all primary and secondary perennial waterways as mapped by the U.S. Geological Survey.
- (oo) "Performance measure" means a measurement derived from technical analysis aimed at determining whether a planning policy is achieving the expected outcome or intent associated with the policy.
- (pp) "Person-trips" means the total number of discrete trips by individuals using any mode of travel.
- (qq) "Persons per acre" means the intensity of building development by combining residents per acre and employees per acre.

- (rr) "Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. As used in Title 13 of this functional plan, "practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions.
- (ss) "Primarily developed" means areas where less than 10% of parcels are either vacant or underdeveloped.
- (tt) "Property owner" means a person who owns the primary legal or equitable interest in the property.
- (uu) "Protected Water Features"

Primary Protected Water Features shall include:

- Title 3 wetlands; and
- Rivers, streams, and drainages downstream from the point at which 100 acres or more are drained to that water feature (regardless of whether it carries year-round flow); and
- Streams carrying year-round flow; and
- Springs which feed streams and wetlands and have year-round flow; and
- Natural lakes.

Secondary Protected Water Features shall include intermittent streams and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.

- (vv) "Public facilities and services" means sewers, water service, stormwater services and transportation.
- (ww) "Redevelopable land" means land on which development has already occurred, which due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period.
- (xx) "Regionally significant fish and wildlife habitat" means those areas identified on the Regionally Significant Fish and Wildlife Habitat Inventory Map, adopted in Metro Code section 3.07.1320, as significant natural resource sites.
- (yy) "Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure,

function, and/or diversity to that which occurred prior to impacts caused by human activity.

- (zz) "Retail" means activities which include the sale, lease or rent of new or used products to the general public or the provision of product repair or services for consumer and business goods.
- (aaa) "Riparian area" means the water influenced area adjacent to a river, lake or stream consisting of the area of transition from a hydric ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics.
- (bbb) "Rural reserve" means an area designated rural reserve by Clackamas, Multnomah or Washington County pursuant to OAR 660-027.
- (ccc) "Significant negative impact" means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the Water Quality Resource Area, to the point where existing water quality functions and values are degraded.
- (ddd) "Straight-line distance" means the shortest distance measured between two points.
- (eee) "Stream" means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.
- (fff) "Substantial compliance" means city and county comprehensive plans and implementing ordinances, on the whole, conforms with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.
- (ggg) "Title 3 Wetlands" means wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands added to city or county adopted Water Quality and Flood Management Area maps consistent with the criteria in Title 3, section 3.07.340(E)(3). Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.
- (hhh) "Top of bank" means the same as "bankfull stage" defined in OAR 141-085-0010(2).
- (iii) "Urban development value" means the economic value of a property lot or parcel as determined by analyzing three separate variables: assessed land value, value as a property that could generate jobs ("employment value"), and the Metro 2040 design type designation of property. The urban development value of all properties containing

regionally significant fish and wildlife habitat is depicted on the Metro Habitat Urban Development Value Map referenced in Metro Code section 3.07.1340(E).

- (jjj) "UGB" means an urban growth boundary adopted pursuant to ORS chapter 197.
- (kkk) "Underdeveloped parcels" means those parcels of land with less than 10% of the net acreage developed with permanent structures.
- (lll) "Urban reserve" means an area designated urban reserve by the Metro Council pursuant to OAR 660 Division 27.
- (mmm) "Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television.
- (nnn) "Vacant land" means land identified in the Metro or local government inventory as undeveloped land.
- (ooo) "Variance" means a discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property.
- (ppp) "Visible or measurable erosion" includes, but is not limited to:
- Deposits of mud, dirt sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
 - Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
 - Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.
- (qqq) "Water feature" means all rivers, streams (regardless of whether they carry year-round flow, i.e., including intermittent streams), springs which feed streams and wetlands and have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.
- (rrr) "Water Quality and Flood Management Area" means an area defined on the Metro Water Quality and Flood Management Area Map, to be attached hereto². These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water

² On file in Metro Council office.

quality. This area has been mapped to generally include the following: stream or river channels, known and mapped wetlands, areas with flood-prone soils adjacent to the stream, floodplains, and sensitive water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for areas of less than 25% slope, and 200 feet from top of bank on either side of the stream for areas greater than 25% slope, and 50 feet from the edge of a mapped wetland.

- (sss) "Water Quality Resource Areas" means vegetated corridors and the adjacent water feature as established in Title 3.
- (ttt) "Wetlands." Wetlands are those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.
- (uuu) "Zoned capacity" means the highest number of dwelling units or jobs that are allowed to be contained in an area by zoning and other city or county jurisdiction regulations.

Exhibit J to Ordinance No. 10-1244

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

3.07.1110 Planning for Areas Designated Urban Reserve

A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to Metro Code 3.01.015 and 3.01.020. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

B. A concept plan shall achieve, or contribute to the achievement of, the following outcomes:

1. If the plan proposes a mix of residential and employment uses:
 - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
 - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
 - c. A range of housing needed in the prospective UGB expansion area, the prospective governing city, and the region, including ownership and rental housing; single-family and multi-family housing; and a mix of public, nonprofit and private market housing with an option for households with

- incomes at or below 80, 50 and 30 percent of median family incomes for the region;
 - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
 - e. Well-connected systems of streets, bikeways, parks, recreation trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;
 - f. A well-connected system of parks, natural areas and other public open spaces;
 - g. Protection of natural ecological systems and important natural landscape features;
 - h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands; or
2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:
- a. A range of housing needed in the prospective UGB expansion area, the prospective governing city, and the region, including ownership and rental housing; single-family and multi-family housing; and a mix of public, nonprofit and private market housing with an option for households with incomes at or below 80, 50 and 30 percent of median family incomes for the region;
 - b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
 - c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;
 - d. Protection of natural ecological systems and important natural landscape features;
 - e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

C. A concept plan shall:

1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;

2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:

- a. The general locations of proposed sewer, park and trail, water and storm-water systems;
- b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;
- c. The proposed connections of these systems and facilities, if any, to existing systems;
- d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
- e. Proposed methods to finance the systems and facilities; and
- f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;

4. If the area subject to the concept plan calls for designation of land for residential use, include strategies such as partnerships and incentives that increase the likelihood that needed housing types described in subsection B of this section will be market-feasible or provided by non-market housing developers within the 20-year UGB planning period;

5. Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of the Urban Growth Management Functional Plan;

6. Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;

7. Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;

8. Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;

9. Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

10. Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address

the requirements of subsection C by the date specified by the ordinance or by Metro Code 3.01.040(b)(4).

B. If the concept plan developed for the area pursuant to Section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to Metro Code 3.01.040(b)(2);

4. If the comprehensive plan authorizes housing in any part of the area, provision for a range of housing needed in the prospective UGB expansion area, the prospective governing city, and the region, including ownership and rental housing; single-family and multi-family housing; and a mix of public, nonprofit and private market housing with an option for households with incomes at or below 80, 50 and 30 percent of median family incomes for the region and implementing strategies that increase the likelihood that needed housing types will be market-feasible or provided by non-market housing developers within the 20-year UGB planning period;

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

8. Provision for the financing of local and state public facilities and services; and

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

D. The county or city responsible for comprehensive planning of an area shall submit a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, to Metro within 30 days after adoption of new land use regulations for the area.

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;

B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in Metro Code section 3.01.010, or for a new public school;

D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:

1. A commercial use that is not accessory to industrial uses in the area; and

2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on December 31, 2011.

Exhibit K to Ordinance No. 10-1244

Metro Code Chapter 3.01 Urban Growth Boundary and Urban Reserves Procedures

Metro Code Chapter 3.01 is repealed.

Exhibit L to Ordinance No. 10-1244

Title 14 is added to the Urban Growth Management Functional Plan

TITLE 14: URBAN GROWTH BOUNDARY

3.07.1405 Purpose

The Regional Framework Plan (RFP) calls for a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form. Title 14 prescribes criteria and procedures for amendments to the urban growth boundary (UGB) to achieve these objectives.

3.07.1410 Urban Growth Boundary

A. The UGB for the metropolitan area is incorporated into this title and is depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Cities and counties within the Metro boundary shall depict the portion of the UGB, if any, that lies within their boundaries on their comprehensive plan maps. Within 21 days after an amendment to the UGB under this title, the COO shall submit the amended UGB to the city and county in which the amended UGB lies. The city and county shall amend their comprehensive plan maps to depict the amended UGB within one year following receipt of the amendment from the COO.

B. Urban and Rural Reserves are depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Amendments to the UGB made pursuant to this title shall be based upon this map.

3.04.1420 Legislative Amendment to UGB - Procedures

A. Legislative amendments follow periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment. The Metro Council shall initiate a legislative amendment to the UGB when required by state law and may initiate a legislative amendment when it determines there is a need to add land to the UGB.

B. Except as otherwise provided in this title, the Council shall make legislative amendments to the UGB by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each legislative amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other advisory committees and the general public.

C. Notice to the public of a proposed legislative amendment of the UGB shall be provided as prescribed in section 3.07.1465.

D. Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the COO shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The COO shall provide copies of the report to all households located

within one mile of the proposed amendment area and to all cities and counties within the district at least 20 days prior to the hearing. The report shall address:

1. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality;
2. Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory; and
3. The cost impacts on existing residents of providing needed public facilities and services, police and fire services, public schools, emergency services and parks and open spaces.

3.07.1425 Legislative Amendment to the UGB - Criteria

A. This section sets forth the factors and criteria for amendment of the UGB from state law and the Regional Framework Plan. Compliance with this section shall constitute compliance with statewide planning Goal 14 (Urbanization) and the Regional Framework Plan.

B. The Council shall determine whether there is a need to amend the UGB. In determining whether a need exists, the Council may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. The Council's determination shall be based upon:

1. Demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinated with affected local governments; and
2. Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph; and
3. A demonstration that any need shown under paragraphs 1 and 2 of this subsection cannot reasonably be accommodated on land already inside the UGB.

C. If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:

1. Efficient accommodation of identified land needs;
2. Orderly and economic provision of public facilities and services;
3. Comparative environmental, energy, economic and social consequences; and
4. Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.

5. Equitable and efficient distribution of housing and employment opportunities throughout the region;
6. Contribution to the purposes of Centers and Corridors;
7. Protection of farmland that is most important for the continuation of commercial agriculture in the region;
8. Avoidance of conflict with regionally significant fish and wildlife habitat; and
9. Clear transition between urban and rural lands, using natural and built features to mark the transition.

D. The Council may consider land not designated urban or rural reserve for possible addition to the UGB only if it determines that:

1. Land designated urban reserve cannot reasonably accommodate the need established pursuant to subsection B of this section; or
2. The land is subject to a concept plan approved pursuant to section 3.07.1110 of this chapter, involves no more than 50 acres not designated urban or rural reserve and will help the concept plan area urbanize more efficiently and effectively.

E. The Council may not add land designated rural reserve to the UGB.

F. The Council may not amend the UGB in such a way that would create an island of urban land outside the UGB or an island of rural land inside the UGB.

3.07.1430 Major Amendments - Procedures

A. A city, a county, a special district or a property owner may initiate a major amendment to the UGB by filing an application on a form provided by Metro. The COO will accept applications for major amendments between February 1 and March 15 of each calendar year except that calendar year in which the Council is completing its analysis of buildable land supply under ORS 197.299. Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may accept an application at other times by a vote of five members of the Council.

B. Except for that calendar year in which the Council is completing its analysis of buildable land supply, the COO shall give notice of the March 15 deadline for applications for major amendments not less than 120 days before the deadline and again 90 days before the deadline in a newspaper of general circulation in Metro and in writing to each city and county in Metro and anyone who has requested notification. The notice shall explain the consequences of failure to file before the deadline and shall specify the Metro representative from whom additional information may be obtained.

C. With the application, the applicant shall provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465. The list shall be certified as true and accurate as of the specified date by a title company, a county assessor or designate of the assessor or the applicant.

D. The applicant shall provide a written statement from the governing body of each city or county with land use jurisdiction over the area and any special district that has an agreement with that city or county to provide an urban service to the area that it recommends approval or denial of the application. The Council may waive this requirement if the city, county or special district has a policy not to comment on major amendments, or has not adopted a position within 120 days after the applicant's request for the statement. The governing body of a local government may delegate the decision to its staff.

E. The COO will determine whether an application is complete and will notify the applicant of the determination within seven working days after the filing of the application. The COO will dismiss an application and return application fees if a complete application is not received within the 14 days after the notice of incompleteness.

F. Within 14 days after receipt of a complete application, the COO will:

1. Set the matter for a public hearing before a hearings officer for a date no later than 55 days following receipt of a complete application; and
2. Notify the public of the public hearing as prescribed in section 3.07.1465 of this title.

G. The COO shall submit a report and recommendation on the application to the hearings officer not less than 15 days before the hearing and send copies to the applicant and others who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven days prior to the hearing.

H. If the proposed major amendment would add more than 100 acres to the UGB, the COO shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods in the manner prescribed in subsection D of section 3.07.1420.

I. An applicant may request postponement of the hearing within 20 days after filing a complete application. The COO may postpone the hearing for no more than 60 days. If the applicant fails to request rescheduling within 90 days after the request for postponement, the application shall be considered withdrawn and the COO will return the unneeded portion of the fee deposit assessed pursuant to section 3.07.1460.

J. Participants at a hearing before a hearings officer need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.

K. Failure of the applicant to appear at the hearing shall be grounds for dismissal of the application unless the applicant requests a continuance prior to the hearing. The applicant has the burden of demonstrating that the proposed amendment complies with the criteria.

L. The hearings officer shall provide the following information to participants at the beginning of the hearing:

1. The criteria applicable to major amendments and the procedures for the hearing;
2. A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal; and
3. A statement that failure to raise an issue in a manner sufficient to afford the hearings officer and participants an opportunity to respond to the issue precludes appeal of that issue.

M. The hearing shall be conducted in the following order:

1. Presentation of the report and recommendation of the COO;
2. Presentation of evidence and argument by the applicant;
3. Presentation of evidence and argument in support of or opposition to the application by other participants; and
4. Presentation of rebuttal evidence and argument by the applicant.

N. The hearings officer may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the hearings officer grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.

O. If new evidence is submitted at the continued hearing, the hearings officer may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the hearings officer grants the request, the record shall be left open for at least seven days. Any participant may respond to new evidence during the period the record is left open.

P. Cross-examination by parties shall be by submission of written questions to the hearings officer, who shall give participants an opportunity to submit such questions prior to closing the hearing. The hearings officer may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

Q. A verbatim record shall be made of the hearing, but need not be transcribed unless necessary for appeal.

R. The hearings officer may consolidate applications for hearing after consultation with Metro staff and applicants. If the applications are consolidated, the hearings officer shall prescribe rules to avoid duplication or inconsistent findings, protect the rights of all participants, and allocate the charges on the basis of cost incurred by each applicant.

S. Within 15 days following the close of the record, the hearings officer shall submit a proposed order, with findings of fact and conclusions of law and the record of the hearing, to the COO, who shall make it available for review by participants.

T. Within seven days after receipt of the proposed order from the hearings officer, the COO shall set the date and time for consideration of the proposed order by the Council, which date shall be no later than 40 days after receipt of the proposed order. The COO shall provide written notice of the Council meeting to the hearings officer and participants at the hearing before the hearings officer, and shall post notice of the hearing at Metro's website, at least 10 days prior to the meeting.

U. The Council shall consider the hearings officer's report and recommendation at the meeting set by the COO. The Council will allow oral and written argument by those who participated in the hearing before the hearings officer. Argument must be based upon the record of those proceedings. Final Council action shall be as provided in section 2.05.045 of the Metro Code. The Council shall adopt the order, or ordinance if the Council decides to expand the UGB, within 15 days after the Council's consideration of the hearings officer's proposed order.

3.07.1435 Major Amendments – Expedited Procedures

A. The COO may file an application at any time to add land to the UGB for industrial use, pursuant to section 3.07.460, by major amendment following the expedited procedures in this section. The application under this section remains subject to subsections C, D, H, M and Q of section 3.07.1430.

B. Within 10 days after receipt of a complete application, the Council President will:

1. Set the matter for a public hearing before the Council for a date no later than 55 days following receipt of a complete application; and
2. Notify the public of the public hearing as prescribed in section 3.07.1465.

C. The COO shall submit a report and recommendation on the application to the Council not less than 15 days before the hearing and send copies to those who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven days prior to the hearing.

D. Participants at the hearing need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.

E. The Council President shall provide the following information to participants at the beginning of the hearing:

1. The criteria applicable to major amendments and the procedures for the hearing;
2. A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal.

F. The Council President may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the Council President grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.

G. If new evidence is submitted at the continued hearing, the Council President may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the Council President grants the request, the record shall be left open for at least seven days. Any participant may respond to new evidence during the period the record is left open.

H. The Council President may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

I. Within 15 days following the close of the record, the Council shall adopt:

1. An ordinance, with findings of fact and conclusions of law, that amends the UGB to add all or a portion of the territory described in the application; or
2. A resolution adopting an order, with findings of fact and conclusions of law, that denies the application.

3.07.1440 Major Amendments - Criteria

A. The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299. Land may be added to the UGB under sections 3.07.1430 and 3.07.1440 only for public facilities and services, public schools, natural areas and other non-housing needs and as part of a land trade under subsection D. An applicant under section 3.07.1430 must demonstrate compliance with this purpose and these limitations.

B. The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria

and factors in subsections B, C, D, E, F and G of section 3.07.1425. The applicant shall also demonstrate that:

1. The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land;
2. If the amendment would add land for public school facilities, the coordination required by subsection C(5) of section 3.07.1120 of this chapter has been completed; and
3. If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot reasonably be created by land assembly or reclamation of a brownfield site.

C. If the application was filed under section 3.07.1435, the applicant shall demonstrate that the amendment is consistent with any concept plan for the area developed pursuant to section 3.07.1110 of this chapter.

D. To facilitate implementation of the Metropolitan Greenspaces Master Plan of 1992, the Council may add land to the UGB in a trade that removes a nearly equal amount of land from the UGB. If the Council designates the land to be added for housing, it shall designate an appropriate average density per net developable acre.

3.07.1445 Minor Adjustments - Procedures

A. Minor adjustments make small changes to the UGB so that land within the UGB functions more efficiently and effectively. A city, a county, a special district, Metro or a property owner may initiate a minor adjustment to the UGB by filing an application on a form provided by Metro. The application shall include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application shall also include the positions on the application of appropriate local governments and special districts, in the manner required by subsection D of section 3.07.1430.

B. The COO will determine whether an application is complete and shall notify the applicant of the determination within ten working days after the filing of the application. If the application is not complete, the applicant shall complete it within 14 days of notice of incompleteness. The COO will dismiss an application and return application fees if a complete application is not received within 14 days of the notice of incompleteness.

C. Notice to the public of a proposed minor adjustment of the UGB shall be provided as prescribed in section 3.07.1465.

D. The COO shall review the application for compliance with the criteria in section 3.07.1450 and shall issue an order with analysis and conclusions within 90 days of receipt of a complete application. The COO shall send a copy of the order to the applicant, the city or county with jurisdiction over the land that is the subject of the application, to each member of the Council and any person who requests a copy.

E. The applicant or any person who commented on the application may appeal the COO's order to the Council by filing an appeal on a form provided by Metro within 14 days after receipt of the order. A member of the Council may request in writing within 14 days of receipt of the order that the decision be reviewed by the Council. The Council shall consider the appeal or Councilor referral at a public hearing held not more than 60 days following receipt of a timely appeal or referral.

F. Notice to the public of a Council hearing on a proposed minor adjustment to the UGB shall be provided as prescribed in section 3.07.1465.

G. Following the hearing, the Council shall uphold, deny or modify the COO's order. The Council shall issue an order with its analysis and conclusions and send a copy to the appellant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy.

3.07.1450 Minor Adjustments - Criteria

A. The purpose of this section is to provide a mechanism to make small changes to the UGB in order to make land within it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and Regional Framework Plan policies applicable to minor adjustments.

B. Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.

C. To make a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro shall find that:

1. The adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;
2. Adjustment of the UGB will make the provision of public facilities and services easier or more efficient;
3. Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;
4. Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
5. The adjustment will help achieve the 2040 Growth Concept;

6. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB; and
7. If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is designated rural reserve or for agriculture or forestry pursuant to a statewide planning goal.

D. To approve a minor adjustment to make the UGB coterminous with property lines, natural or built features, Metro shall find that:

1. The adjustment will result in the addition of no more than two net acres to the UGB;
2. Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;
3. Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
4. The adjustment will help achieve the 2040 Growth Concept; and
5. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

E. Where the UGB is intended to be coterminous with the 100-year floodplain, as indicated on the map of the UGB maintained by Metro's Data Resource Center, Metro may adjust the UGB in order to conform it to a more recent delineation of the floodplain. To approve such an adjustment, Metro shall find that:

1. The delineation was done by a professional engineer registered by the State of Oregon;
2. The adjustment will result in the addition of no more than 20 net acres to the UGB;
3. The adjustment will help achieve the 2040 Growth Concept; and
4. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

F. If a minor adjustment adds more than two acres of land available for housing to the UGB, Metro shall designate an appropriate average density per net developable acre for the area.

G. The COO shall submit a report to the Council at the end of each calendar year with an analysis of all minor adjustments made during the year. The report shall demonstrate how the adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept.

3.07.1455 Conditions of Approval

A. Land added to the UGB pursuant to sections 3.07.1420, 3.07.1430 and 3.07.1435 shall be subject to the requirements of sections 3.07.1120 and 3.07.1130 of this chapter.

B. If the Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it shall:

1. In consultation with affected local governments, designate the city or county responsible for adoption of amendments to comprehensive plans and land use regulations to allow urbanization of each area added to the UGB, pursuant to Title 11 of this chapter. If local governments have an agreement in a concept plan developed pursuant to Title 11 that establishes responsibility for adoption of amendments to comprehensive plans and land use regulations for the area, the Council shall assign responsibility according to the agreement.
2. Establish the 2040 Growth Concept design type designations applicable to the land added to the UGB, including the specific land need, if any, that is the basis for the amendment. If the design type designation authorizes housing, the Council shall designate an appropriate average density per net developable acre consistent with the need for which the UGB is expanded.
3. Establish the boundaries of the area that shall be included in the planning required by Title 11. A planning area boundary may include territory designated urban reserve, outside the UGB.
4. Establish the time period for city or county compliance with the requirements of Title 11, which shall be two years following the effective date of the ordinance adding the area to the UGB unless otherwise specified.

C. If the Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it may establish other conditions it deems necessary to ensure the addition of land complies with state planning laws and the Regional Framework Plan. If a city or county fails to satisfy a condition, the Council may enforce the condition after following the notice and hearing process set forth in section 3.07.850 of this chapter.

3.07.1460 Fees

A. Each application submitted by a property owner or group of property owners pursuant to this title shall be accompanied by a filing fee in an amount to be established by the Council. Such fee shall not exceed Metro's actual cost to process an application. The fee may include administrative costs, the cost of a hearings officer and of public notice.

B. The fee for costs shall be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development and other interested persons.

C. Before a hearing is scheduled, an applicant shall submit a fee deposit. In the case of an application for a minor adjustment pursuant to section 3.07.1445, the applicant shall submit the fee deposit with the application.

D. The unexpended portion of an applicant's deposit, if any, shall be returned to the applicant at the time of final disposition of the application. If hearings costs exceed the amount of the deposit, the applicant shall pay to Metro an amount equal to the costs in excess of the deposit prior to final action by the Council.

E. The Council may, by resolution, reduce, refund or waive the fee, or portion thereof, if it finds that the fee would create an undue hardship for the applicant.

3.07.1465 Notice Requirements

A. For a proposed legislative amendment under section 3.07.1420, the COO shall provide notice of the public hearing in the following manner:

1. In writing to the Department of Land Conservation and Development and local governments of the Metro region at least 45 days before the first public hearing on the proposal; and
2. To the general public at least 45 days before the first public hearing by an advertisement no smaller than 1/8-page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website.

B. For a proposed major amendment under sections 3.07.1430 or 3.07.1435, the COO shall provide notice of the hearing in the following manner:

1. In writing at least 45 days before the first public hearing on the proposal to:
 - a. The applicant;
 - b. The director of the Department of Land Conservation and Development;
 - c. The owners of property that is being considered for addition to the UGB; and
 - d. The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;
2. In writing at least 30 days before the first public hearing on the proposal to:
 - a. The local governments of the Metro area;
 - b. A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or

is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site, and to any other person who requests notice of amendments to the UGB; and

3. To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.

C. The notice required by subsections A and B of this section shall include:

1. A map showing the location of the area subject to the proposed amendment;
2. The time, date and place of the hearing;
3. A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;
4. A statement that interested persons may testify and submit written comments at the hearing;
5. The name of the Metro staff to contact and telephone number for more information;
6. A statement that a copy of the written report and recommendation of the COO on the proposed amendment will be available at reasonable cost 20 days prior to the hearing; and
7. A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings;
8. For proposed major amendments only:
 - a. An explanation of the proposed boundary change;
 - b. A list of the applicable criteria for the proposal; and
 - c. A statement that failure to raise an issue at the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.
9. For the owners of property described in subsection B(1)(c) of this section, the information required by ORS 268.393(3).

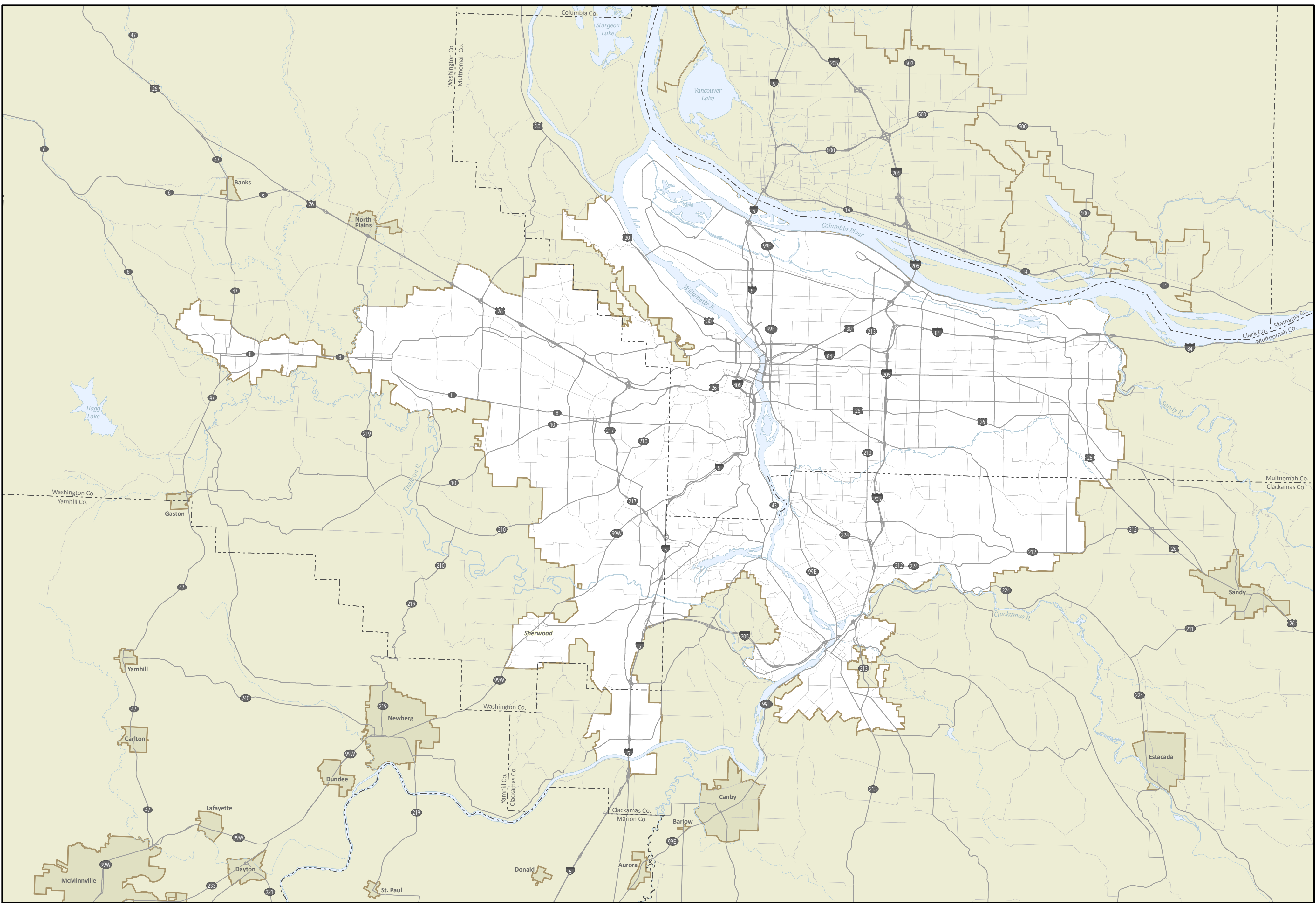
D. For a proposed minor adjustment under section 3.07.1445, the COO shall provide notice in the following manner:

1. In writing to the director of the Department of Land Conservation and Development at least 45 days before the issuance of an order on the proposal;
2. In writing at least 20 days before the issuance of an order on the proposal to:
 - a. The applicant and the owners of property subject to the proposed adjustment;
 - b. The owners of property within 500 feet of the property subject to the proposed adjustment;
 - c. The local governments in whose planning jurisdiction the subject property lies or whose planning jurisdiction lies adjacent to the subject property;
 - d. Any neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes the area subject to the proposed amendment and which is officially recognized as entitled to participate in land use decisions by the city or county whose jurisdictional boundary includes the subject property; and
 - e. Any other person requesting notification of UGB changes.

E. The notice required by subsection D of this section shall include:

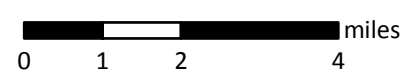
1. A map showing the location of the area subject to the proposed amendment;
2. A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;
3. A statement that interested persons may submit written comments and the deadline for the comments;
4. The name of the Metro staff to contact and telephone number for more information; and
5. A list of the applicable criteria for the proposal.

F. The COO shall notify each county and city in the district of each amendment of the UGB.



Title 14 Urban Growth Boundary

PRELIMINARY DRAFT
November 12, 2010



- County boundaries
- Urban growth boundaries
- Neighbor cities



Exhibit N to Ordinance No. 10-1244

**CHAPTER 3.09
LOCAL GOVERNMENT BOUNDARY CHANGES**

3.09.010 Purpose and Applicability

The purpose of this chapter is to carry out the provisions of ORS 268.354. This chapter applies to all boundary changes within the boundaries of Metro or of urban reserves designated by Metro and any annexation of territory to the Metro boundary. Nothing in this chapter affects the jurisdiction of the Metro Council to amend the region's Urban Growth Boundary (UGB).

3.09.020 Definitions

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

A. "Adequate level of urban services" means a level of urban services adequate to support the higher number of dwelling units and jobs specified for the appropriate design type in section 3.07.640A of Title 6 of the Urban Growth Management Functional Plan, or in the ordinance adopted by the Metro Council that added the area to be incorporated, or any portion of it, to the UGB.

B. "Affected entity" means a county, city or district for which a boundary change is proposed or is ordered.

C. "Affected territory" means territory described in a petition.

D. "Boundary change" means a major or minor boundary change involving affected territory lying within the jurisdictional boundaries of Metro or the boundaries of urban reserves designated.

E. "Deliberations" means discussion among members of a reviewing entity leading to a decision on a proposed boundary change at a public meeting for which notice was given under this chapter.

F. "District" means a district defined by ORS 199.420 or any district subject to Metro boundary procedure act under state law.

G. "Final decision" means the action by a reviewing entity whether adopted by ordinance, resolution or other means which is the determination of compliance of the proposed boundary change with applicable criteria and which requires no further discretionary decision or action by the reviewing entity other than any required referral to electors. "Final decision" does not include resolutions, ordinances or other actions whose sole purpose is to refer the boundary change to electors or to declare the results of an election, or any action to defer or continue deliberations on a proposed boundary change.

H. "Major boundary change" means the formation, merger, consolidation or dissolution of a city or district.

I. "Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a city-county to a city. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or district. "Minor boundary change" does not mean withdrawal of territory from a district under ORS 222.520.

J. "Necessary party" means any county; city; district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.

K. "Petition" means any form of action that initiates a boundary change.

L. "Reviewing entity" means the governing body of a city, county or Metro, or its designee.

M. "Urban reserve" means land designated by Metro pursuant to ORS 195.137 et seq. for possible addition to the UGB.

N. "Urban services" means sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

3.09.30 Notice Requirements

A. The notice requirements in this section apply to all boundary change decisions by a reviewing entity except expedited decisions made pursuant to section 3.09.045. These requirements apply in addition to, and do not supersede, applicable requirements of ORS Chapters 197, 198, 221 and 222 and any city or county charter provision on boundary changes.

B. Within 45 days after a reviewing entity determines that a petition is complete, the entity shall set a time for deliberations on a boundary change. The reviewing entity shall give notice of its proposed deliberations by mailing notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice shall be mailed and posted at least 20 days prior to the date of deliberations. Notice shall be published as required by state law.

C. The notice required by subsection (b) shall:

1. Describe the affected territory in a manner that allows certainty;
2. State the date, time and place where the reviewing entity will consider the boundary change; and

3. State the means by which any person may obtain a copy of the reviewing entity's report on the proposal.
4. A reviewing entity may adjourn or continue its final deliberations on a proposed boundary change to another time. For a continuance later than 28 days after the time stated in the original notice, notice shall be reissued in the form required by subsection (b) of this section at least five days prior to the continued date of decision.
5. A reviewing entity's final decision shall be written and authenticated as its official act within 30 days following the decision and mailed or delivered to Metro and to all necessary parties. The mailing or delivery to Metro shall include payment to Metro of the filing fee required pursuant to section 3.09.060.

3.09.040 Requirements for Petitions

A. A petition for a boundary change must contain the following information:

1. The jurisdiction of the reviewing entity to act on the petition;
2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
5. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

3.09.045 Expedited Decisions

A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.

C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
3. The proposed effective date of the boundary change.

D. To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;
 - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
 - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
 - e. Any applicable comprehensive plan; and
 - f. Any applicable concept plan; and
2. Consider whether the boundary change would:
 - a. Promote the timely, orderly and economic provision of public facilities and services;
 - b. Affect the quality and quantity of urban services; and
 - c. Eliminate or avoid unnecessary duplication of facilities or services.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
3. The proposed effective date of the boundary change.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of section 3.09.045.

3.09.060 Ministerial Functions of Metro

A. Metro shall create and keep current maps of all service provider service areas and the jurisdictional boundaries of all cities, counties and special districts within Metro. The maps shall be made available to the public at a price that reimburses Metro for its costs. Additional information requested of Metro related to boundary changes shall be provided subject to applicable fees.

B. The Metro Chief Operating Officer (COO) shall cause notice of all final boundary change decisions to be sent to the appropriate county assessor and elections officer, the Oregon Secretary of State and the Oregon Department of Revenue. Notification of public utilities shall be accomplished as provided in ORS 222.005(1).

C. The COO shall establish a fee structure establishing the amounts to be paid upon filing notice of city or county adoption of boundary changes, and for related services. The fee schedule shall be filed with the Council Clerk and distributed to all cities, counties and special districts within the Metro region.

3.09.070 Changes to Metro's Boundary

A. Changes to Metro's boundary may be initiated by Metro or the county responsible for land use planning for the affected territory, property owners and electors in the territory to be annexed, or other public agencies if allowed by ORS 198.850(3). Petitions shall meet the requirements of section 3.09.040 above. The COO shall establish a filing fee schedule for petitions that shall reimburse Metro for the expense of processing and considering petitions. The fee schedule shall be filed with the Council.

B. Notice of proposed changes to the Metro boundary shall be given as required pursuant to section 3.09.030.

C. Hearings shall be conducted consistent with the requirements of section 3.09.050.

D. Changes to the Metro boundary may be made pursuant to the expedited process set forth in section 3.09.045.

E. The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

1. The affected territory lies within the UGB;
2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.

F. Changes to the Metro boundary that occur by operation of law pursuant to ORS 268.390(3)(b) are not subject to the procedures or criteria set forth in this section.

3.09.080 Incorporation of a City that Includes Territory within Metro's Boundary

A. A petition to incorporate a city that includes territory within Metro's boundary shall comply with the minimum notice requirements in section 3.09.030, the minimum requirements for a petition in section 3.09.040, and the hearing and decision requirements in subsections (a), (c), and (e) of section 3.09.050, except that the legal description of the affected territory required by section 3.09.040(a)(1) need not be provided until after the Board of County Commissioners establishes the final boundary for the proposed city.

B. A petition to incorporate a city that includes territory within Metro's jurisdictional boundary may include territory that lies outside Metro's UGB. However, incorporation of a city with such territory shall not authorize urbanization of that territory until the Metro Council includes the territory in the UGB pursuant to Metro Code Chapter 3.07.

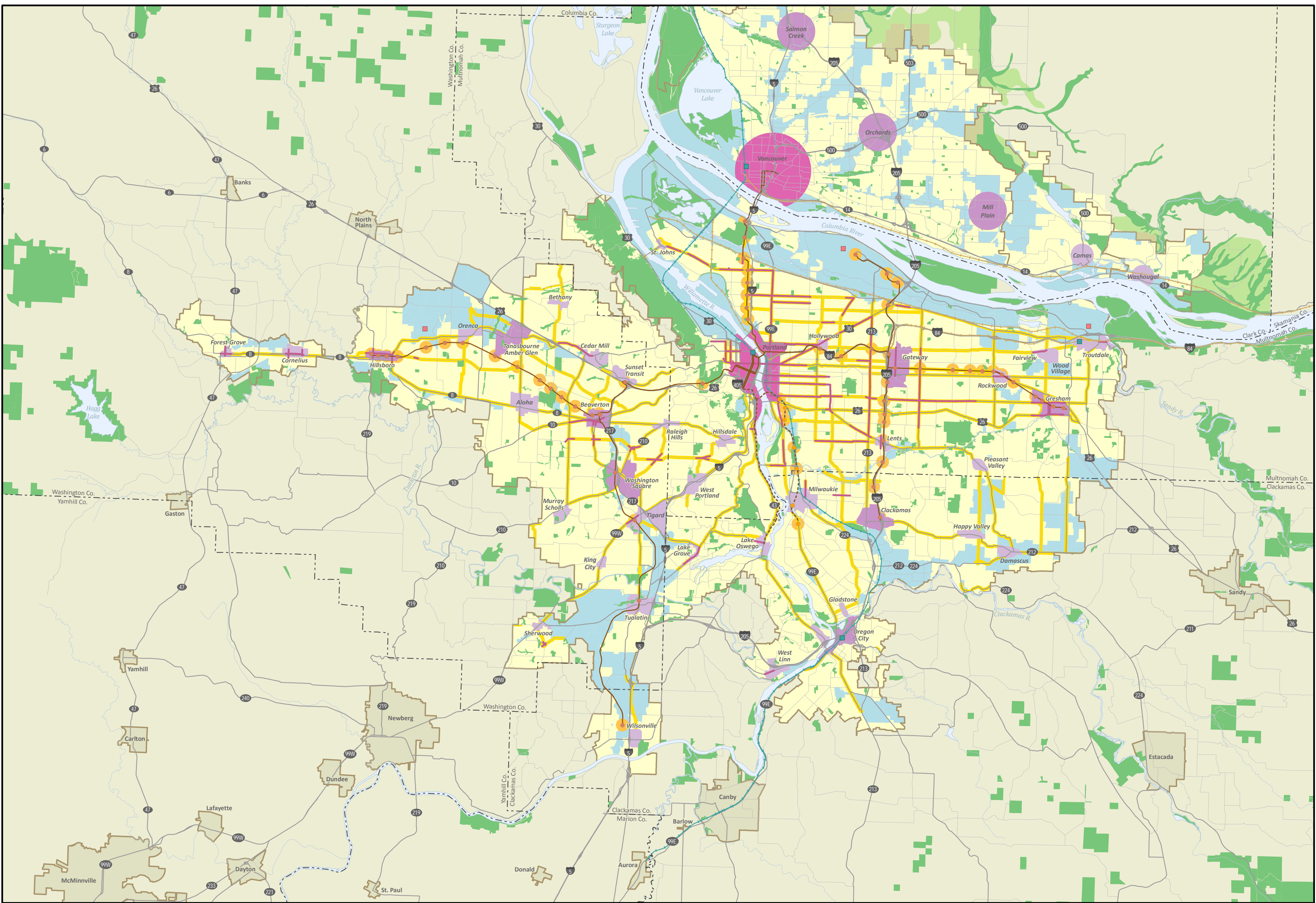
C. The following criteria shall apply in lieu of the criteria set forth in section 3.09.050(d). An approving entity shall demonstrate that:

1. Incorporation of the new city complies with applicable requirements of ORS 221.020, 221.031, 221.034 and 221.035;
2. The petitioner's economic feasibility statement must demonstrate that the city's proposed permanent rate limit would generate sufficient operating tax revenues to support an adequate level of urban services, as defined in this chapter and required by ORS 221.031; and

3. Any city whose approval of the incorporation is required by ORS 221.031(4) has given its approval or has failed to act within the time specified in that statute.

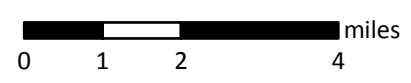
3.09.090 Extension of Services Outside UGB

Neither a city nor a district may extend water or sewer service from inside a UGB to territory that lies outside the UGB.



2040 Growth Concept Map

PRELIMINARY DRAFT
November 12, 2010



Overview: the Metro 2040 Growth Concept defines the form of regional growth and development for the Portland metropolitan region. The Growth Concept was adopted in the Region 2040 planning and public involvement process in December 1995. This concept is intended to provide long-term management of the region.

The map highlights elements of these parallel efforts: the 2035 Regional Transportation Plan that outlines investments in multiple modes of transportation; recent

designation of urban and rural reserves that identify areas outside of the current urban growth boundary set aside to accommodate future population and employment growth; and commitment to local policies and investments that will help the region better accommodate growth within its centers, corridors and employment areas in the urban growth report.

For more information on these initiatives, visit <http://www.oregonmetro.gov/2040>

- Central city
- Regional center
- Town center
- Station communities
- Main streets
- Employment land
- Parks
- Neighborhood
- Corridors
- Existing high capacity transit
- Planned high capacity transit
- Mainline freight
- High speed rail
- County boundaries
- Urban growth boundaries
- Neighbor cities
- Airports
- Intercity rail terminal



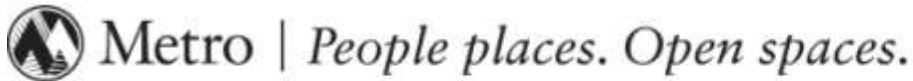
Materials following this page were distributed at the meeting.



Date: November 17, 2010
To: MPAC Members, Alternates and Interested Parties
From: Kelsey Newell, Metro
Re: 2011 MPAC meeting schedule

Please mark your calendars with the following 2011 MPAC meeting dates. MPAC meetings will be held from 5 to 7 p.m. in the Metro Council Chambers:

Wednesday, January 12, 2011	Regular MPAC meeting
Wednesday, January 26, 2011	Regular MPAC meeting
Wednesday, February 9, 2011	Regular MPAC meeting
Wednesday, February 23, 2011	Regular MPAC meeting
Wednesday, March 9, 2011	Regular MPAC meeting
Wednesday, March 23, 2011	Regular MPAC meeting
Wednesday, April 13, 2011	Regular MPAC meeting
Wednesday, April 27, 2011	Regular MPAC meeting
Wednesday, May 11, 2011	Regular MPAC meeting
Wednesday, May 25, 2011	Regular MPAC meeting
Wednesday, June 8, 2011	Regular MPAC meeting
Wednesday, June 22, 2011	Regular MPAC meeting
Wednesday, July 13, 2011	Regular MPAC meeting
Wednesday, July 27, 2011	Regular MPAC meeting
Wednesday, August 10, 2011	Regular MPAC meeting
Wednesday, August 24, 2011	Regular MPAC meeting
Wednesday, September 14, 2011	Regular MPAC meeting
Wednesday, September 28, 2011	Regular MPAC meeting
Wednesday, October 12, 2011	Regular MPAC meeting
Wednesday, October 26, 2011	Regular MPAC meeting
Wednesday, November 9, 2011	Regular MPAC meeting
Wednesday, November 16, 2011	Regular MPAC meeting
Wednesday, December 14, 2011	Regular MPAC meeting
Wednesday, December 28, 2011	Regular MPAC meeting



METRO POLICY ADVISORY COMMITTEE
November 10, 2010
Metro Regional Center, Council Chambers

MEMBERS PRESENT

Matt Berkow
Pat Campbell
Steve Clark
Nathalie Darcy
Andy Duyck
Amanda Fritz
Jack Hoffman
Patricia Holloway
Carl Hosticka
Charlotte Lehan, Vice Chair
Robert Liberty
Marilyn McWilliams
Rod Park
Wilda Parks
Alice Norris
Judy Shiprack
Mike Weatherby, Chair
Jerry Willey, Second Vice Chair

AFFILIATION

Multnomah County Citizen
City of Vancouver
TriMet Board of Directors
Washington County Citizen
Washington County Commission
City of Portland Council
City of Lake Oswego, representing Clackamas Co. Largest City
Clackamas County Special Districts
Metro Council
Clackamas County Commission
Metro Council
Washington County Special Districts
Metro Council
Clackamas County Citizen
City of Oregon City, representing Clackamas Co. 2nd Largest City
Multnomah County Commission
City of Fairview, representing Multnomah County Other Cities
City of Hillsboro, representing Washington County Largest City

MEMBERS EXCUSED

Sam Adams
Shane Bemis
Jody Carson
Dennis Doyle
Keith Mays
Charlynn Newton
Steve Stuart
Richard Whitman

AFFILIATION

City of Portland Council
City of Gresham, representing Multnomah Co. 2nd Largest City
City of West Linn, representing Clackamas Co. Other Cities
City of Beaverton, representing Washington Co. 2nd Largest City
City of Sherwood, representing Washington Co. Other Cities
City of North Plains, representing Washington Co. outside UGB
Clark County, Washington Commission
Oregon Department of Land Conservation & Development

ALTERNATES PRESENT

Tim Knapp
Lou Ogden

AFFILIATION

City of Wilsonville, representing Clackamas Co. Other Cities
City of Tualatin, representing Washington Co. Other Cities

STAFF:

Dick Benner, Alison Kean Campbell, Nick Christensen, Dan Cooper, Andy Cotugno, Chris Deffebach, Brian Harper, Robin McArthur, Kelsey Newell, Ken Ray, Randy Tucker, Sheena VanLeuven, John Williams

1. CALL TO ORDER AND DECLARATION OF A QUORUM

Chair Mike Weatherby declared a quorum and called the meeting to order at 5:07 p.m.

2. SELF INTRODUCTIONS AND COMMUNICATIONS

Audience and committee members introduced themselves.

3. CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS

There were none.

4. CONSIDERATION OF THE MPAC MINUTES FOR OCTOBER 27, 2010

MOTION: Commissioner Andy Duyck moved, and Mayor Alice Norris seconded, to approve the October 27, 2010 MPAC minutes.

ACTION TAKEN: With all in favor, the motion passed.

5. COUNCIL UPDATE

Councilor Liberty updated the committee on:

- At the International Awards for Livable Communities event in Chicago, the Portland metro region won top honors for strategic planning and second place overall at the International Awards for Livable Communities in Chicago, and was recognized for its shift from planning to making strategic investments;
- The Oregon MPO Consortium will host a Climate Summit on November 19, and Dr. Bill Moomaw will kick-off the event; and
- On October 29 the Land Conservation and Development Commission voted to acknowledge most of the urban and rural reserves package, approving all of the reserves as designated in Clackamas and Multnomah counties, rejecting the parcel North of Cornelius and remanding area the area North of Forest Grove back to Washington County. The Metro Council will not be considering any expansion of the urban growth boundary this year but will take actions to meet at least half of the anticipated residential need within the existing UGB.

6. INFORMATION/ DISCUSSION ITEMS

6.1 Illustrating the Role of Public Investment in Stimulating Private Development

Mr. Jerry Johnson, of Johnson Reid, reviewed the work his firm did for Metro to assess efficiency measures for the 2010 Capacity ordinance and model development trends and outcomes by looking at a series of variables such as zoning, location, access to amenities, and others.

Mr. Brian Harper of Metro discussed his research into whether investing in public amenities has a transformative impact on redevelopment capacity. He noted that to varying degrees, investments in public amenities can impact achievable rents in an area, which in turn can influence how land is redeveloped. He discussed these outcomes for the study areas of Lake Oswego, the Foster corridor, and Gresham.

Committee discussion included:

- Where investment for these amenities in local jurisdictions would come from;
- How feasible housing types for each study area were determined;
- How these results may not be as applicable to suburban areas and small cities, and the need to refine the model to account for the differences between these areas;
- Whether the research examined cost of investing in amenities relative to the cost to develop;
- Concern about the relationship between public investment in amenities and the resulting benefit to private developers;
- What local jurisdictions' experiences have been so far with investing in public amenities;
- Whether this research will be presented publicly to illustrate which investments are most cost-effective and encourage more investment;
- The need to engage other partners around the region, particularly from the business community;
- The need to consider soci-economic status and ability to pay as variables in the model;
- The relationship between high quality schools and achievable housing pricing; and
- Tradeoffs between increased density, housing size, and household amenities such as yard size.

7. RECOMMENDATIONS: COMMUNITY INVESTMENT STRATEGY

7.1 Implementing Policies- Urban Growth Management Functional Plan

John Williams of Metro gave background on the proposed changes to Title 1 of the Urban Growth Management Functional Plan, specifically with regard to Table 1. He noted that to address the concerns about the current implementation of Title 1, Metro's COO has recommended moving toward a no net-loss policy for housing accommodation and eliminating Table 1. Mr. Williams summarized some of the concerns about the proposed changes to Title 1 including that it might unintentionally penalize jurisdictions who have done aggressive upzoning, that this approach might affect other kinds of zoning actions done by local governments, and whether the policy would be difficult to implement at a micro-level with individual property owners. Mr. Ron Papsdorf of the City of Gresham further discussed his City's concerns about the proposed changes to Title 1.

Committee discussion included:

- Concern about the timeline for downzoning and corresponding upzoning necessary to maintain no net-loss;

- Whether assessment of no net-loss could be tied to the 5-year growth management decision cycles;
- The idea of “density trading” across jurisdictions to increase flexibility in implementing the no net-loss policy;
- How the new policy would allow the Special Districts to ascertain what levels of infrastructure and service they would be required to provide in the future;
- Concern over Metro becoming an overseer of incremental changes in zoning changes;
- Concern about how local jurisdictions would get “credit” for their past actions in upzoning and changing density, and how far back to consider such actions;
- Whether there have been recent examples of large scale downzonings in the region;

MOTION: Commissioner Charlotte Lehan moved, and Ms. Nathalie Darcy seconded, to indicate to the Metro Council that the committee generally supports implementing the concept of no net-loss of residential capacity, and not returning to, or revising, Title 1, Table 1, with the following stipulations:

- That revisions be made to the language in Title 1 that respond to concerns raised by the City of Gresham;
- That the language in Title 1 be revised to clarify the intent of the regulations with regard to downzoning, specifically that these regulations are meant to apply to larger-scale downzonings, not the smaller effect of changes in development code;
- That a flexible approach be developed to give credit to jurisdictions for their recent past actions on increasing density and upzoning; and
- That there is flexibility in terms of the time between downzoning and corresponding upzoning to maintain no net-loss of capacity.

ACTION TAKEN: With 10 in favor (Berkow, Clark, Darcy, Hoffman, Holloway, Knapp, Lehan, McWilliams, Norris, Willey) and 1 opposed (Ogden), the motion passed.

The committee decided to postpone discussion of Title 6, as well as agenda item 7.2 on Title 11, until the November 17, 2010 MPAC meeting.

8. MPAC MEMBER COMMUNICATIONS

There were none.

9. ADJOURN

Chair Mike Weatherby adjourned the meeting at 7:04 p.m.

Respectfully submitted,



Recording Secretary

ATTACHMENTS TO THE PUBLIC RECORD FOR NOVEMBER 10, 2010:

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

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
3	Handout	11/2010	OMPOC Climate Summit flyer	111010m-01
6.1	PowerPoint	11/10/2010	Assessment of Efficiency Measures	111010m-02
6.1	PowerPoint	11/10/2010	Impact of Public Amenities on Development Feasibility	111010m-03
7.2	Handout	11/10/2010	From: Homebuilders Association To: MPAC Re: Proposed Title XI changes on housing planning	111010m-04

Affordable Housing & Homelessness Services - Regional Analysis
 FY 2009-10 Adopted Budgets (in millions)

	EXPENDITURES				Total	RESOURCES		
	Homeless Services	Affordable Housing	Other/Unspecified			GF/Other Levy	Federal	Other
Clackamas County	\$ 6.1	\$ 4.9	\$ -	\$ -	\$ 11.5	\$ 2.1	\$ 7.8	\$ 1.6
Oregon City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Milwaukie	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lake Oswego	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Housing Authority of Clackamas	\$ -	\$ -	\$ -	\$ -	\$ 18.7	\$ -	\$ -	\$ -
TOTAL					\$ 30.2			
Washington County	\$ 5.9	\$ 7.6	\$ -	\$ -	\$ 13.5	\$ 0.3	\$ 7.6	\$ 5.6
Beaverton	\$ -	\$ 1.4	\$ -	\$ -	\$ 1.4	\$ -	\$ 1.3	\$ 0.1
Hillsboro	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL					\$ 14.9			
Vancouver	\$ -	\$ 1.4	\$ -	\$ -	\$ 1.4	\$ -	\$ 1.4	\$ -
Housing Authority of Vancouver	\$ -	\$ -	\$ -	\$ -	\$ 34.6	\$ -	\$ -	\$ -
Clark County	\$ 1.8	\$ 11.4	\$ -	\$ -	\$ 13.2	\$ -	\$ -	\$ -
TOTAL					\$ 49.2			
Housing Authority of Portland	\$ -	\$ -	\$ -	\$ -	\$ 109.0	\$ -	\$ -	\$ -
Gresham	\$ -	\$ -	\$ -	\$ -	\$ 3.2	\$ -	\$ 3.0	\$ 0.2
Multnomah County	\$ 12.2	\$ 1.4	\$ -	\$ -	\$ 13.5	\$ 8.9	\$ -	\$ 4.6
Portland	\$ 12.9	\$ 99.8	\$ 7.5	\$ -	\$ 120.2	\$ 10.6	\$ 28.0	\$ 81.5
TOTAL					\$ 245.9			

Notes:

- Washington County budget includes the Housing Authority of Washington County

Sources:

- FY 2009/10 Adopted Budgets For Governmental Bodies
- Most recent available financial statement for Housing Authorities

Affordable Housing & Homelessness Services - SEA City Comparison
 FY 2009-10 Adopted Budgets (in millions)

	POPULATION		ONE-NIGHT COUNTS		EXPENDITURES					RESOURCES				
	City	County	Annual Homeless Assessment	U.S. Conference of Mayors	Homeless Services	Affordable Housing	Other/Unspecified	Total	GF/Other Levy	Federal	Other	Unknown		
Portland	551,226	726,855	3,918	4,089	\$ 12.9	\$ 99.8	\$ 7.5	\$ 120.2	\$ 10.6	\$ 28.0	\$ 81.5	\$ -		
Seattle	571,293	1,916,441	8,501	6,901	\$ 5.0	\$ 44.2	\$ 2.1	\$ 51.3	\$ 43.5	\$ 7.8	\$ -	\$ -		
Charlotte	668,796	913,639	1,988	2,500	\$ 2.9	\$ 8.3	\$ -	\$ 11.2	\$ 2.7	\$ 8.5	\$ -	\$ -		
Sacramento	446,530	1,400,949	2,615	2,759	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Kansas City	435,825	1,124,938	2,094	N/A	\$ 1.3	\$ 9.2	\$ 2.5	\$ 13.0	\$ 2.5	\$ 10.4	\$ -	\$ -		
Denver	584,563	610,345	8,482	N/A	\$ 5.9	\$ 54.5	\$ -	\$ 60.4	\$ -	\$ -	\$ -	\$ 60.4		
Cincinnati	299,577	855,062	1,116	N/A	\$ 0.5	\$ 10.6	\$ -	\$ 11.1	\$ -	\$ 11.1	\$ -	\$ -		

Notes:

- In most areas, homeless services are funded by federal funds - CDBG, ESG.
- Denver funding is difficult to determine based on fund structure.
- Sacramento does not provide housing or homelessness services. (County provides services.)
- Kansas City county population includes Cass, Clay, Jackson and Platte Counties.
- Majority of Portland Affordable Housing spending is concentrated in URAs. See separate table for detail.

Sources:

- Census Bureau - 2009 Annual Estimates of the Resident Population of Counties
- American Community Survey (2009)
- U.S. Conference of Mayors Hunger & Homelessness Survey (2009 data)
- Annual Homeless Assessment Report to Congress (2008 data)
- Adopted Budget FY 2009/10 for each sampled City



Home Builders Association
of Metropolitan Portland

November 10, 2010

To: MPAC

From: Home Builders Association of Metro Portland

Re: Proposed Title XI changes on housing planning

We've reviewed the subcommittee's recommendations on the guiding principles for changes to Title XI as well as the proposed recommended revisions intended to reflect those principles. We appreciate the opportunity to provide feedback and would like to ask MPAC to consider a couple of our industry's thoughts as it relates to this work.

First, we believe the guiding principles the sub-committee developed and recommended are sound. Concept plans for new urban areas should describe intended housing types, how these would address an area's or region's housing needs, and what opportunities and strategies would help encourage the intended development over a 20 year horizon. These are great core guidelines.

Our major concern, however, is in the language revised in three areas in Title XI itself. These changes would significantly alter how Title XI would be implemented and go beyond the language in the guiding principles. The guiding principles reflect a desire to ask for information that would describe a region's plan for residential and employment uses and how they propose to get there in a way that fits the particular area. However, certain Title XI changes themselves are far more prescriptive in nature (see identical language used in 3.07.1110 section B.1.c., B.2.a., and 3.07.1120 section C.4).

The language in these three sections is troublesome for a few key reasons. First, while encouraging diversity of housing type and price range are goals we all share, not all types and price ranges will be appropriate or feasible for each area. Second, the language creates mandates for lower income housing that border on inclusionary zoning and that will impact market feasibility, public and private sector acceptance, and increase the cost of market-rate housing, especially in smaller site concept plans. Third, the requirement that concept planning will achieve/address housing for households with below median income ranges is not feasible without a set of investment and incentive tools to go with it. This is a regionwide issue and significantly puts expansion areas at a disadvantage to existing urban areas. Is there a will in our region that Urban Renewal Districts, for example, will be expanded to allow use in all newly urbanized areas? Will jurisdictions be required to decrease regulatory costs to achieve these types of housing, and what impact would that have on funding infrastructure or market-rate housing affordability?

We support our region's desire to achieve affordable housing for those below median incomes, we just cannot support changed language used in these three sections of Title XI that might imply what each proposed concept plan is required to include, especially without the tools provided by our region to achieve this. At the very least, we ask that the language that states, "...and a mix of public, non-profit and private market housing with an option for households with incomes at or below 80, 50 and 30 percent of median family incomes for the region;" be removed in all three areas.

This is not to say that below median-income housing shouldn't be addressed. As an example of new language the sub-committee recommended that we believe is a better reflection of the proposed guiding principles, for example, we point to 3.07.1110 section C.4: "If the area subject to the concept plan calls for designation of land for residential use, include strategies such as partnerships and incentives that increase the likelihood that needed housing types described in subsection B of this section will be market-feasible or provided by non-market housing." This language does not put an onerous mandate or blanket requirement on a concept plan's acceptance, but does ask for thoughts on how an area can achieve these goals by using partnerships and incentives. We can support the inclusion of this changed language in Title XI.

Finally, since we are talking diversity of housing stock, we request that the language in Title XI (in the three sections referred to in the third paragraph of this letter) also include a reference to lot size in addition to housing types and affordability. Metro has long stated that while the region needs to reach higher overall densities in order to achieve numerous goals (e.g. prevent sprawl, protect farm and forestland, encourage urban center development, decrease impact to the environment), it also recognized that there need to be a variety of options for all different types of households, including those that would prefer larger lots with yards for families. It would be helpful and consistent with Metro's position to have Title XI at least mention this in its language as another factor to consider when looking at planning for housing in new urban areas.

Thank you for the opportunity to review the proposed guiding principles, which we believe are well conceived, and to provide comments on the proposed Title XI changes.

Respectfully,



David Nielsen
CEO

Cc: HBA Gov't Affairs Land Use sub-committee



CITY OF
PORTLAND, OREGON

Sam Adams, Mayor
Nick Fish, Commissioner
Amanda Fritz, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner

November 16, 2010

To: MPAC

From: Commissioner Amanda Fritz

Re: **Metro Regional Framework Plan Policies
Proposed Amendments**

In the Six Desired Outcomes, the term “walk” is used to convey a vision of a safe and comfortable environment that we all want to enjoy, but the phrase is not perceived as inclusive by the members of our community who are unable to walk. Part of the purpose and goal of inclusiveness is to recognize and embrace those differences. When first discussed at MPAC in September, I proposed changing Desired Outcome #1 to be more inclusive by including the phrase “walk or roll” to acknowledge the disabled wheelchair users in our community. Some members of MPAC and the Metro Council found this phrasing to be awkward and possibly confusing with the automobile. The Metro Council proposal is to include an asterisk with an explanation that the reference to “walk” is meant to be inclusive.

I believe this asterisk is awkward and confusing, and disrespectful to those who cannot walk due to physical disabilities. We should revisit the policy language to see if we can come up with a policy statement that reflects our intent to be inclusive. We have an opportunity to widen everyone’s perspective to consider those that do not have a full range of mobility options, either because of their personal physical challenges, childcare responsibilities, or because the infrastructure in their neighborhood is inadequate. Further, the Six Desired Outcomes do not include a reference to bicycle friendliness or to accommodation of the special needs of parents with young children, both of which are key components of a vibrant community. “Roll” should be considered an inclusive reference to bicycles, wheelchairs, strollers, skateboards, etc. All users will benefit from a well-connected network of safe neighborhood streets with sidewalks, curb ramps, assistive crossing devices, etc.

Therefore, I would like MPAC reconfirm their recommendation to make this change to the policy language:

Amend Desired Outcome #1:

1. People live and work in vibrant communities where they can choose to walk or roll for pleasure and to meet their everyday needs.