

 **Metro** | *Agenda*

Meeting: Metro Council Work Session
Date: Tuesday, November 23, 2010
Time: 2 p.m.
Place: Council Chambers

CALL TO ORDER AND ROLL CALL

- | | | |
|----------------|---|------------------------------------|
| 2 PM | 1. ADMINISTRATIVE/CHIEF OPERATING OFFICER COMMUNICATIONS | |
| 2:15 PM | 2. FLEET PROJECT REVIEW - <u>INFORMATION</u> | Neill |
| 2:30 PM | 3. FY 2010-11 QUARTERLY MANAGEMENT REPORT - <u>UPDATE / INFORMATION</u> | Jordan
Stacey
Brown |
| 2:55 PM | 4. AMENDMENTS TO CAPACITY ORDINANCE 10-1244, "FOR THE PURPOSE OF MAKING THE GREATEST PLACE AND PROVIDING CAPACITY FOR HOUSING AND EMPLOYMENT TO THE YEAR 2030; AMENDING THE REGIONAL FRAMEWORK PLAN AND THE METRO CODE; AND DECLARING AN EMERGENCY " - <u>DISCUSSION</u> | Collette |
| 3:25 PM | 5. COUNCIL BRIEFINGS/COMMUNICATION | |
| | 6. EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.600 (2)(e). DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS. | |

ADJOURN

METRO COUNCIL

Work Session Worksheet

Presentation Date: Tuesday Nov. 23, 2010 Time: 2:30 Length: 15 min

Presentation Title: Fleet Project Review

Service, Office, or Center: Parks and Environmental Services

Presenters (include phone number/extension and alternative contact information):

Lydia Neill, x1830

ISSUE & BACKGROUND

In response to a performance audit conducted in February 2009 by Metro's auditor Suzanne Flynn, a number of changes have been made to streamline the management of Metro's fleet. A project team was formed to assess the number, location and condition of assets, review procedures, and determine use and future needs of individual departments. The team also recognized the impact of fleet related decisions on the ability of the agency to meet goals outlined in the Sustainability Plan (August 2010). The overall objective of the Fleet project is to provide greater control over decisions that impact the ability of the agency to meet sustainability objectives, reduce expenses, provide better capital control and greater utilization of fleet assets.

Summary of actions taken:

- Terminated agreement with Multnomah County.
- Negotiated return of \$540,000 from the Multnomah County renewal and replacement fund.
- Saved \$60,538 from January to July of this year by initiating termination of the Multnomah County contract and managing portions of the fleet.
- Signed 16 contracts with vendors to transition fleet services to Metro operations.
- Projected future savings = \$120,000 to \$148,000 annually without renewal and replacement costs.
- Created a new vehicle checkout system to more fully utilize vehicles that were not previously shared between departments or programs.
- Eliminated six vehicles from the fleet through surplus, trade-in or return to Multnomah County or the Department of Administrative Services if they were leased.

- Scrapped two fully-depreciated pieces of heavy grading equipment that were heavy polluters, rather than surplus them and allowing them to continue to pollute the environment in another location.
- Purchased Assetworks Fleet Management software to track and schedule preventative maintenance, warranty, check out of vehicles and track costs by vehicle and user. This system will provide future automation opportunities and is expected to allow greater optimization of fleet assets.
- Purchased and installed the Petrovend Fuel tracking and security system for Blue Lake and Oxbow parks to monitor gasoline and diesel consumption.
- Scoped installation of a Petrovend Fuel security tracking system for the Zoo.
- Purchased three hybrid vehicles and a smart car that replaced older, inefficient gas vehicles.
- Developed a system for periodic maintenance through a vendor network. Vendors are contracted to pick-up vehicles and equipment, provide service, and return the vehicle, thus eliminating the inefficient use of staff time and standardizing the process across departments.
- Right sized a diesel backhoe for park operations to decrease emissions, improve fuel efficiency and provide a piece of equipment that is safe and efficient for operators.
- Purchased an electric bike and a new cargo bike to encourage use of alternate modes of transportation for short trips.
- Utilized existing staff resources to conduct analysis and operate the fleet program.

OPTIONS AVAILABLE

This report is being presented for your information only and to provide information for the Metro Auditor.

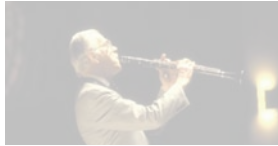
IMPLICATIONS AND SUGGESTIONS

The actions taken during this project will continue to provide operational savings and will address components in the adopted Sustainability Plan.

QUESTION(S) PRESENTED FOR CONSIDERATION

Does this report adequately address the findings presented in the March 2009 Auditor's report?

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION __Yes __X_No
DRAFT IS ATTACHED __Yes __No



2010-11

FIRST QUARTER MANAGEMENT REPORT
July through September

2010-2011 First quarter management report

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Metro Management Report At-a-Glance

1st Quarter FY 2010-11

Executive Summary

From July through September of 2010, Metro Council and staff fulfilled commitments to public service, excellence and innovation by pursuing strategies for Making a Great Place, taking care of our public assets and practicing sustainability.

Metro prepared for the finalization of the Community Investment Strategy recommendations along with an upcoming historic urban and rural reserves decision. Adoption of the completed Metropolitan Transportation Improvement Program and progress on both the Portland to Milwaukie and Lake Oswego transportation projects advanced regional corridor planning initiatives.

The Oregon Zoo received accreditation from the American Zoo and Aquarium Association and the association's prestigious Exhibits Award for Predators of the Serengeti. The Portland Center for the Performing Arts and the Oregon Zoo both hosted successful summer concert series.

The Zoo infrastructure bond program continued to deliver on public commitments, readying for a master plan kick-off and important land-use decisions. Work on the Veterinary Medical Center included successful permitting, demolition and site excavation. Bond staff laid the groundwork for two water-saving projects and is also moving forward to address traffic demand issues.

Graham Oaks Nature Park was completed and opened to the public in September, Chehalem Ridge Natural Area was made accessible to the public for the first time and open houses for Smith and Bybee Wetlands informed the site's master planning effort. Significant progress was made in improving operations and strategic planning for the pioneer cemeteries program.

Metro made strides in sustainable goals and practices by achieving progress in waste recovery at transfer stations and laying the groundwork for Council adoption of the agency's Sustainability Plan in October. This quarter saw an increased focus on addressing climate change, with the completion of a Climate Smart Communities work plan and the launch of a Climate Change Scenarios work program.

The hire of a General Manager of Visitor Venues and extensive recruitment for a Parks and Environmental Services director resulted in a fully staffed Senior Leadership Team for the second quarter of FY 10-11. In facing another economically challenging year, team members made commitments to strategically focus on agency priorities as they prepared to enter a second quarter of budget decisions and recommendations.

This summary report lists highlights from Metro's budget programs for the first quarter of the fiscal year.

Goal 1: Great Communities

Guide growth in a sustainable and compact metropolitan structure.

Land use planning and development

- Led finalization of August 2010 Chief Operating Officer's Community Investment Strategy recommendations and supported ensuing public and stakeholder review and comment; Council to help conduct engagement and outreach related to the COO recommendation in second quarter of FY 10-11.
- Direction on legislative changes to urban growth boundary and framework and functional plan policies by December 2010 will require significant Council time in work sessions, regular meetings and briefings.
- Completed the text for the Employment Toolkit on sustainable development in employment areas. Drafted engagement strategy and initiated events and partnerships to help implement toolkit.
- Initiated the coordination and support role for the Oregon Transportation Research and Education Consortium grant, which will be led by Portland State University in partnership with Metro and other local jurisdictions, to document lower vehicle trip generation and unique travel data at mixed use sites.
- Submitted grant for HUD Sustainable Community Initiative.
- Ribbon cutting event at 3rd Central Transit Oriented Development project.
- Finalized cleanup of the Stapp brownfield property in Sherwood with a DEQ grant.

Goal 2: Great Communities

Provide great cultural and recreational opportunities.

Parks and Natural Areas Management

- New event and catering contract entered into with C/J Event Management for the Lake House at Blue Lake Park.
- Water control structure renovated at Smith and Bybee wetlands.
- Completed the Cemeteries Records Improvement Plan and updated Metro Council on the resold grave issue, cemetery perpetual care fund and grave inventory.
- Issued an RFP for a Cemetery Business Plan to cemetery industry consultants.
- Finalized the strategic communications and fundraising plan for the Lone Fir Pioneer Cemetery - Block 14 Memorial Park Capital Campaign.

Parks planning and development

- Graham Oaks Nature Park completed on time and under budget.
- PierPark bridge IGA with ODOT has been approved, Council will need to approve an IGA with the City of Portland for the PierPark project in second quarter of FY 10-11.
- Held open houses for Smith and Bybee Wetlands Natural Resources Master Plan.
- Council will need to approve a five-party agreement for property rights for the Blue Lake Trail in second quarter of FY 10-11.

Performing arts, arts and culture

- Successful Music on Main Street concert series. Generated more than \$33,000 in revenue, with more than 4,600 attendees.
- Summer Arts on Main series attracted over 1,620 children, who participated in free art activities
- Completed customer service audit of Keller Auditorium.

Zoo Infrastructure Bond (A Better Zoo Program)

- Selected the consulting team for comprehensive capital master planning; finalized the master plan scope of work and contract documents; held a general kick-off meeting with Zoo staff with first master plan workshop in early October.
- Made decision to update the Zoo's conditional use permit.
- Contracted with a local firm specializing in traffic demand management to assess and recommend options for addressing the Zoo's significant parking and traffic issues.
- Began development of an off-site business and elephant management plan.
- Finalized general construction contract terms for Veterinary Medical Center; received the final City of Portland project building permit; demolished the quarantine building and began mass site excavation; hosted a well-received construction ceremony on Sept. 29.
- Completed construction documents for penguin water filtration project; issued Notice of Intent to award the construction contract to Triad Mechanical.
- Completed project design and submitted construction plans to City of Portland for Water Main Pressure Reducing/Backflow Assembly and Building project; Request for Bids went out Oct. 5 with bids due Nov. 4.
- Issued two-year private placement bonds to fund program activities.

Zoo visitor experience

- Received AZA accreditation.
- Opening of Red Ape Reserve.
- Dinosaur exhibit extended for an additional month, with more than 187,000 visitors and \$564,725 generated in revenue (21 percent more than projected).
- Summer concert series generated \$1,084,234 in revenue this past fiscal year, 72 percent more than the previous year.
- 1st quarter attendance increased nearly 25,000 from prior year

Goal 3: Healthy Environment

Protect and enhance the region's natural assets.

Education

- Launched conservation education planning project.
- 135 primary and 143 secondary waste reduction education programs have been scheduled for the coming year, with many more to come.

- Waste reduction education staff provided kits of waste reduction materials and props to Oregon Zoo staff for use during zoo summer camps.

Natural areas

- Graham Oaks Nature Park opened to the public on September 17 with more than 3,000 visitors.
- Six regional trail acquisitions were completed in the Columbia Slough, Willamette River Greenway and Springwater Trail target areas.
- Metro acquired an important habitat property in the Lower Tualatin Headwaters target area, bringing total protected acres in that site to 198 acres.
- First four public tours of the Chehalem Ridge Natural Area were offered in July. The tours were completely full with more than 80 attendees.
- Began work on public awareness campaign to demonstrate accountability to the taxpayers and highlight the successes of the 2006 natural areas bond measure to date; campaign to launch in 2011.
- Restoration efforts completed in nine target areas.
- Nature-friendly development practices and MetroPaint received high visibility at the NW Natural 2010 Street of Dreams through a partnership with HBA, reaching approximately 35,000 people.
- Submitted grant for approximately \$230,000 over three years for urban forestry “best practices” support and outreach to local governments and other partners through an Oregon Department of Forestry grant program.
- Kicked off Glendoveer golf course capital improvement and operations planning effort.

Zoo conservation education

- Received the AZA Exhibits Award for Predators of the Serengeti.
- Program development work continues on the Wild Minds grant with the Oregon Museum of Science and Industry in a national consortium between zoos and science museums to provide science education and exhibits about animal cognitive abilities.
- Collaborate with Northwest Zoo & Aquarium Alliance to develop and coordinate climate change interpretive programs for Pacific Northwest. Released 234 Oregon spotted frogs, 65 western pond turtles and 2,100 Oregon silverspot pupae.

Goal 4: Healthy Environment

Reduce and manage waste generated and disposed.

Resource conservation and recycling

- Submitted seven legislative briefs for Council consideration in the areas of product stewardship, bottle bill modernization, product bans, toxics reduction and energy policy.
- Council adopted Metro's internal Sustainability Plan on Oct. 7 (just following this reporting period).
- Monitored implementation of the new PaintCare program, a statewide product stewardship initiative.

- The Recycling Information Center provided assistance to 25,254 callers and the Find a Recycler web page had 13,142 unique visitors.
- Parks and Sustainability staff combined efforts to use the Blue Lake Park Natural Discovery Garden to engage youth and families in learning to garden without toxics. Construction of the garden beds, plantings and activity stations was completed and summer programming reached over 1,200 residents of the region.
- Metro provided toxics reduction education directly to 5,426 residents through its Healthy Home exhibit, mobile garden and household hazardous waste roundups.
- Metro's Climate Smart Communities steering committee completed the FY 10-11 work plan for implementing Council's climate-related priority projects

Solid waste operations

- Hired new Transfer Station Operations Manager.
- Continued progress towards aggressive transfer station recovery goals, with Metro South increasing its 17 percent recovery rate to 30 percent by October 2010.
- Operational changes implemented to begin operations under the new statewide paint product stewardship system. Services provided by Metro during the quarter will bring in \$325,000 in revenue.
- Under an Army Corps of Engineers program, completed reconstruction of 1000 feet of eroding streambank at St. Johns Landfill.

Solid waste compliance and cleanup

- Solid waste licenses issued to Northwest Shingle, RB Rubber and Tire Disposal and Recycling in Portland.
- Completed cleanup of another dump at Chehalem Ridge in Washington County and cleaned up nearly 200 tires dumped on Metro property in Multnomah County near Forest Park.

Goal 5: Vital Economy

Provide efficient access to jobs, services, centers and industrial areas.

Corridor planning and development

- With jurisdictional partners, approved a revised finance plan for Portland to Milwaukie LRT project; obtained TPAC, JPACT and Metro Council approval of additional MTIP funding; distributed Final Environmental Impact Statement to agencies, interested citizens and the general public.
- Submitted Draft Environmental Impact Statement for Lake Oswego streetcar project to Federal Transit Administration in late October.
- Supported senior staff serving on the Steering Committee for the Oregon Statewide Freight Plan and made additional comments through participation in Oregon Freight Advisory Committee.
- Resolutions regarding initial scopes and budgets for East Metro and SW corridor plans were approved by JPACT and the Metro Council in August.

- Consultants hired and IGAs drafted for Tigard Transportation and Growth Management grant.
- Applied for Alternatives Analysis funding from two federal programs (\$2-2.5 million).

Transportation system planning

- Adoption of the completed 2010-13 MTIP.
- JPACT and Council approval of 2012-15 MTIP policy.
- Initiation of the Climate Change Scenarios work program.

Goal 6: Vital Economy

Provide efficient access to jobs, services, centers and industrial areas and support the development of a sustainable economy.

Convention, trade and consumer shows

- Initial plan for Metro Café project has been finalized, with contract to be executed in October.
- Completed work on the lease with PDC for the old Sizzler Block re-development into a public plaza space, which was approved by the Commission in October. Construction is slated to begin in December of 2010 with completion in June of 2011.
- OCC had a very busy quarter with 13 of the 21 conventions being national, which has had a tremendous positive impact on OCC revenues and city-wide occupancy rates for the quarter. Room nights sold in the market overall are up, and the occupancy rates (room nights per hotel) are showing signs of improvement, and the average daily room rate (ADR) is slightly higher than September of 2009.
- Expo Center awarded the Marketing/Communications contract to Gard Communications.
- Expo Center website redesign request for proposal distributed.
- Expo Center distributed General Contractor Request for Bids; “expotions” lounge/cafe project.
- Expo Center diversion rate improved from 31% in FY 10 to 39% in FY 11.
- Expo Center is lagging behind slightly on targets, with the loss of four relatively small attendance events and a date change of the 5,700 attendee Fall Home & Garden Show to the 2nd Quarter.

1.1 | Land Use Planning and Development

The Land Use Planning and Development Program includes a variety of land use planning activities that support the Metro Council and regional partners in implementing the Region 2040 vision. The program comprises three areas: Long Range Land Use Planning, Periodic Planning and the Development Center.

Major accomplishments for this reporting period

Long Range Land Use Planning/Periodic Planning:

1) Framework and Functional Plan:

- Provided ongoing support to five communities in their efforts to meet compliance with Nature in Neighborhoods.
- Assisted local jurisdictions in modifying employment and industrial area map and code per the criteria in Title 4.
- Coordinated with Nature in Neighborhoods to summarize information from local jurisdictions about voluntary restoration and conservation of habitat areas per Metro's reporting requirements and to consider alternative approaches to measuring progress.
- Supported progress in concept plans in Sherwood (areas 48 and 49), Southwest Tualatin, and in Washington County (North Bethany, Area 63, 64 and Bull Mountain and Damascus).
- Participated with other agencies in the review of land use and transportation plans for the Fuller Road Transit Station area and initiated discussions for upcoming changes in Lake Oswego and Beaverton.

2) Performance-Based Growth Management:

- Community Investment Strategy/Capacity Ordinance:
 - Led finalization of August 2010 Chief Operating Officer's Community Investment Strategy recommendations and supported ensuing public and stakeholder review and comment.
 - Using the consultants Fregonese and Associates, illustrated the results of the impact of local and regional actions and investments on the market's ability to develop to zoned capacity.
 - Compiled recommendations and comments from MTAC to advise MPAC on revisions to Urban Growth Management Functional Plan on industrial areas, compliance, housing capacity and centers and corridors.
 - Supported MPAC subcommittee on housing in their effort to recommend approaches to including housing in Title 11 requirements for concept plans.
 - Reviewed potential amendments to the Regional Framework Plan with MTAC and MPAC and prepared the summary of these comments for council.
 - Reviewed COO recommendations on how to best support the region's traded sector economy by ensuring a supply of shovel-ready large parcels with MTAC and prepared for presentations and discussions at MPAC and council.
 - Reviewed COO recommendations for potential UGB expansion areas with MTAC, Council and MPAC and considered additional expansion areas proposed by others.
 - Finalized the analysis of the infrastructure costs in potential UGB expansion areas with the assistance of Group McKenzie.

- Met with local jurisdictions to develop illustrative project examples for use in Community Investment Strategy finance work.
- Brownfield site assessment, preparation for redevelopment and engagement
 - Tualatin Hills Parks and Recreation District site: Continued Phase II assessment of previously funded Farmington Road/THPRD site and preparation of a Prospective Purchasers Agreement with DEQ for the site with THPRD.
 - Sherwood: Finalized cleanup of the Stapp property in Sherwood utilizing a DEQ Grant
 - Troutdale: Brownfield Task Force approved applications for initial assessment funding for a site on Main Street in Troutdale. Received a Notice of Eligibility determination from DEQ on the Handy site in Troutdale, allowing staff to proceed with the assessment process.
 - Milwaukie: Initiated assessment funding for a site in downtown Milwaukie and established IGA with Clackamas County on funding for the site. Developed partnership with Clackamas County to collaborate on this site .
- Assistance to support Local Aspirations:
 - Surveyed Community Planning and Development Grant awardees on their current plans and grant needs.
 - Completed the text for the Employment Toolkit on sustainable development in employment areas. Drafted engagement strategy and initiated events and partnerships to help implement toolkit.
 - Initiated the coordination and support role for the OTREC grant, which will be led by PSU in partnership with Metro and other local jurisdictions, to document lower vehicle trip generation and unique travel data at mixed use sites.
 - Submitted grant for HUD Sustainable Community Initiative.
 - Develop preliminary project list to illustrate catalytic investments that support communities in achieving their aspirations using information drawn from the local aspiration process and other contacts.
 - Worked with Corridor Planning staff and other sections to define work scope and approach on major mobility corridor planning efforts (SW Metro and East Metro).
 - Continued assistance with Hillsboro to apply map-based approach to the downtown code that will facilitate quicker, more efficient redevelopment opportunities.
 - Completed scope of work for State of the Centers II report that will help communities understand their current conditions among a spectrum of metrics associated with vibrant and active communities.
- Regional Coordination
 - Established process for regional coordination of household and employment forecasts at local level to be completed in 2011.
 - Coordinated with local jurisdictions in Periodic Review to identify key regional coordination issues and opportunities, along with DLCDC staff.

Development Center:

- Project completions / openings
 - 3rd Central (formerly known as 3rd & Miller, Gresham) – Ribbon cutting event celebrating the opening of a natural foods market, an urban living infrastructure grant supported project.
- Projects under construction
 - The Knoll (Tigard) - Construction is progressing.

- NW Civic Drive MAX Station (Gresham) – TriMet is managing construction. Station completion is behind schedule; an opening event will be scheduled for late fall.
- Placemaking
 - Walkability Audits Follow-up – Descriptive posters summarizing recommendations and strategies identified through the walkability audits have been distributed to the three participating cities and posted on the Metro website.
 - Downtown Oregon City Development Opportunity Study – The team of Urban Land Economics and Vallaster/Corl architects shared the findings of the Development Opportunity Study for two downtown Oregon City sites with the City of Oregon City’s Urban Renewal commission.
 - Flexible Model Code for Infill Redevelopment – Communitas and Development Center staff hosted a feedback session to obtain input from design and development professionals regarding the streamlined code approach proposed code approach for target redevelopment zones .
 - Downtown Retail Technical Assistance – The Development Center launched a technical assistance program for downtown commercial districts to identify recommendations for revitalization.
 - Development Opportunities Fund: Construction of a demonstration living wall at the Knoll in Tigard is underway.

Major accomplishments for next reporting period

Long Range Land Use Planning/Periodic Planning:

- Framework and Functional Plan:
 - Coordinate with Nature in Neighborhoods group to prepare biannual report about voluntary restoration and habitat protection measures for use in monitoring.
 - Continue support for remaining concept plans for areas brought into the UGB in 2002 and 2004.
 - Continued support for Title 13 Nature in Neighborhoods implementation.
- Performance Based Growth Management:
 - Capacity Ordinance:
 - Present illustrations of the impact of investments in public amenities in a select number of communities to support the Community Investment Strategy
 - Finalize comments and recommendations from MPAC and the public on the COO Recommendation for Metro Council and seek Metro Council action.
 - Meet requirements for DLCD notification, property owner notification and reporting as required for Begin potential UGB amendments ("26-29" report)
 - Brownfields assessment, redevelopment and engagement:
 - Conduct additional Phase II assessment sampling activities, including decommissioning and removal of an underground storage tank
 - Start Phase I/II process on the site in Troutdale
 - Complete assessment of Milwaukie site and conduct Phase I and Phase II field work in partnership with Clackamas County.
 - Update Brownfield Task force on status of most recent program additions in Cities of Troutdale and Milwaukie and potential sites elsewhere.
 - Continued site identification, assessment and support of site redevelopment opportunities.

- Assistance to support local aspirations:
 - Continue to engage and support 2040 Work Teams in target locations.
 - Refine illustrative project list for use in developing a community investment strategy.
 - Release Employment Toolkit and plan for events that engage local jurisdiction partners to consider and implement new sustainable approaches.
 - Complete assistance for downtown code update in Hillsboro and share results with staff in other cities that are actively updating code and face similar challenges.
 - Review approach and metrics in State of the Centers II update to guide local plans and investments and clarify actions needed to meet expectations for centers and corridors in functional and framework plan and the system expansion policy.
 - Prepare evaluation, as needed, to help reschedule Community Planning and Development Grants based on outcome of legal challenges
 - Consider approaches to housing and equity strategy to achieve consortium objectives with available funding.
 - Convene local jurisdictions and agencies to refine approach and initiate the research on trip rates per the OTREC research grant.
- Participation in LCDC review of reserves final package and record.

Development Center:

- TOD Strategic Plan - The plan will be completed in the fall of 2010,
- Civic Drive MAX Station - A grand opening event will be held later in the fall.
- The Knoll –_Construction will progress.

Development Opportunities Fund:

- Design of research prototypes for the Ecological Learning Plaza will be wrapping up and a funding agreement for an ecological learning plaza on the PSU campus will be executed.

Items for Senior Leadership Team action

- Continued support for strategic Making The Greatest Place decision-making structure and timelines; coordination among departments (incl. communications, legal, research center)
- Support for negotiations for local actions to fill the 20-year capacity gap and of conditions for potential UGB expansion areas
- Resource coordination to support MGP implementation using integrated Metro resources

Items for Metro Council action

- Direction on legislative changes to urban growth boundary (as needed) and framework and functional plan policies by December 2010. Will require significant Council time in work sessions, regular meetings and briefings.
- Engagement and outreach related to Community Investment Strategy COO recommendation.
- Review of local land use actions as needed

2.1 | Parks and Natural Areas Management

The purpose of Parks and Natural Areas Management is to provide efficient and cost effective management of Blue Lake Regional Park, Oxbow Regional Park, Chinook Landing Marine Park, M. James Gleason Memorial Boat Ramp, Sauvie Island Boat Ramp, Howell Territorial Park, Smith and Bybee Wetlands Natural Area, Mt. Talbert Nature Park, Cooper Mountain Nature Park, Graham Oaks Nature Park, Glendoveer Golf Course and 14 Pioneer cemeteries.

This program strives to provide safe, accessible, attractive and well-maintained parks and wildlife areas for the citizens of the region. For natural areas and open spaces, the program protects, restores and enhances the resources and manages natural resources for future opportunities for low impact recreation.

Major accomplishments for this reporting period

- New event and catering contract entered into with C/J Event Management for the Lakehouse at Blue Lake Park.
- New firewood supply contract entered into for Oxbow Park, resulting in savings of \$4,420 in the first quarter.
- Removal of old, unsafe non-ADA compliant playground area at Blue Lake Park. Work has begun on a replacement playground area that will be compliant with both ADA and safety regulations. Project funded with R/R funds.
- Water control structure renovated at Smith & Bybee wetlands.
- Completed the last of six wave-attenuator walls.

Major accomplishments for next reporting period

- Completion of shelter roof replacements at Blue Lake Park (R/R funded).
- Completion of design for playground areas at Blue Lake Park.

2.2 | Parks Planning and Development

This program plans and builds a regional system of parks, natural areas and trails. This work encompasses everything from the high-level analysis of branding and funding to site-specific design and construction of new nature parks that promote appropriate public access to part of the almost 11,000 acres purchased under the Natural Areas and Open Spaces bond programs.

The team of landscape architects and project managers in this program provides technical assistance, best practices and coordination among local park providers. They also provide technical expertise to other Metro efforts, such as corridor planning and Making the Greatest Place.

Major accomplishments for this reporting period:

- Graham Oaks Nature Park completed on time and under budget.
- Intertwine web project advertised and seven proposals received.
- Initial proposals for Intertwine signage were enthusiastically received by the park directors and The Intertwine marketing group.
- Pier Park bridge IGA with ODOT has been approved.

- The Tonquin Trail project team hosted four public events with hundreds of citizens participating.
- Open houses for Smith/Bybee Natural Resources Master Plan were a success.

Major accomplishments for next reporting period:

- Blue Lake agreements with consultant and property owners completed.
- Graham Oaks project closed out.
- Intertwine signage plan finalized.
- State of The Intertwine report in draft form.
- Draft IGA with ODOT for Scouter Mountain Trail in review.
- Pier Park Bridge agreements in place with COP, ODOT and consultants.
- Draft Smith/Bybee NRMP is available for review.
- Informal agreement on preferred alignment for Tonquin Trail.
- Westside Trail agreement with ODOT in place.

Key Items for Metro Council Attention:

- Will need final JPACT approval to shift funds from Lake Oswego to Milwaukie bridge study to Lake Oswego to Portland streetcar/trail project.
- The Smith/Bybee Bridge and Trail project will return to Council for review.

Senior Leadership Team Action(s) Required:

- Continued attention on relationship between regional parks funding and the Community Investment Strategy.
- Will need to resolve staffing situation for The Intertwine Alliance

Metro Council Action(s) Required:

- Council will need to approve a 5-party agreement for property rights for the Blue Lake Trail to proceed.
- Council will need to approve an IGA with the City of Portland for the Pier Park project.

2.3 | Performing Arts, Arts and Culture

Portland Center for the Performing Arts (PCPA) is a cultural center for the region and the hub of downtown Portland’s thriving Broadway Cultural District. The center draws roughly one million visitors each year to enjoy world class performance arts and entertainment, contributing to a vibrant and culturally rich region.

This leading cultural institution encompasses three venues; the Keller Auditorium, Arlene Schnitzer Concert Hall, and Antoinette Hatfield Hall which includes the Newmark Theatre, Dolores Winningstad Theatre and Brunish Hall.

PCPA is also home to the region’s premier performance companies: Oregon Ballet Theatre, Oregon Children’s Theatre, Oregon Symphony Orchestra, Portland Opera, Portland Youth Philharmonic, White Bird and Tears of Joy Puppet Theater.

Major accomplishments for this reporting period:

- Continued working with the Foundation of the Portland Center for the Performing Arts on capital campaign plan for ASCH/Main Street Project.
- Planned Walk of Stars fundraiser.
- Received benchmark report. Began analysis to assess where opportunities may be to improve operations, hold costs, and increase revenues.
- Successful Music on Main Street concert series. Generated more than \$33K in revenue, with more than 4,600 attendees.
- Summer Arts on Main series attracted over 1,620 children, who participated in free art activities.
- Submitted economic impact data for FY 10 report.
- "New Brow" art show launched during PICA's TBA Festival.
- Welcomed new General Manager of Metro Venues.
- Completed customer service audit of Keller Auditorium.

Major accomplishments for next reporting period:

- Reserves discussion with MERC Commission.
- FY 10 Economic Impact Study completed.
- Ticketing proposal for local Non-Profits completed.
- Continue working on ASCH/Main Street Project funding.
- Finalize Keller concession redesign.

2.4 | Zoo Infrastructure Bond (A Better Zoo Program)

The Zoo Infrastructure and Animal Welfare Bond Fund program (A Better Zoo program) represents the capital planning and construction activities funded by the November 2008 general obligation bond authority. Program work is reported in the following categories:

- Master Planning Activities – Comprehensive Capital Master Plan, Waste and Stormwater Planning, Off-site Elephant Habitat, and Land Use activities.
- Construction Project Activities
- Project Management and Program Governance Activities

Major accomplishments for this reporting period

Comprehensive Capital Master Planning – *see important information about the Comprehensive Capital Master Plan under Key Items for Metro Council Attention, below.*

- The program selected the consulting team comprised of SRG Partnership, CLR Design, and Atelier Dreiseitl (plus associated sub-consultants).
- The program finalized the master plan scope of work and contract documents with the consulting team. The contract amount totals \$1.5 million. Staff is developing the overall Comprehensive Capital Master Plan budget, including adequate contingency.
- The consultant team held a general kick-off meeting with zoo staff on Sept. 9, and the entire consulting team began researching and performing background analysis on the zoo campus

and programs in preparation for the first master plan workshop scheduled for Oct. 5-7. The workshop will focus on general zoo campus site, infrastructure and sustainability issues; as well as the on-site elephant project.

Land Use Activities

- Metro assigned Cheryl Twete, Senior Development Advisor, to lead the zoo's land use engagement with the City of Portland. Cheryl brings a wealth of knowledge and experience to the engagement.
- Metro Councilors completed scheduled meetings with individual city commissioners to introduce the land use issue and ask that the commissioners ensure that city bureaus assign high-level staff to support the upcoming planning process.
 - The program considered and reviewed options for land use approaches and regulatory reviews with City Bureau of Planning and Sustainability staff. Fundamentally, Metro desires a land use approval process that provides a greater degree of certainty for future projects without additional process reviews and delays. Based on these discussions, staff determined that updating the zoo's conditional use permit is the best course at this time. The reasons for updating the conditional use permit include:
 - 1) The current plan is out-of-date and does not reflect the current bond program capital improvements or other future projects.
 - 2) City staff supports a conditional use permit that provides more flexibility into the future for zoo improvements.
 - 3) A conditional use permit is significantly less expensive, less complex and less time-consuming than the creation of a plan district.
 - 4) Updating the conditional use permit will focus on Oregon Zoo property and interests rather than a broader geographic area involving other institutions and neighborhoods.
 - 5) An updated conditional use permit can be amended in the future or replaced with a new institutional zone, if such a new land use designation becomes available.
 - 6) The city's estimated staff and process costs for a plan district total \$1.1 million. Metro would incur additional staff costs and fees for specialized consultant services (e.g., parking and transportation, preparation of the conditional use application, etc.). The conditional use permit process is much less expensive. The overall budget will be determined as negotiations with the City of Portland proceed and the entire project scope is finalized.
- A final scope of work for a land use support is incorporated into the Comprehensive Capital Master Plan consulting team contract. This consultant will compile the zoo's land use history and identify current non-conforming land use conditions. In addition, the consultant will identify strategies for the upcoming conditional use permit application and support any land use processes that may be needed in the interim to begin bond construction projects.
- The program contracted with Rick Williams Consulting, a local firm specializing in traffic demand management, to assess and recommend options for addressing the zoo's significant parking and traffic issues. This work directly supports the upcoming conditional use permit application.
- Staff is also working closely with Washington Park Alliance members on transportation, access, parking and transportation demand management strategies, which are required as part of the conditional use application. As part of this work, we will also explore urban

design considerations for the Washington Park entry area and parking lot configuration and circulation.

- The conditional use master plan application is anticipated to be submitted late summer 2011, following completion of the Comprehensive Capital Master Plan.
- Staff is developing the overall land use project budget, including adequate contingency.

Off-Site Elephant Habitat

- Elephant management and general zoo staff were engaged in refining the elephant management vision.
- Staff began development of an off-site business and elephant management plan. Information was gathered for operating cost assumptions that will be used for cost forecasting.
- Staff has researched available regional properties for an off-site habitat.

Construction Project Activities

Veterinary Medical Center (VMC)

- Finalized general construction contract terms with Skanska USA Building Inc. and signed the contract. The project is within budget and is carrying an appropriate amount of contingency. The total project budget is \$9.46 million.
- Received the final City of Portland project building permit. Demolished the quarantine building and began mass site excavation in preparation for the soil nail retaining wall installation.
- Hosted a well-received construction ceremony on Sept. 29.

Penguin Water Filtration

- Completed construction documents and reviewed with project team .
- Finalized and issued Request for Bid documents on Tuesday, Aug. 3, with final bids due Thursday, Sept. 9. Held pre-bid conference with contractors on Aug. 18. Bid alternates were included in the request to ensure the project could be completed within the target budget while meeting the water usage reduction goal of 80 percent.
- Metro issued the Notice of Intent to award the construction contract to Triad Mechanical on Sept. 23. The project will include the base filtration improvements and the backwash recovery system bid alternate while remaining within budget.
- Incorporated City of Portland construction plan review comments into the construction documents and awaiting issuance of the final construction permit.
- Began preparing polar bear winter pool for temporary penguin habitation during installation of the filtration system. Began planning for the "Penguin Parade" event to celebrate the start of construction, scheduled for Oct. 27.

Water Main Pressure Reducing/Backflow Assembly and Building

- Completed project design and submitted construction plans to the City of Portland for review and approval.
- Finalized Request for Bid documents. The Request for Bids went out Oct. 5 with bids due Nov. 4.

Project Management and Program Governance Activities

- Finance and Regulatory Services worked with Metro’s financial advisor and bond counsel to issue bonds to fund program activities. The issuance was a two-year private placement for \$15 million of Build America Bonds (35% of interest payments subsidized by the federal government) with a true interest cost of 0.8491 percent.
- Continued work on a communication and public involvement plan modeled on the Natural Areas plan. The plan identifies parties to whom the program wants to push or pull information, as well as the assignment of roles and responsibilities.

The bond program changed its name to “A Better Zoo” program. Since passage of the 2008 zoo bond measure (“Bonds to protect animal health and safety; conserve, recycle water”), the implementation program has been referred to as simply the “Zoo Bond Program.” Although this title identifies the source of the funds, it does not say anything about what the program is about. The new program name is inspiring and informational, and will focus the public’s attention on the improvements Metro is providing for animals and the zoo.

Major accomplishments for next reporting period

Comprehensive Capital Master Planning

- Hold first workshop focused on general zoo campus site, infrastructure and sustainability issues, as well as the on-site elephant project.
- Continue providing background information, project visioning and programming information to the master plan consultant team.
- Assess whether to enhance the master plan scope of work to include an “EcoDistrict” overlay. The EcoDistricts Initiative is a comprehensive strategy to accelerate sustainable neighborhood or campus development. The Portland Sustainability Institute partnered with the City of Portland to launch the initiative in 2009. The initiative recognizes that technologies and strategies for enhancing neighborhood sustainability, such as energy and water management systems, green streets, and resource conservation, are well known. However, the widespread deployment of these strategies has been slow to develop due to lack of comprehensive assessment tools, scalable project capital, and public policy support. The EcoDistricts Initiative focuses on removing these implementation barriers and creating an enabling strategy to accelerate neighborhood-scale sustainability.
- Assess whether to enhance the master plan scope of work to include a “leveraged financing” analysis for infrastructure and sustainability initiatives. This analysis would assess whether opportunities exist to use federal and state tax incentives, private equity, and debt markets to fund capital improvements repaid from future energy expense savings.
- Review the first master plan interim status report due Oct. 26 from the consultant team, discuss progress with the Oregon Zoo Bond Advisory Group, and host the November master plan workshop.
- Assess existing campus infrastructure, identify campus-level sustainability initiative options, and identify campus-level schematic design alternatives for the major bond exhibit projects.

Off-Site Elephant Habitat

- Continue refinement of the business plan for the off-site habitat, with emphasis on funding needs of annual operations.
- Engage Metro and The Oregon Zoo Foundation leadership in the critical annual operating funding issue.
- Continue to assess properties throughout the region for siting suitability.

Land-Use Activities

- Coordinate between and participate with the Comprehensive Capital Master Planning effort.
- Prepare a work program to address Washington Park transportation, circulation and parking issues for zoo guests and visitors. Explore the creation of a Washington Park Alliance Transportation Management Association, as well as other tools to manage parking and mode-split.
- Request a city pre-application conference to be scheduled in late 2010 or early 2011 with affected city bureaus, agencies and community interests to identify the key issues and topics for further study. Expected issues to address include transportation and accessibility impacts, environmental zone impacts and requirements, and other off-site impacts. Continue to work with city staff to define the approach and process for an updated conditional use permit.
Request a city pre-application conference to be scheduled in late 2010 or early 2011 with affected city bureaus, agencies and community interests to identify the key issues and topics for further study. Expected issues to address include transportation and accessibility impacts, environmental zone impacts and requirements, and other off-site impacts. Continue to work with city staff to define the approach and process for an updated conditional use permit.

Construction Project Activities

Veterinary Medical Center –

- Continue construction of retaining wall, water quality swale, and building foundations
- Penguin Water Filtration
- Sign general construction contract and monitor contractor provision of pre-construction deliverables, such as construction bond information and insurance.
- Finalize construction schedule and overall project budget.
- Obtain final project permits from the city.
- “Penguin Parade” event to celebrate the start of construction, scheduled for Oct. 27.
- Begin project demolition and construction.

Water Main Pressure Reducing/Backflow Assembly and Building

- Open the general contractor bids on Nov. 4.
- Obtain final building permits from the City of Portland.
- Identify project construction schedule.
- Finalize project budget.

Project Management and Program Governance Activities

- Continue outreach for capital project management best practices, including performance measures.
- Continue bond program communication and public involvement plan refinement.

2.5 | Zoo Visitor Experience

The Zoo Visitor Experience program represents the primary activities that occur at the zoo campus. Supporting the zoo's mission statement, the zoo provides guests the opportunity for observation, discovery, and engagement of animals in naturalistic environments. To meet guest expectations, provide positive experiences, and to generate enterprise revenues, the zoo provides many services and activities, such as admissions, food services, campus security, facility maintenance, public events, marketing, and the zoo railway.

Major accomplishments for this reporting period

- Dinosaur exhibit extended for an additional month, with more than 187,000 visitors and \$564,725 generated in revenue (21 percent more than projected).
- Summer concert series generated \$1,084,234 in revenue this past fiscal year, 72 percent more than the previous year.

Major accomplishments for next reporting period

- Implementation of EBMS (Event Business Management System) to streamline current operations, improve efficiency, increase revenue and reduce cost in certain areas
- Launch another temporary 3-D Simulator exhibit.
- Birth of our new cougar cub.
- Successful ZooLights season.

3.1 | Education

This program provides education and interpretive services that engage and inspire citizens to expand environmental stewardship in the region.

Major accomplishments for this reporting period

- Metro conservation education planning project launched; two successful project team meetings have established roles, deliverables and timelines.
- Fabrication and installation of signage, including 10 large interpretive signs, completed in advance of the opening of Graham Oaks Nature Park.
- More than one dozen Metro volunteers contributed to the Graham Oaks opening, providing everything from information on the park's native plants to parking control.
- 135 primary and 143 secondary waste reduction education programs have been scheduled for the coming year, with many more to come.
- Outdoor School (ODS) project coordinator Freda Sherburne conducted workshops on integrating waste reduction education into ODS curricula during Multnomah Educational Service District's annual staff consortium.
- Waste reduction education staff provided kits of waste reduction materials and props to Oregon Zoo staff for use during zoo summer camps. Zoo staff appreciated the flexibility the kits gave them to relate waste reduction topics to the zoo concepts being studied.

Major accomplishments for next reporting period

- The conservation education planning team will produce a "road map" briefing document for the incoming Metro president by mid-December. Road map will include new Metro conservation education vision statement(s) and goals as well an inventory of current effort and next steps for the planning project.
- The 2nd annual Salmon Homecoming at Oxbow Park will provide a rare opportunity for the public to witness wild spawning salmon in a local river and to learn about what they're seeing from staff naturalists and trained volunteers.

3.2 | Natural Areas

This program includes the acquisition, restoration and management of regionally significant natural areas for the protection of riparian and upland habitat and water quality, as well as local share projects and Nature in Neighborhoods initiatives.

Major accomplishments for this reporting period

Natural Areas Bond Measure

- Graham Oaks Nature Park opened to the public on September 17 with more than 3,000 visitors.
- Six regional trail acquisitions were completed in the Columbia Slough, Willamette River Greenway and Springwater Trail target areas.
- Metro acquired an important habitat property in the Lower Tualatin Headwaters target area, bringing total acres protected in that area to 198 acres.
- First four public tours of the Chehalem Ridge Natural Area were offered in July. The tours were completely full with more than 80 attendees.
- Local park providers requesting local project reimbursement in this quarter:
 - City of Hillsboro acquired a 15 acre natural area that includes 600' of stream frontage in the Rock Creek watershed. The site is an important link in the proposed Rock Creek Greenway trail.
 - Clackamas County continued its work on a Boring Station Trailhead for the Springwater Trail corridor connection in Boring.
 - The City of Beaverton in partnership with THPRD acquired a 9-acre property for a future neighborhood park.
 - The City of Portland acquired seven small parcels adjacent to Forest Park.
- Work continues on a public awareness campaign to demonstrate accountability to the taxpayers and highlight the successes of the 2006 natural areas bond measure to date. The outreach, themed "This is Our Nature," will launch in 2011 and will include web updates, various events and print media.

Nature in Neighborhoods

- Nature-friendly development practices and MetroPaint received high visibility at the NW Natural 2010 Street of Dreams through a partnership with HBA, reaching approximately 35,000 people during the month-long show.
- Submitted grant for approximately \$230,000 over three years for urban forestry “best practices” support and outreach to local governments and other partners through an Oregon Department of Forestry grant program.
- Began soliciting grant applications in September for Nature in Neighborhoods Restoration and Enhancement grant program. Significant outreach for both NIN grant programs to partners in Washington County. Grant writing workshops offered in October and November. Pre-applications due in January 2011.
- Tentative deadline set for January 31, 2011 to receive NIN Capital Grant program applications.
- Kicked off Glendoveer golf course capital improvement and operations planning effort – scope includes information gathered during scoping of Salmon Safe certification.

3.3 | Zoo Conservation Education

The conservation aspect of this program identifies and implements in situ and ex situ wildlife conservation through direct fieldwork, research, improved animal husbandry techniques and captive propagation. In addition to cooperating with Association of Zoos & Aquariums and the Northwest Zoo & Aquarium Alliance, the zoo participates in species survival plans and partners with several other conservation groups to conserve endangered and threatened species in our care and in nature.

The education aspect of this program provides learning opportunities to people of all ages and cultures. The zoo develops leaders and community relationships, encourages growth and inspires change through vital and dynamic volunteer opportunities. Zoo programs and materials increase the public’s understanding of conservation issues and the need for direct action related to clean air and water, the management of resources for future generations and improving access to nature.

Major accomplishments for next reporting period

- Working with Metro Educators to create common vision and program.
- New primate curriculum for teachers has been written, will be on website.
- Program development work continues on the Wild Minds grant with the Oregon Museum of Science and Industry in a national consortium between zoos and science museums to provide science education and exhibits about animal cognitive abilities.
- Collaborate with Northwest Zoo & Aquarium Alliance to develop and coordinate climate change interpretive programs for Pacific Northwest. Web based meeting held in July, in person meeting planned for October 22, 2010.
- Host Songbird Conservation workshop October 2010
- Development of methodology for Museum of Library Services grant to assess positive elephant welfare study continues
- Released 234 Oregon spotted frogs at Lewis-McChord Joint Base in Washington.
- Completed annual summer intern lecture series with PSU credit
- Released 65 western pond turtles and recieved new hatchlings
- Released 2,100 Oregon silverspot pupae

- Provided volunteer training in primates and Red Ape Reserve Exhibit
- Implement all summer programs: summer camp, Wild Life Live Shows, Naturalist, Insect Zoo
- Participate with developing Education Petal of Intertwine.
- Work on planning to deliver Advanced Inquiry Masters Program 2012. This program promotes a community of practice, encourages teachers to use zoos as living laboratory and promotes science inquiry.
- Support bond project planning
- Received AZA reaccreditation
- Received the AZA Exhibits Award for Predators of the Serengeti

Major accomplishments for next reporting period

- Continue program work on the Wild Minds grant work with the Oregon Museum of Science and Industry in a national consortium between zoos and science museums to provide science education and exhibits about animal cognitive abilities.
- Hatch thousands of Oregon silverspot eggs
- Provide new volunteer training
- Host Managing Land with Minimal Impact to Birds Workshop
- Host NWZAA climate change meeting
- Participate with developing Education Petal of Intertwine.
- Work on planning to deliver Advanced Inquiry Masters Program 2012. This program promotes a community of practice, encourages teachers to use zoos as living laboratory and promotes science inquiry.
- Support bond project planning
- Attend NOAA Bonneville Dam Sea Lion Working Group meetings
- Attend USFWS pygmy rabbit recovery team meeting
- Participate in Polar Bears International Tundra connections video conference and Arctic Ambassador leadership camps
- Initiate all fall education programs including, Zoo School, Zoo to You, ZooSnooze, UNO & ZAP

Clackamas River Bluffs and Greenway target area:

- Side channel: the \$300,000+ instream restoration work paid for by PGE and the Oregon Wildlife Heritage Fund on the 900' side channel extension was completed in September. Metro received a \$38,000 grant to complete the revegetation portion of the project over the next two years.
- River Island Pond turtle enhancement project: staff anchored 16 logs on the pond's shoreline for basking habitat. Four floating basking structures were installed in the center of the pond. All basking habitat is being fully utilized by resident western painted turtle population as well as ducks, geese, herons and snakes. Site preparation has been completed for winter tree and shrub planting. Planting project is designed to provide additional wildlife habitat without shading potential turtle nesting habitat. Logs donated by Clackamas County Parks.
- Chehalem Ridge Natural Area: sprayed 18+ acres of Himalayan blackberry. Treated English hawthorn and non-native cherry, plum and apple trees in the panhandle unit. Treated large patches of black locust along Dixon Mill Road. Prepped 17 acres for planting.
- Columbia Slough target area: treated two acres of highly invasive water primrose, one of the first Oregon infestations, at Smith and Bybee Wetlands as part of a combined treatment and experiment.

- Rock Creek target area:
 - Cho - stabilization of new acquisition. Chipped and removed slash piles. Late summer/fall weed treatments and planting site prep on 15 acres.
 - Chang - stabilization of new acquisition. Late summer/fall weed treatments and planting site prep on two acres.
 - Keystone - stabilization of new acquisition. Late summer/fall weed treatments and planting site prep on two acres.
 - Kern - coordinated with Clean Water Services for site prep for winter planting.
- Tonquin Geologic target area: spraying, seeding/strawing related to opening of Graham Oaks Nature Park.
- Sandy River target area: received \$50,000 technical assistance grant from OWEB to develop 30% designs for five major river restoration projects. Metro will provide \$12,500 in match.
- Abernethy and Newell Creeks target area: Newell Creek Sept. 25 successful cleanup project - removed three pickup loads of metal from an historic dump site.
- Formed steering committee and completed second draft of Regional Biodiversity Atlas Outline on behalf of Regional Conservation Strategy work group.

Items for Metro Council action

Possible legislation to authorize land acquisition.

4.1 | Resource Conservation and Recycling

This program advances the region's efforts to reduce greenhouse gas emissions, conserve natural resources and protect the environment and human health. Resource Conservation and Recycling (RCR) includes three primary interrelated sub-programs:

- Waste Reduction
- Metro Internal Sustainability
- Climate Change Initiative

Each program deals with a number of complex issues and an extensive array of stakeholders. In FY 2009-10 each was focused on developing a more strategic framework for identifying and implementing its work plan. Those frameworks, which enable better prioritization of resources, clearer identification of roles relative to those of partners and a more clear focus on key strategies and actions, will begin to be applied in FY 2010-11.

Major accomplishments for this reporting period

Program-wide

- Submitted seven legislative briefs for council consideration in the areas of product stewardship, bottle bill modernization, product bans, toxics reduction and energy policy.

Internal Sustainability

- Council adopted Metro's internal Sustainability Plan on Oct. 7 (just following this reporting period).
- The *Green Metro* Intranet site was launched on Oct. 4(just following this reporting period).
- Janna Allgood, an AmeriCorps Professional, began work with Metro on the Internal Sustainability Program and the Climate Smart Communities Initiative. Janna's work focuses on building Metro's capacity and that of local government partners to address climate change through energy programs.

Solid Waste Reduction

- Monitored implementation of the new PaintCare program, a statewide product stewardship initiative.
- RCR's business waste reduction staff took a leadership role in facilitating the region's Sustainable Hospitals Roundtable, a group of health care professionals committed to improving the sustainability of medical facilities.
- Led deliberations of the Solid Waste Advisory Committee (SWAC) to develop policy options for the Metro Council targeted toward making the regional food system more sustainable.

Waste Reduction Education

- The Recycling Information Center (RIC) provided assistance to 25,254 callers and the Find a Recycler web page had 13,142 unique visitors.
- The FY 09-10 4th quarter RIC customer satisfaction survey was completed and showed that:
 - 93% of callers would call again in the future
 - 90% of callers rated their experience as "excellent"
 - As a result of calling the RIC, 56% of callers are more likely to donate or find ways to reuse items, 54% are recycling more, and 46% are safely disposing of toxic materials more often.
- The natural gardening program implemented its new partnership with the Oregon State University (OSU) Community Extension and Urban Horticulture program. On behalf of Metro, OSU is facilitating workshops, group presentations, community event tabling, and distribution of literature to retail outlets. OSU is also assisting with evaluation of the program.
- Parks and Sustainability staff combined efforts to use the Blue Lake Park Natural Discovery Garden to engage youth and families in learning to garden without toxics. Construction of the garden beds, plantings and activity stations was completed and summer programming reached over 1,200 residents of the region.
- Metro provided toxics reduction education directly to 5,426 residents through its Healthy Home exhibit, mobile garden and household hazardous waste roundups.

Climate Smart Communities Coordination

- With input and assistance from Metro, the University of Oregon completed its draft Climate Change Adaptation Planning Framework for the Lower Willamette Region and Metro staff presented the report's findings at a Council work session.
- Provided training to 50 employees on use of Metro's greenhouse gas analysis toolkit.
- Metro's Climate Smart Communities steering committee completed the FY 10-11 work plan for implementing Council's climate-related priority projects.

Major accomplishments for next reporting period

Internal Sustainability

- Council is expected to approve revisions of the Metro Code to establish a Sustainable Procurement Program.
- Establishment of a cross-agency Sustainability Plan implementation steering committee and identification of key projects to implement during the remainder of FY 10-11.
- Development of department/facility-based FY 11-12 budgets that include proposals for implementing Sustainability Plan recommended actions.
- Development of sustainability criteria for Capital Improvement Project and Renewal & Replacement programs.
- PES Property Stewardship staff will initiate an energy audit for the Metro Regional Center.

Solid Waste Reduction

- Complete strategy and outreach plans for prioritized State legislative issue areas.
- Complete Metro's assistance to the City of Portland in evaluating its residential organics collection pilot program.
- The Solid Waste Advisory Committee will complete its work to develop policy options for Council on improving the sustainability of the regional food system.
- Execute an IGA with DEQ for funds to support Phase I of the project to install diesel particulate filters and begin filter installations. This was expected to occur last quarter, but DEQ had not completed its funding agreement with the U.S. Environmental Protection Agency.

Climate Smart Communities Coordination

- Stakeholder feedback on the Climate Change Adaptation Planning Framework for the Lower Willamette Region will be collected and incorporated into a final document. The Climate Leadership Initiative will propose how to implement the recommendations across sectors, and Metro staff will assess the recommendations for feasibility and priority given current agency efforts.
- The final Climate Prosperity Greenprint will be released in November 2010. Implementation of the Greenprint's actions and strategies will begin this fall, along with development of a leadership structure in conjunction with the proposed regional Economic Development Council.
- Completion by the Communications department of a Climate Smart Communities communication plan.
- Completion of a draft Climate Smart Communities capacity building plan for Metro and local government elected officials and staff.

- Drafting of a Climate Smart Communities framework to coordinate and monitor Metro's climate change mitigation, preparation, economic development, capacity building and communication efforts.

Off-Track: Performance Measures

The region's 2009 recovery rate was 56.5%, significantly below the statutory goal of 64%. The Business Recycling Requirement and Enhanced Dry Waste Recovery Program are expected to lead to greater recovery levels once fully implemented and when the economy rebounds, and in 2010 incremental increases in organics recovery are expected. Metro program managers expect to meet with DEQ staff later this year to discuss the region's performance relative to the recovery goal.

Senior Leadership Team Action(s) Required

Internal Sustainability

- The Sustainability Plan approved by the COO and adopted by Council should be used by departments to inform the development of their FY 11-12 budget proposals.

Climate Smart Communities Coordination

- Staff will work with specific SLT members to identify opportunities and needs in responding to Council's request to integrate climate change preparation recommendations into our existing work.

Key Items for Metro Council Attention

- RCR-related legislative concepts and proposals for the 2011 session have been integrated into the Office of the COO's discussions with Council on Metro's legislative priorities. Climate Smart Communities Coordination
- Efforts to engage local partners in the refinement and use of consistent best practices regarding greenhouse gas emission analysis are on hold due to limited staff resources.

4.2 | Solid Waste Operations

The primary purpose of the Solid Waste Operations program is to provide comprehensive solid and hazardous waste disposal services to commercial haulers and the public. This program also includes operation, maintenance and monitoring of environmental improvements at two closed landfills in the region. The Solid Waste Operations program includes four specific service areas:

Disposal Services– The primary purpose of this service area is to provide comprehensive solid waste disposal services to commercial haulers and the public. This is accomplished through ownership of two solid waste transfer stations; and contracts for station operation that include materials recovery, the transport of the remaining waste to a landfill (and a small portion to an energy recovery facility).

Hazardous Waste Reduction– This service area contributes toward reducing the toxicity of the waste stream and reducing the amount of hazardous materials that enter the environment. To achieve these goals, this service area collects hazardous wastes from households and small commercial generators, recovers latex paint, fuels, and other materials and disposes of

hazardous waste in an environmentally sound manner.

Landfill Stewardship– This service area provides effective stewardship of the region’s two largest inactive solid waste landfills. It ensures compliance with all federal, state and local regulations applicable to landfill closure operations and post-closure requirements.

Facility and Asset Management- This service area is responsible for ensuring the protection and enhancement of Metro’s solid waste related capital assets. This is accomplished through sound engineering and business practices that identify appropriate maintenance and capital projects.

Major accomplishments for this reporting period

- Continued progress towards aggressive recovery goals at both facilities.
- Operational changes implemented to begin operations under the new statewide paint product stewardship system. Services provided by Metro during the quarter will bring in \$325,000 in revenue.
- Under agreement with DEQ, consistent with its program for investigating possible upland sources of contamination in Portland Harbor, completed Phase I of a stormwater assessment and source control evaluation at Metro Central.
- Submitted draft St. Johns Landfill Remedial Investigation Report to DEQ for regulatory review.
- Under an Army Corps of Engineers program, completed reconstruction of 1000 feet of eroding streambank at St. Johns Landfill.
- Hired new Transfer Station Operations Manager.
- Executed a contract for provision of diesel fuel to Waste Transport Contractor.
- Metro South- Natural Lighting Improvements project is nearly completed. It will come in under budget. The increased lighting levels in the building are obvious.
- Refurbishment of the two compactors at Metro South is nearing completion. The change order to repair additional structural damage has been approved and the final repairs are planned by end of October.
- The storm sewer pipe lining project at Metro Central has been completed.

Major accomplishments for next reporting period

- Continued progress towards new transfer station contract operations parameters.
- Participate in Solid Waste System Roadmap planning.
- Release of RFP for transportation and disposal of hazardous waste collected in Metro’s program and selection of new contractor.
- Complete Phase II of stormwater assessment and source control evaluation at Metro Central.
- Address DEQ comments on draft St. Johns Landfill Remedial Investigation Report and negotiate steps forward.
- Complete preparations for replanting of the reconstructed streambank at St. Johns Landfill.

4.3 | Solid Waste Compliance and Cleanup

The primary purpose of the Solid Waste Compliance and Cleanup program is to minimize and mitigate impacts to the public and the environment from solid waste within the Metro region. To achieve this goal, the program ensures that solid waste facilities meet regulatory, operational, environmental and financial assurance standards. The program cleans up, monitors and investigates illegal disposal sites and prosecutes persons illegally disposing waste. The program also monitors and enforces compliance with Metro Code, administrative procedures, performance standards, Metro-granted authorizations (solid waste licenses and franchises) and flow control instruments (non-system licenses and designated facility agreements).

Major accomplishments for this reporting period

- **FACILITIES.** Solid waste license was issued to Northwest Shingle, located in southeast Portland, to recycle asphalt shingles. Also licenses were issued to RB Rubber and Tire Disposal and Recycling in Portland.
- **ILLEGAL DUMPS.** Staff completed cleanup of another dump at Chehalem Ridge in Washington County in July and cleaned up nearly 200 tires dumped on Metro property in Multnomah County near Forest Park.
- **ENFORCEMENT.** Metro settled enforcement cases with Bernhardt Golf and Tire Disposal and Recycling.

Major accomplishments for next reporting period

- Decisions on resolutions to issue several non-system licenses by Metro Council.
- Decisions on Columbia Biogas franchise to be concluded by Metro Council on December 16.

Metro Council Action(s) Required

November 4 Council Meeting (consent agenda)

- Seven resolutions to issue non-system licenses (NSLs) to various haulers and transfer stations to deliver wet waste to the Riverbend Landfill in Yamhill Counth
- Two resolutions to issue NSLs to deliver waste to the Covanta Waste-to-Energy facility in Marion County.
- A resolution to issue an NSL to a hauler to deliver food waste to the Nature's Needs facility near North Plains, Washington County. The hauler and facility are owned by Recology Oregon.

November 18 Council Meeting (consent agenda)

- Four resolutions to issue NSLs to haulers and transfer stations to deliver waste to non-Waste Managment landfills. Wet waste tonnage is allocated in 2011 to assure that Metro meets the 90 percent flow guarantee under its disposal contract.

December 2 (first read), December 9 (second read/decision/hearing) Council Meeting (decision could carry-over to December 16 meeting)

- An ordinance to grant a franchise to Columbia Biogas to operate an anaerobic digester for food waste.

Key Items for Metro Council Attention:

Columbia Biogas. On October 1, a bio-energy company filed a franchise application with Metro to accept commercial and industrial food waste to be processed in an anaerobic digestion process to produce energy, agricultural supplements and material that can be further composted. The facility is proposed to be located at NE 68th and Columbia Blvd. in Portland. The applicant plans to meet with Cully, Concordia and the Central Northeast Neighborhood associations. The applicant held a general public meeting on October 19. DEQ will hold a public meeting/hearing on November 18 at Metro's office. Metro Council will hold a first read of the franchise ordinance on December 2 and hold a public hearing/decision on December 9 (with a possible carry-over to December 16).

5.1 | Corridor Planning and Development

This program includes three major focus areas for FY 2010-11: transit project planning, multimodal corridor planning and freight planning. Three new transit and multimodal corridors will be undertaken this year, including the Southwest High Capacity Transit Corridor, East Metro Refinement Plan and the I-5/Barbur Refinement Plan. Metro will work with TriMet to secure a Record of Decision for the Milwaukie to Portland Light Rail Project and successfully enter the Final Design phase of the FTA New Starts process. In addition, the Metro Council will be asked to select the Locally Preferred Alternative for the Lake Oswego to Portland Transit Corridor and, with TriMet, substantially complete a Final Environmental Impact Statement and enter the FTA New Starts Preliminary Engineering phase of project development.

Transit project planning includes planning, public involvement and environmental services to meet the Federal Transit Administration's New Starts requirements and secure federal funding to implement light rail, streetcar, commuter rail projects and other high capacity transit projects in the region. In FY 2009-10 the Regional High Capacity Transit Plan and System Expansion Policy was adopted by the Metro Council and incorporated into the RTP. The Southwest High Capacity Transit Corridor was selected by the Metro Council as the region's next priority transit project after the Portland to Milwaukie Light Rail Project and Lake Oswego to Portland Transit Project. Staff will also continue to support the Columbia River Crossing Preliminary Engineering and Final EIS work led by ODOT and WSDOT.

Metro will continue to support projects led by others including the Sunrise Corridor FEIS, I-5/99W Connector FEIS, Sunrise Parkway/ Damascus Highway 212 and Sellwood Bridge FEIS projects.

Major accomplishments for this reporting period

Portland to Milwaukie LRT

- With jurisdictional partners approved a revised finance plan, including scope deferrals and cuts, in accordance with a 50% federal share.
- Prepared resolution and staff report and obtained TPAC, JPACT and Metro Council approval of additional MTIP funding for this and other corridor projects.
- Reviewed the environmental effects of the proposal scope cuts and deferrals and revised the FEIS to incorporate these cuts and the revised finance plan.
- Obtained FTA signature and approval to print FEIS.
- Printed and distributed the FEIS to agencies, interested citizens and the general public

Lake Oswego Streetcar

- Obtained comments from FTA on second draft in August.
- Submitted revised full DEIS to FTA in September.
- Obtained comments from FTA on third DEIS draft in October.
- Submitted camera ready DEIS to FTA in late October.
- East Metro Connections and Southwest Corridor Plans
- JPACT and Metro Council approved initial scopes and budgets.
- Commenced establishing advisory committees and planning for chartering.

Regional Freight Program

- Staff worked with Metro MTIP staff and other partners and stakeholders to develop and refine project and program ideas under the Green Economy portion of the MTIP Regional Flexible Fund allocation process.
- Staff supported senior staff serving on the Steering Committee for the Oregon Statewide Freight Plan and made additional comments through participation in Oregon Freight Advisory Committee.
- Staff attended the West Coast Corridor Coalition “Climate Change and transportation Policy conference and shared information with relevant metro staff.

Bi-State Committee

- Held meeting with partners to review results of Metroscope analysis, hear report on viability of the I-5/Delta park HOV lanes and share information about Oregon and Washington greenhouse gas analysis programs.

Corridor Initiatives Program

- Consultants hired and IGAs drafted for Tigard TGM grant.
- Applied for Alternatives Analysis funding from two federal programs (\$2-2.5 million).
Columbia River Crossing
- Metro Research Center, Strategy Center and Planning and Development staff provided assistance to the CRC project that addressed concerns of the Project Sponsors' Council. Metro's work answered questions about the effect of the project on development, and resulted in numerous design changes that improved the project in substantial ways including developing consensus around a 10-lane bridge cross-section and reducing impacts of the project on Hayden Island.

Major accomplishments for next reporting period

Portland to Milwaukie LRT

- Publish FEIS (October 22).
- Obtain Record of Decision on FEIS (December).

Lake Oswego Streetcar

- Submit camera ready draft to FTA (October).
- Obtain and address comments from FTA on camera ready DEIS.
- Publish DEIS (late November/early December).

Regional Freight Program

- Work with freight stakeholders to develop project and program ideas as part of Green Economy portion of MTIP.

Bi-State Coordination Committee

- Establish Committee strategy and work scope in coordination with RTC staff, Chair and Vice Chair.
- Facilitate discussion of Chair and committee members to help nominate potential agenda items and prepare and review presentations.
- Hold meetings to coordinate issues of mutual interest.

East Metro and SW Corridor Plans

- Work with partners to finalize detailed project scopes, establish committee structures and develop chartering plans.
- Form East Metro Steering Committee and commence chartering .

Columbia River Crossing Project

- Continue to provide strategic and technical support to the project
- Determine whether a Land Use Final Order (LUFO) will be adopted by the Council
- If a LUFO is pursued, provide public notice, reactivate the Steering Committee, and hold Steering Committee and Council hearings to act on TriMet application.

Items for Metro Council attention

- Council liaisons for the Portland to Milwaukie project will continue to participate in discussions regarding the project scope and budget.
- The Lake Oswego DEIS is expected to be published in late November. Council Liaisons will participate in Steering Committee updates and discussions regarding the Locally Preferred Alternative decision around that time. A Council worksession is scheduled for January.

Items for Senior Leadership Team action

Lake Oswego to Portland Transit Corridor DEIS: Participate, as appropriate, in LPA and project finance discussions.

Portland to Milwaukie Light Rail Project FEIS: Staff will continue working with TriMet and project partners on project scope deferrals and finance and seek record of decision in early December. Robin will be SLT point of contact and will bring in others, if required.

East Metro Connections and SW Corridor: Staff will consult with Robin and other members of SLT on Chartering elements, as appropriate.

Columbia River Crossing: Concurrence on scope of work to be undertaken by Metro staff and guidance on nature of strategic support Metro needs to provide to the project.

Items for Metro Council action

The Council is expected to act on an project LPA in February

5.2 | Transportation System Planning

The Transportation System Planning program provides a broad scope of transportation planning services that assure Metro’s compliance with state and federal regulations and support other planning efforts in Planning and Development. The program has the following operational areas: the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP), Metro’s designation by the federal government as a Metropolitan Planning Organization (MPO), the Regional Travel Options (RTO) program, and the Transportation System Management and Operations (TSMO) program.

Major accomplishments for this reporting period

- Adoption of the completed 2010-13 MTIP
- JPACT and Council approval of 2012-15 MTIP policy
- Initiation of the Climate Change Scenarios work program

Major accomplishments for next reporting period

- Publication of the completed 2010-13 MTIP
- Development of 2012-15 MTIP project proposals for JPACT & Council review
- Completion of Oregon Climate Summit in concert with Oregon MPO Consortium

6.1 | Conventions, Trade and Consumer Shows

The Oregon Convention Center (OCC) and the Portland Expo Center (Expo) attract international, national, and regional visitors to diverse events that contribute to the livability of this region by inducing direct and indirect spending in local businesses and attractions, creating and supporting living wage jobs and generating tax revenues for state and local governments.

Major accomplishments for this reporting period

- OCC - Initial plan for Metro Café project has been finalized and addendum to the ARAMARK Contract should be executed in October, design work on the space is completed and construction manager for the project has been identified and projected opening of Spring 2011.

- OCC - completed work on the lease with PDC for the old Sizzler Block re-development into a public plaza space, which was approved by the Commission in October. Construction is slated to begin in December of 2010 with completion in June of 2011.
- OCC had a very busy quarter with 13 of the 21 conventions being national, which has had a tremendous positive impact on OCC revenues and city-wide occupancy rates for the quarter.
- Expo Center awarded the Marketing/Communications contract to Gard Communications.
- Expo Center website redesign request for proposal distributed.
- Expo Center completed manufacture and installation of way-finding signage.
- Expo Center Exhibit Hall C heating unit project is complete and fully operational.
- Expo Center distributed General Contractor Request for Bids; “expotions” lounge/cafe project.
- Expo Center completed Conditional Use Master Plan (CUMP) Pre-Application conference with the City of Portland.
- Expo Center distributed Request for Quote for Seismic Gas Valve project and Fire Alarm Control Panel project.
- Expo Center completed geotechnical coring samples; Hall E boring project.
- Expo Center diversion rate improved from 31% in FY 10 to 39% in FY 11

Major accomplishments for next reporting period

- OCC to finalize construction drawings and proceed with the Plaza Construction
- OCC to finalize addendum to ARAMARK Contract and get approvals from Metro Senior Staff on the Metro Café Project.
- Expo Center selection of Website Redesign contractor.
- Expo Center Exhibit Hall C heating units permitted.
- Expo Center Award of General Contractor contract; “expotions” bar/lounge project.
- Expo Center substantial completion of “expotions” bar/lounge project.
- Expo Center selection of and meetings held with CUMP Advisory Committee, assemble 1st Draft CUMP application, prepare final application and submit to COP.
- Expo Center completion of Seismic Gas Valve project.
- Expo Center completion of Fire Alarm Control Panel project.
- Expo Center determination of Hall E boring project “next step(s)”.

METRO COUNCIL

Work Session Worksheet

Presentation Date: November 23, 2010 Time: 2:55 pm
Length: 30 minutes

Presentation Title: Amendments to Capacity Ordinance 10-1244, for the purpose of Making the Greatest Place and Providing Capacity for Housing and Employment to the Year 2030; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency

Service, Office, or Center:
Planning and Development

Presenters (include phone number/extension and alternative contact information):
John Williams, ext. 1635

ISSUE & BACKGROUND

The proposed legislation, Ordinance 10-1244, addresses Metro's statutory growth management obligations and includes revisions to the Regional Framework Plan, the Urban Growth Management Functional Plan, and the 2040 Growth Concept map. The proposed 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 Council has agreed to delay any urban growth boundary expansions that may be needed until 2011.

MPAC is scheduled to make its final recommendations on the ordinance at their November 17 meeting. Following the MPAC meeting, Metro staff will prepare a staff report on the ordinance which will be provided to Councilors on Friday, November 19 along with the proposed ordinance and exhibits.

Councilors may want to amend the ordinance. Council President Collette has set a December 9 deadline for amendments from councilors. At this work session, Councilors will discuss the amendment process.

QUESTION(S) PRESENTED FOR CONSIDERATION

- Are Councilors considering amendments to Ordinance 10-1244 or its exhibits including Regional Framework Plan policies or Urban Growth Management Functional Plan implementation strategies?

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION X Yes ___ No
DRAFT IS ATTACHED ___ Yes X No (Material will be available on Friday,
November 19, 2010)**

Materials following this page were distributed at the meeting.

Draft Capacity Ordinance 10-1244 Hearing and Amendment Calendar

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Nov 22	Nov 23 Council Work Session: Discussion on hearing and amendment process	Nov 24	Nov 25 Thanksgiving Holiday	Nov 26
Nov 29 Special Council Meeting: Public Hearing on Capacity Ordinance 10-1244, Oregon City 5 pm	Nov 30 Council Work Session: Discussion of amendments	Dec 1 <i>Deadline for councilors to notify John Williams if assistance is needed to draft amendments to Capacity Ordinance/exhibits</i>	Dec 2 Council Meeting: 1 st Read and Public Hearing on Ordinance 10-1244 Hillsboro 5 pm (council meeting begins at 4)	Dec 3
Dec 6	Dec 7 <i>Noon: deadline for councilor amendments to staff for council work session</i> Council Work Session: Discussion of councilor amendments	Dec 8	Dec 9 Council Meeting: Consideration of councilor amendments and public hearing on Ordinance 10-1244 Metro 5 pm	Dec 10
Dec 13	Dec 14 Council Work Session	Dec 15	Dec 16 Council Meeting: 2 nd read, public hearing, and action on Ordinance 10-1244 Metro 2 pm	Dec 17

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 11 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). The Council intends to amend the UGB in 2011 to add approximately 310 acres of land suitable for industrial

development in order to accommodate the demand identified in the 2009 UGR for large sites.

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. The Council determines that, for the reasons set forth in the 2010 Growth Management Assessment, August, 2010, it will direct its capacity decisions to a point between the low end and the high end of the middle third of the forecast range.
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 at least 50 percent of the housing and employment forecast to the year 2030 and how they 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 Collette, 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, work and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that 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.

It is also the policy of the Metro Council to:

Use performance measures and performance targets to:

- a. Evaluate the effectiveness of proposed policies, strategies and actions to achieve the desired Outcomes
- b. Inform the people of the region about progress toward achieving the Outcomes
- c. Evaluate the effectiveness of adopted policies, strategies and actions and guide the consideration of revision or replacement of the policies, strategies and actions; and
- d. 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 Ensure and maintain 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 and to create a compact urban form.
- 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 create equitable and vibrant communities.
- 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.
- 1.1.8 Promote a compact urban form as a key climate action strategy to reduce greenhouse gas emissions.

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 urban 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. To the extent practicable, link Metro's investments so they reinforce one another and maximize contributions to Centers, Corridors, Station Communities and Main Streets;
- c. To the extent practicable, 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 catalogue 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.

D. 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.

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

1.4 Employment Choices and Opportunities

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 Consistent with policies promoting a compact urban form, ensure that the region maintains 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.

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 or E. A city or county may reduce its minimum zoned capacity in other locations under subsections C, D or E.
- 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(hh). 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 may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity.
- F. A city or county may amend its comprehensive plan and land use regulations to transfer minimum zoned capacity to another city or county upon a demonstration that:
1. A transfer between designated Centers, Corridors or Station Communities does not result in a net reduction in the minimum zoned capacities of the Centers, Corridors or Station Communities involved in the transfer; and
 2. The increase in minimum zoned capacity is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299
- G. 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.

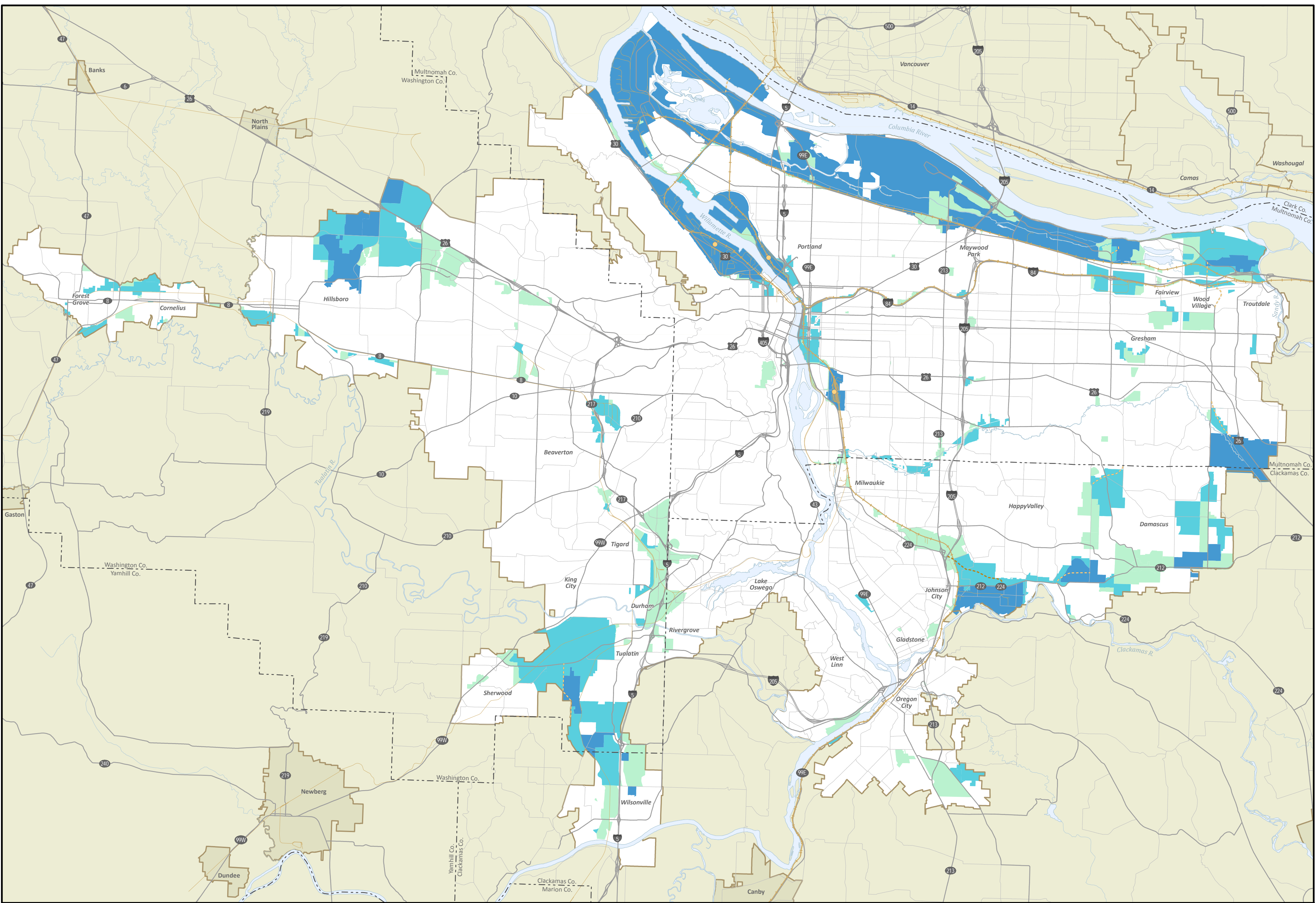
H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:

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, Industrial and Other Employment Areas

ORDINANCE 10-1244, EXHIBIT D
November 18, 2010



- Employment areas
- Industrial areas
- Regionally significant industrial areas
- Proposed main roadway routes
- Proposed road connectors
- Mainline freight
- Branch line freight
- Rail yards
- County boundaries
- Urban growth boundaries
- Neighbor cities



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:

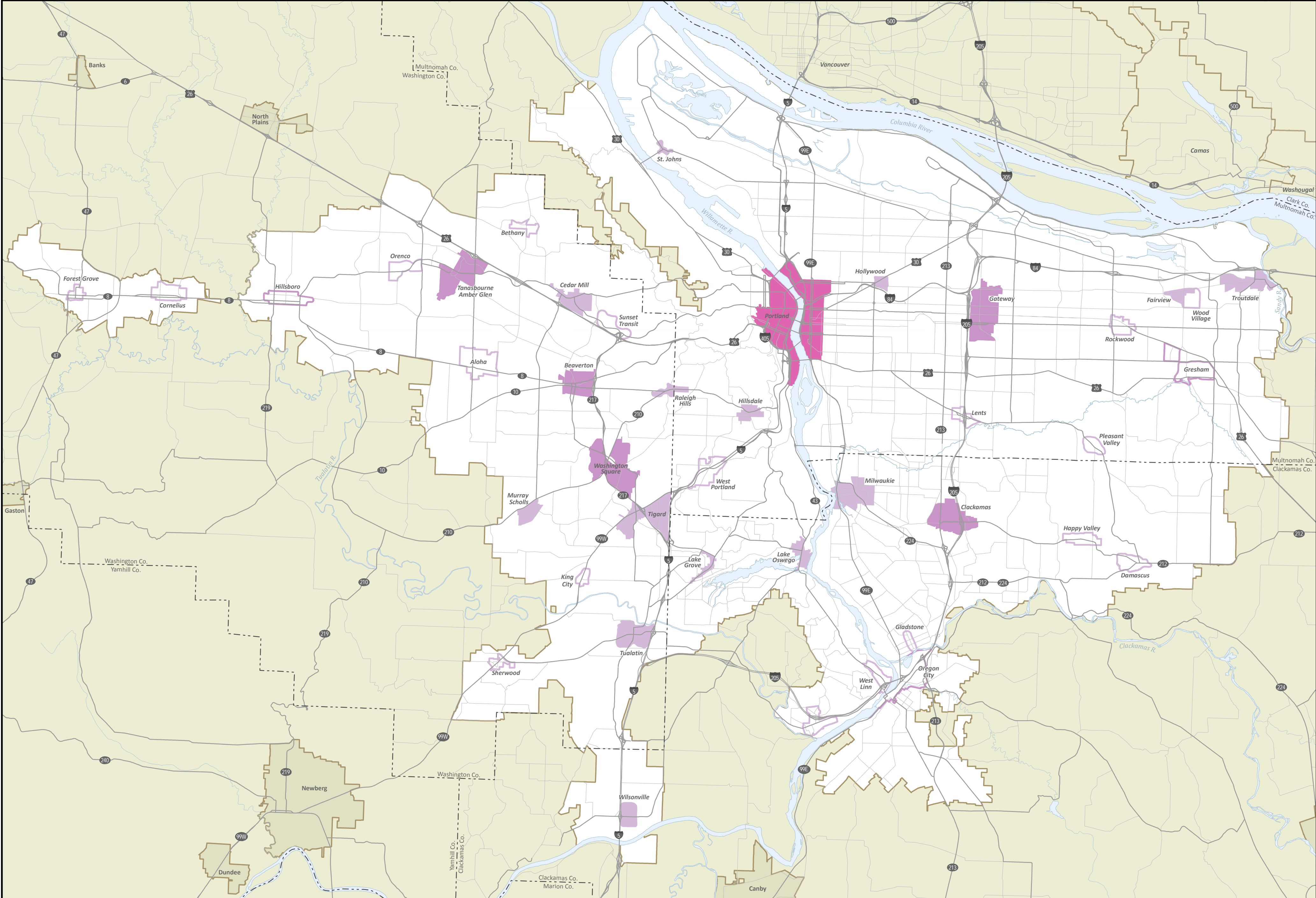
- a. Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;
- b. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and
- c. A parking management program for the Center, Corridor, Station Community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

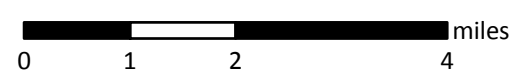
3.07.650 Centers, Corridors, Station Communities and Main Streets Map

- 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.
- 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.



Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries

ORDINANCE 10-1244, EXHIBIT F
November 18, 2010



- Central city, adopted boundary
- Regional center, adopted boundary
- Regional center, conceptual boundary
- Town center, adopted boundary
- Town center, conceptual boundary
- County boundaries
- Urban growth boundaries
- Neighbor cities



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 count 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. A city, county or person who disagrees with a determination in the compliance report may seek review of the determination by the Council by written request to the COO. The Council shall notify the requestor, all cities and counties, MPAC, JPACT, MCCI, the Department of Land Conservation and Development and any person who requests notification of the review. 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 its review at a public hearing, the Council shall adopt an order that determines whether the city or county complies with the functional plan requirement raised in the request. 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 sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. 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; and
 - h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.
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; and
 - 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 section 3.07.1110C(8) 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 section 3.07.1455B(4) of this chapter.

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 section 3.07.1455B(2) of this chapter;
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 to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, 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 section 3.07.1010(ww) of this chapter, 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 is repealed.

~~3.01.005 Purpose~~

~~This chapter prescribes criteria and procedures to be used by Metro in establishing urban reserves and making amendments to the Metro Urban Growth Boundary (UGB). The chapter prescribes three processes for amendment of the UGB:~~

- ~~—— (a) —— Legislative amendments following periodic analysis of the capacity of the UGB and the need to amend it to accommodate long range growth in population and employment;~~
- ~~—— (b) —— Major amendments to address short term needs that were not anticipated at the time of legislative amendments; and~~
- ~~—— (c) —— Minor adjustments to make small changes to make the UGB function more efficiently and effectively.~~

~~3.01.010 Definitions~~

- ~~—— (a) —— "Council" has the same meaning as in Chapter 1.01 of the Metro Code.~~
- ~~—— (b) —— "Compatible," as used in this chapter, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. Any such interference or adverse impacts must be balanced with the other criteria and considerations cited.~~
- ~~—— (c) —— "Goals" means the statewide planning goals adopted by the Oregon Land Conservation and Development Commission at OAR 660-015-0000.~~
- ~~—— (d) —— "Legislative amendment" means an amendment to the UGB initiated by Metro, which is not directed at a particular site-specific situation or relatively small number of properties.~~
- ~~—— (e) —— "Property owner" means a person who owns the primary legal or equitable interest in the property.~~
- ~~—— (f) —— "Public facilities and services" means sewers, water service, stormwater services and transportation.~~
- ~~—— (g) —— "UGB" means the Urban Growth Boundary for Metro.~~
- ~~—— (h) —— "Urban reserve" means an area designated as an urban reserve pursuant to Section 3.01.012 of this Code and applicable statutes and administrative rules.~~

3.01.012 Urban Reserve Areas

~~(a) Purpose. This section establishes the process and criteria for designation of urban reserve areas pursuant to ORS 195.145 and Oregon Administrative Rules Chapter 660, Division 021.~~

~~(b) Designation of Urban Reserve Areas:~~

~~(1) The Council shall designate the amount of urban reserves estimated to accommodate the forecast need for a period from 10 to 30 years beyond the planning period for the most recent amendment of the UGB pursuant to ORS 197.299.~~

~~(2) The Council shall estimate the capacity of urban reserve areas consistent with the estimate of the capacity of land within the UGB.~~

~~(3) The Council may allocate urban reserve areas to different planning periods in order to phase addition of the areas to the UGB.~~

~~(4) The Council shall establish a 2040 Growth Concept design type applicable to each urban reserve area designated.~~

~~(c) Plans For Urban Reserve Areas. Cities and counties may plan for urban reserve areas, consistent with the Regional Framework Plan and OAR 660-021-0040, prior to the inclusion of the areas within the UGB.~~

3.01.015 Legislative Amendment Procedures

~~(a) The 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 chapter, the Council shall make a legislative amendment 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 and 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 3.01.050 of this chapter.~~

~~(d) Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the Chief Operating Officer shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The Chief Operating Office 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.~~

~~(e) ——— The Council shall base its final decision on information received by the Council during the legislative process.~~

~~————— (f) ——— The Council may amend the UGB to include land outside the district only upon a written agreement with the local government that exercises land use planning authority over the land that the local government will apply the interim protection requirements set forth in Section 3.07.1110 of the Metro Code to the land until the effective date of annexation of the land to the Metro district. A city or county may adopt an amendment to its comprehensive plan pursuant to Section 3.07.1120 of the Metro Code prior to annexation of the land to the district so long as the amendment does not become applicable to the land until it is annexed to the district.~~

~~3.01.020 Legislative Amendment – Criteria~~

~~————— (a) ——— The purpose of this section is to identify and guide the application of the factors and criteria for UGB expansion in state law and the Regional Framework Plan. Compliance with this section shall constitute compliance with statewide planning Goal 14 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 long-range urban population, consistent with a 20-year population 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 for possible addition to the UGB, and, consistent with ORS 197.298, shall determine which areas are better 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 farm and forest land outside the UGB.~~

~~(d) If the Council determines there is a need to amend the UGB, the Council shall also evaluate areas for possible addition to the UGB and, consistent with ORS 197.298 and statewide planning Goal 14, shall determine which areas are better, considering the following factors:~~

~~(1) Equitable and efficient distribution of housing and employment opportunities throughout the region;~~

~~(2) Contribution to the purposes of Centers;~~

~~(3) Protection of farmland that is most important for the continuation of commercial agriculture in the region;~~

~~(4) Avoidance of conflict with regionally significant fish and wildlife habitat;
and~~

~~(5) Clear transition between urban and rural lands, using natural and built features to mark the transition.~~

~~3.01.025 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 Chief Operating Officer 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(1).~~

~~(b) Except for that calendar year in which the Council is completing its analysis of buildable land supply, the Chief Operating Officer 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. Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may waive the deadline by a vote of five members of the full Council.~~

~~————(c)—— With the application, the applicant shall provide the names and addresses of property owners for notification purposes, consistent with Section 3.01.050(b). 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 Chief Operating Officer 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 Chief Operating Officer 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 Chief Operating Officer 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 3.01.050 of this chapter.~~

~~————(g)—— The Chief Operating Officer 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 Chief Operating Officer 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, then the Chief Operating Officer shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods in the manner prescribed in Section 3.01.015(d).~~

~~(i) An applicant may request postponement of the hearing within 20 days after filing a complete application. The Chief Operating Officer 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 Chief Operating Officer will return the unneeded portion of the fee deposit assessed pursuant to Section 3.01.045.~~

~~(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 indicate the date of the meeting at which the organization adopted the position presented.~~

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

~~(l) The hearings officer will 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 Chief Operating Officer;~~

~~(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. The hearings officer 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 participant, 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 Chief Operating Officer, who shall make it available for review by participants.~~

~~——(t)—— Within seven days after receipt of the proposed order from the hearings officer, the Chief Operating Officer 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 Chief Operating Officer 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 Chief Operating Officer. The Council will allow oral and written argument by participants in the proceedings before the hearings officer. The 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.~~

~~——(v)—— The Council may approve expansion of the UGB to include land outside the Metro jurisdictional boundary only upon a written agreement with the local government that exercises land use planning authority over the subject land that the local government will apply the interim protection requirements set forth in Section 3.07.1110 of the Metro Code until Metro annexes the subject land to Metro. A city or county may approve an amendment to its comprehensive plan, pursuant to Section 3.07.1120 of the Metro Code so long as the amendment does not become effective until Metro annexes the subject land to Metro.~~

3.01.030 Major Amendments—Criteria

~~———— (a) ——— The purpose of the major amendment process is to provide a mechanism to address needs for land that were not anticipated in the last analysis of buildable land supply under ORS 197.299(1) and cannot wait until the next analysis. Land may be added to the UGB under this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs.~~

~~———— (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) and (d) of Section 3.01.020 of this chapter. 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) ——— The amendment will not result in the creation of an island of urban land outside the UGB or an island of rural land inside the UGB; and~~

~~———— (3) ——— If the amendment would add land for public school facilities, a conceptual school plan as described in Section 3.07.1120(f) has been completed.~~

~~———— (c) ——— If the Council incidentally adds land to the UGB for housing in order to facilitate a trade, the Council shall designate the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the 2040 Growth Concept plan designation for the area.~~

3.01.033 Minor Adjustments—Procedures

~~———— (a) ——— 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 Section 3.01.025(d).~~

~~———— (b) ——— The Chief Operating Officer 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 Chief Operating Officer 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 3.01.050 of this chapter.~~

~~———— (d) ——— The Chief Operating Officer shall review the application for compliance with the criteria in Section 3.01.035 of this chapter and shall issue an order with analysis and conclusions within 90 days of receipt of a complete application. The Chief Operating Officer 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 Chief Operating Officer's order to the Metro 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 3.01.050 of this chapter.~~

~~———— (g) ——— Following the hearing, the Council shall uphold, deny or modify the Chief Operating Officer'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.~~

3.01.035 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 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 more efficient or less costly;~~

~~———— (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 currently designated 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 the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the 2040 Growth Concept designation for the area.~~

~~(g) The Chief Operating Officer 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.~~

3.01.040 Conditions of Approval

~~(a) Land added to the UGB by legislative amendment pursuant to Section 3.01.015 or by major amendment pursuant to Section 3.01.025 shall be subject to the requirements of Title 11, Planning for New Urban Areas, of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07.1105, et seq.).~~

~~(b) Unless a comprehensive plan amendment has been previously approved for the land pursuant to Section 3.01.012(c), when the Council adopts a legislative or major amendment to the UGB, the Council 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. If local governments have an adopted agreement 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 the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the design type.~~

~~(3) Establish the boundaries of the area that shall be included in the planning required by Title 11. The boundary of the planning area may include all or part of one or more designated urban reserves.~~

~~(4) Establish the time period for city or county compliance with the requirements of Title 11, which shall not be less than two years following the effective date of the ordinance adding the area to the UGB.~~

~~———— (e) ——— When it adopts a legislative or major amendment to the UGB, the Council may establish conditions that it deems necessary to ensure that 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 3.07.870 of the Urban Growth Management Functional Plan.~~

~~3.01.045 Fees~~

~~———— (a) ——— Each application submitted by a property owner or group of property owners pursuant to this chapter shall be accompanied by a filing fee in an amount to be established by resolution of the Council. Such fees shall not exceed the actual costs of Metro to process an application. The filing fee shall include administrative costs and the cost of hearings officer and of public notice.~~

~~———— (b) ——— The fees 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.~~

~~———— (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.~~

~~3.01.050 Notice Requirements~~

~~———— (a) ——— For a proposed legislative amendment under Section 3.01.015, the Chief Operating Officer shall provide notice of the hearings in the following manner:~~

~~———— (1) ——— In writing to the director of the Department of Land Conservation and Development at least 45 days before the first public hearing on the proposal;~~

~~———— (2) ——— In writing to the local governments of the Metro area at least 30 days before the first public hearing on the proposal; and~~

~~———— (3) ——— To the general public 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 Section 3.01.025, the Chief Operating Officer 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 Chief Operating Officer 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 paragraph (b)(1)(C) of this section, the information required by ORS 268.393(3).~~
- ~~(d) For a proposed minor adjustment under Section 3.01.033, the Chief Operating Officer 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 Chief Operating Officer shall notify each county and city in the district of each amendment of the UGB.~~

~~3.01.055 Regular Review of Chapter~~

~~The procedures in this chapter shall be reviewed by Metro every five years, and can be modified by the Council at any time to correct any deficiencies which may arise.~~

~~3.01.060 Severability~~

~~Should a section, or portion of any section of this chapter, be held to be invalid or unconstitutional, the remainder of this chapter shall continue in full force and effect.~~

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).

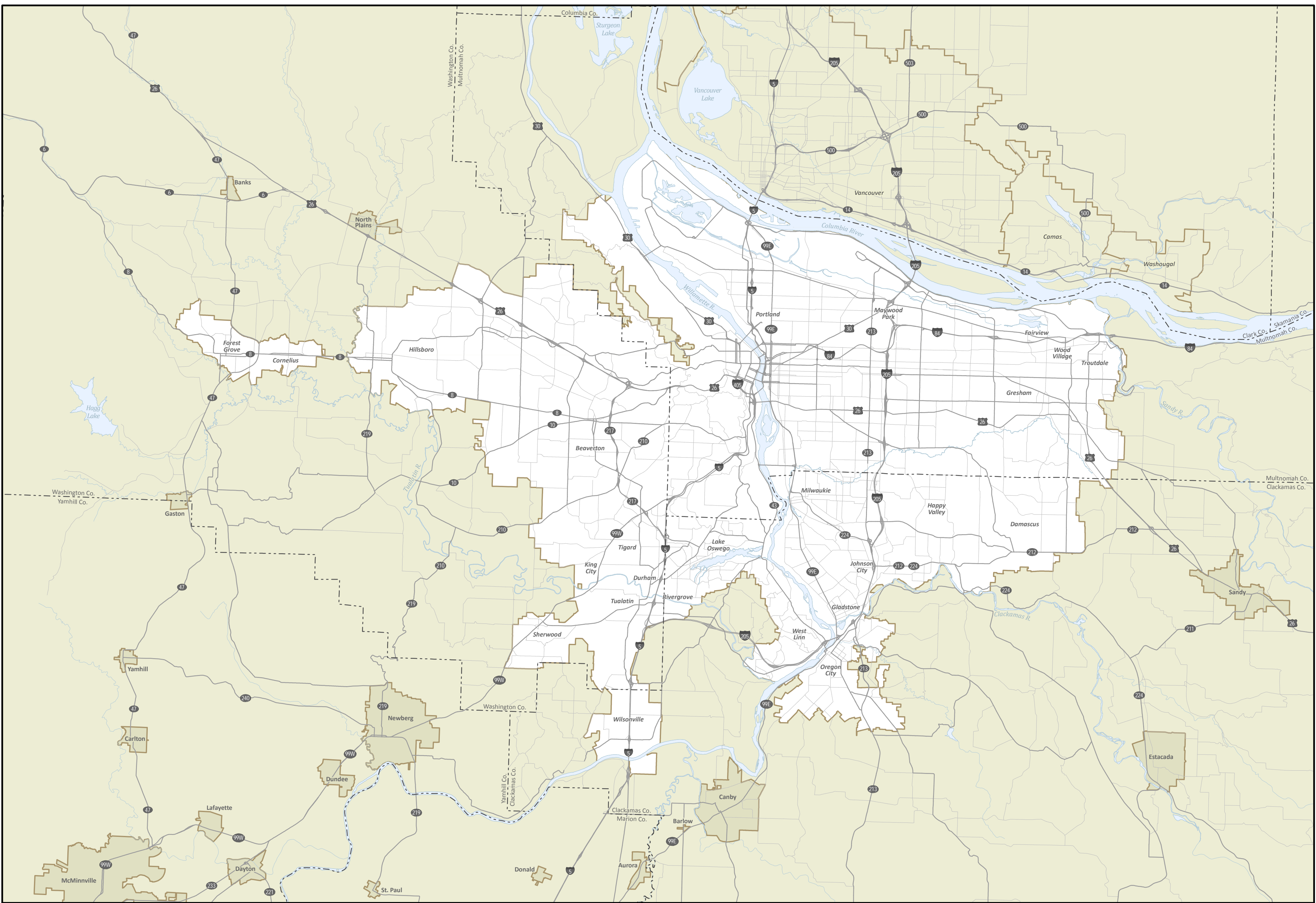
D. For a proposed minor adjustment under section 3.07.1445, the COO shall provide notice in the following manner:

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

ORDINANCE 10-1244, EXHIBIT M
November 18, 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.

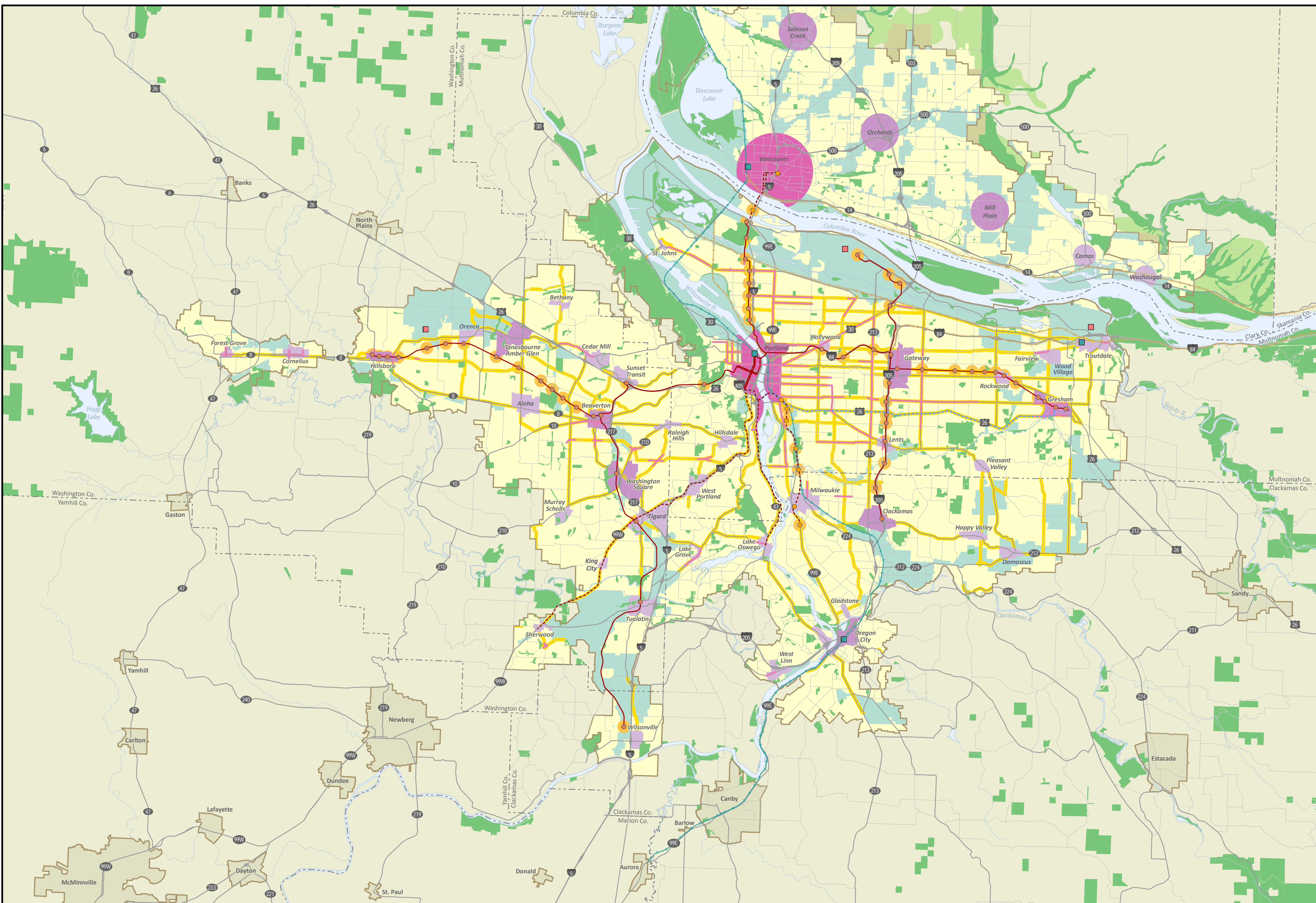
C. The following criteria shall apply in lieu of the criteria set forth in section 3.09.050(d). An approving entity shall demonstrate that:

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

ORDINANCE 10-1244, EXHIBIT O
November 18, 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 December 1995 through the Region 2040 planning and public involvement process. This concept is intended to provide long-term growth management of the region.

The map highlights elements of parallel planning

efforts including: the 2035 Regional Transportation Plan that outlines investments in multiple modes of transportation, and a commitment to local policies and investments that will help the region better accommodate growth within its centers, corridors and employment areas.

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

- | | | | |
|--|--|---|---|
| <ul style="list-style-type: none"> ■ Central city ■ Regional center ■ Town center ● Station communities | <ul style="list-style-type: none"> ■ Employment land ■ Parks and natural areas ■ Neighborhood ■ Main streets ■ Corridors | <ul style="list-style-type: none"> —●— Existing high capacity transit - - - Planned high capacity transit - - - Proposed high capacity transit tier 1 — Mainline freight — High speed rail | <ul style="list-style-type: none"> - - - County boundaries — Urban growth boundaries ■ Neighbor cities ■ Airports ■ Intercity rail terminal |
|--|--|---|---|



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 11 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). The Council intends to amend the UGB in 2011 to add approximately 310 acres of land suitable for industrial

development in order to accommodate the demand identified in the 2009 UGR for large sites.

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. The Council determines that, for the reasons set forth in the 2010 Growth Management Assessment, August, 2010, it will direct its capacity decisions to a point between the low end and the high end of the middle third of the forecast range.
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 at least 50 percent of the housing and employment forecast to the year 2030 and how they 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 Collette, 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, and play in vibrant communities where ~~they can choose to walk for pleasure and to meet~~ their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that 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.

It is also the policy of the Metro Council to:

Use performance measures and performance targets to:

- a. Evaluate the effectiveness of proposed policies, strategies and actions to achieve the desired Outcomes
- b. Inform the people of the region about progress toward achieving the Outcomes
- c. Evaluate the effectiveness of adopted policies, strategies and actions and guide the consideration of revision or replacement of the policies, strategies and actions; and
- d. 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—Balance the region’s growth by:~~

- ~~a.—Maintaining a compact urban form, with each access to nature.~~
- ~~b.—Preserving existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed-use centers and corridors at a pedestrian scale.~~
- ~~c.—Ensuring affordability and maintaining a variety of housing choices with good access to jobs and assuring that market-based preferences are not eliminated by regulation.~~
- ~~d.a. Targeting public investments to reinforce a compact urban form.~~

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 and to create a compact urban form.

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 create equitable and vibrant communities. 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.

1.1.78 Promote excellence in community design.

1.1.8 Promote a compact urban form as a key climate action strategy to reduce greenhouse gas emissions.

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

1.2 ~~Built Environment~~ Centers, Corridors, Station Communities and Main Streets

It is the policy of the Metro Council to:

~~1.2.1 Ensure that development in the region occurs in a coordinated and balanced fashion as evidenced by:~~

~~Taking a regional “fair-share” approach to meeting the housing needs of the urban population.~~

~~Providing infrastructure and critical public services concurrent with the pace of urban growth and that support the 2040 Growth Concept.~~

~~Continuing growth of regional economic opportunity, balanced so as to provide an equitable distribution of jobs, income, investment and tax capacity throughout the region and to support other regional goals and objectives.~~

~~Coordinating public investment with local comprehensive and regional functional plans.~~

~~Creating a balanced transportation system, less dependent on the private automobile, supported by both the use of emerging technology and the location of jobs, housing, commercial activity, parks and open space.~~

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~~ urban 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. To the extent practicable, link Metro’s investments so they reinforce one another and maximize contributions to Centers, Corridors, Station Communities and Main Streets;
- c. To the extent practicable, 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 catalogue 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.

D. 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.

1.3.45 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.

1.3.56 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.

1.3.67 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.

1.3.78 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.

1.3.89 Integrate Metro efforts to expand housing choices with other Metro activities, including transportation planning, land use planning and planning for parks and greenspaces.

1.3.910 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.

1.3.101 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.

1.3.112 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.

1.3.123 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.

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

1.4 ~~Economic~~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 ~~and Affordable 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 redevelopable.
- 1.4.6 Consistent with policies promoting a compact urban form ensure that the region maintains 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.

F. Repeal Chapter 1 (Land Use) Policy 1.6

~~1.6 — Growth Management~~

~~It is the policy of the Metro Council to:~~

- ~~1.6.1 — Manage the urban land supply in a manner consistent with state law by:~~

- ~~a. Encouraging the evolution of an efficient urban growth form.~~
- ~~b. Providing a clear distinction between urban and rural lands.~~
- ~~c. Supporting interconnected but distinct communities in the urban region.~~
- ~~d. Recognizing the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region.~~
- ~~e. Being consistent with the 2040 Growth Concept and helping attain the region's objectives.~~

G. Repeal Chapter 1 (Land Use) Policy 1.15

~~1.15 Centers~~

~~It is the policy of the Metro Council to:~~

- ~~1.15.1 Recognize that the success of the 2040 Growth Concept depends upon the maintenance and enhancement of the Central City, Regional and Town Centers, Station Communities and Main Streets as the principal centers of urban life in the region. Each Center has its own character and is at a different stage of development. Hence, each needs its own strategy for success.~~
- ~~1.15.2 Develop a regional strategy for enhancement of Centers, Station Communities and Main Streets in the region:
 - ~~a. Recognizing the critical connection between transportation and these design types, and integrate policy direction from the Regional Transportation Plan.~~
 - ~~b. Placing a high priority on investments in Centers by Metro and efforts by Metro to secure complementary investments by others.~~
 - ~~c. Including measures to encourage the siting of government offices and appropriate facilities in Centers and Station Communities.~~~~
- ~~1.15.3 Work with local governments, community leaders and state and federal agencies to develop an investment program that recognizes the stage of each Center's development, the readiness of each Center's leadership, and opportunities to combine resources to enhance results. To assist, Metro will maintain a database of investment and incentive tools and opportunities that may be appropriate for individual Centers.~~
- ~~1.15.4 Assist local governments and seek assistance from the state in the development and implementation of strategies for each of the Centers on the 2040 Growth Concept Map. The strategy for each Center will be tailored to the needs of the Center and include an appropriate mix of investments, incentives, removal of barriers and guidelines aimed to encourage the kinds of development that will add vitality to Centers and improve their functions as the hearts of their communities.~~

~~1.15.5 Determine whether strategies for Centers are succeeding. Metro will measure the success of Centers and report results to the region and the state. Metro will work with its partners to revise strategies over time to improve their results.~~

Exhibit B to Ordinance No. 10-1244

TITLE 1: HOUSING CAPACITY

3.07.110 Purpose and Intent

~~The Regional One goal of the Framework Plan calls for a compact urban form and a "fair-share" approach is the efficient use of land. Title 1 intends to meeting regional use land within the UGB efficiently by increasing its capacity to accommodate housing needs. It is the purpose of Title 1 to accomplish these policies by requiring and employment. Title 1 directs each city and county to maintain or increase its in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth as specified in this title.~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance 02-969B, Sec. 1.)~~

3.07.120 Housing and Employment Capacity

~~A. Each city and county shall determine its capacity for housing capacity except as and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table 3.07-1, supplemented by capacity resulting from addition of territory to the UGB. Local governments shall use data provided in section 3.07.120 by Metro unless the Metro Council or the Chief Operating Officer determines that data preferred by a city or county is more accurate.~~

3.07.120 Housing Capacity

~~A. B. A city or county may reduce shall determine its capacity for dwelling units by cumulating the minimum zoned capacity of the Central City or a Regional Center, Town Center, Corridor, Station Community or Main Street under subsection D or E. A city or county may reduce its minimum zoned capacity in other locations under subsections C, D or E.~~

~~Each city and county shall adopt a minimum dwelling unit density for number of dwelling units authorized in each zoning district in which dwelling units are authorized except for~~

zones that authorize mixed-use as defined in section 3.07.1010(hh). If a city or county has not adopted a .—A city or county may use a higher number of dwellings than the 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. a zoning district if development in the five years prior to the determination has actually occurred at the higher number.

B. AC.—If a city ~~or annexes~~ 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 territory, the city shall ensure that the city's or county's minimum zoned ~~re is no~~ net loss in regional housing or employment capacity would be reduced.

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

C. 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 , as shown on Table 3.07-1, as a result of the following purposes:

1. To re-zone the area to allow industrial use under Title ~~4~~ amendments 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.

D. A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity.

A city or county may amend its comprehensive plan and or land use regulations to transfer minimum zoned capacity to another city or county upon a demonstration that:that apply to the annexed territory.

1. A transfer between designated Centers, Corridors or Station Communities does not result in a net reduction in the minimum zoned capacitiesD. After completion of the Centers, Corridors or Station Communities involved in the transfer; and

2. The increase in minimum zoned its initial determination of capacity is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299

A ,each city or county shall authorize the establishmentreport changes in its capacity by April 15 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.the first calendar year following completion of its initial determination and by April 15 of every following year.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-972A, Sec. 1; Ordinance No. 02-969B, Sec. 1; Ordinance No. 07-1137A, Sec. 1.)

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. ~~economic—climate.~~ To improve the economy, region's economic climate, 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, ~~Employment Areas~~, 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.

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)~~

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 Metro's Freight Network Map, ~~November, 2003, below standards set~~ in the ~~2004~~ 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.

~~D.~~ 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.E.~~ 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 ~~larger than~~ 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.F.~~ 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.

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)~~

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 Metro's~~ Freight Network Map in the Regional Transportation Plan., November, 2003. 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 ~~larger than~~ 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;

~~e.~~ 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.

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)~~

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~~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 ~~3.08-33-07-2~~ of Title ~~42~~ of the Regional Transportation Urban Growth Management Functional Plan.

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)~~

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~~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~~Title 4 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 jobs capacity of the city or county; ~~below the number shown on Table 3.07 1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by 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~~Major~~ Roadway Routes and Roadway Connectors shown on ~~the~~Metro's 2004 Regional Freight Network~~System~~ Map ~~below standards~~ in the Regional Transportation Plan below ("RTP"), ~~or exceed volume-to-capacity standards in the plan, ratios on Table 7 of the 1999 Oregon Highway Plan for state highways,~~ unless mitigating action is taken that will restore performance to RTP ~~and OHP~~ 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~~Title 4 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, Title 4,~~ exceeds the assessed value of the land by a ratio of 1.5 to 1.

E. The ~~COO~~Chief Operating Officer 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, Metropolitan Policy Advisory Committee,~~ 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 jobs capacity of the city or county; ~~below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;~~~~

~~2. Would not allow uses that would reduce off-peak performance on MainMajor Roadway Routes and Roadway Connectors shown on the Metro's 2004 Regional Freight NetworkSystem Map ~~below standards~~ in the Regional Transportation Plan below ("RTP"), ~~or exceed~~ volume-to-capacity standards in the plan, ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") ~~for state highways,~~ unless mitigating action is taken that will restore performance to RTP ~~and OHP~~ 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~~~~Chief Operating Officer~~ (COO) shall submit a written report to the Council and ~~MPAC~~~~the Metropolitan Policy Advisory Committee~~ 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.

~~(Ordinance No. 07-1137A, Sec. 2.)~~

~~**Table 3.07-4**~~
~~(Section 3.07.420(B))~~

~~Clackamas County unincorporated~~

~~Commercial~~

~~Commercial Industrial~~

~~Lake Oswego~~

~~General Commercial~~

~~Highway Commercial~~

~~Troutdale~~

~~General Commercial~~

~~Hillsboro~~

~~General Commercial~~

Sherwood

~~General Commercial~~

Tigard

~~General Commercial~~

~~Commercial Professional~~

Tualatin

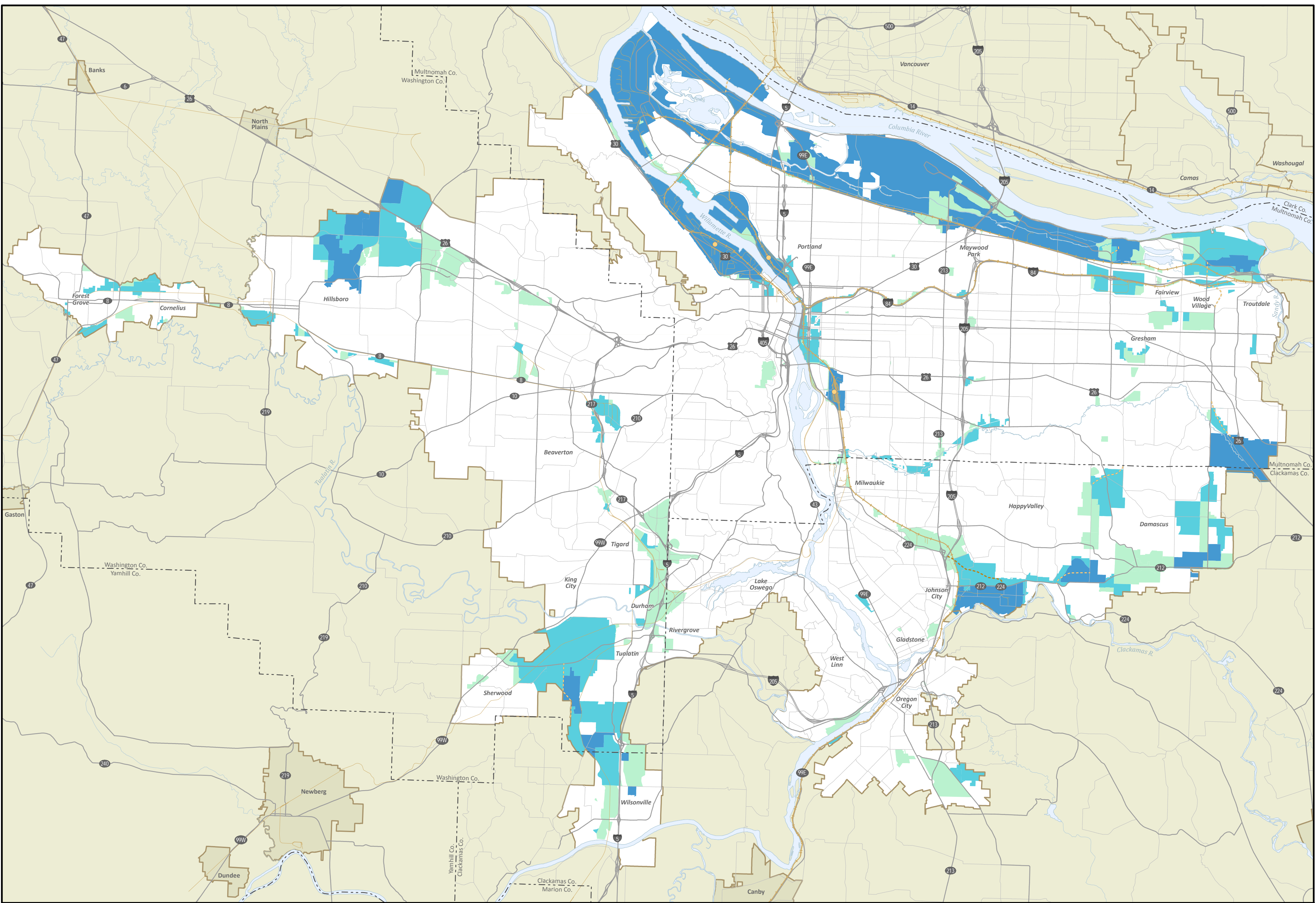
~~Commercial General~~

Wilsonville

~~Planned Development Commercial~~

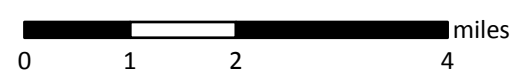
~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5.)~~

~~(Title 5 Neighbor Cities Sections 3.07.510-540 Ordinance No. 97-715B,
Sec. 1. Repealed Ord. 10-1238A, Sec. 4.)~~



Title 4, Industrial and Other Employment Areas

ORDINANCE 10-1244, EXHIBIT D
November 18, 2010



- Employment areas
- Industrial areas
- Regionally significant industrial areas
- Proposed main roadway routes
- Proposed road connectors
- Mainline freight
- Branch line freight
- Rail yards
- County boundaries
- Urban growth boundaries
- Neighbor cities



Exhibit E to Ordinance No. 10-1244

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

3.07.610 Purpose and Intent

~~The success of the 2040 Growth Concept depends upon the maintenance and enhancement of the Central City, Regional Framework Plan (RFP) identifies and Town 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, intends 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 Centers by encouraging development in these Centers that will improve the critical roles they play in the region and Investments in Centers, Corridors, by discouraging development outside Centers that will detract from those roles. As used in this title, the term "Centers" includes the Central City, Regional and Town Centers and 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:~~

Be consistent

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1; Ordinance No. 02-969B, Sec. 7.)~~

~~3.07.620 Local Strategy to Improve Centers~~

- ~~1. A. Each city and county with the general location a Center shown in the RFP except, for a proposed new Station Community, be consistent on the 2040 Growth Concept map shall, on a schedule established jointly 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.

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~~but not later than December 31, 2007, develop a strategy to enhance Centers within its jurisdiction. The strategy shall include at least the following elements:~~

Actions 1. An analysis of physical and regulatory barriers to development and a program of actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;~~them.~~

Revisions 2. An accelerated review process for preferred types of development.

1. 3. An analysis of incentives to encourage development and land use regulations, if necessary, a program 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;

2. Public investments and adopt incentives to support mixed-use pedestrian-friendly and transit-supportive development; and

3. 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.

D. 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).

E. Compliance with the requirements of this section is not a prerequisite to:

Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; ~~or available and appropriate for each Center.~~

1. 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;~~

~~Civic uses, including 4. A schedule for implementation of Title 4 of the Urban Growth Management Functional Plan.~~

~~5. An analysis of the need to identify one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as a convenient location of neighborhood commercial services, as authorized by Title 12, Section 3.07.1230 of the Urban Growth Management Functional Plan.~~

~~6. A work plan, including a schedule, to carry out the strategy.~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1; Ordinance No. 02-969B, Sec. 7.)~~

~~3.07.630 Special Transportation Areas~~

~~Any city or county that has adopted a strategy for a Center pursuant to Section 3.07.620 and measures to discourage commercial retail use along state highways outside Center and Neighborhood Centers shall be eligible for designation of a Center by the Oregon Transportation Commission as a Special Transportation Area under Policy 1B of the 1999 Oregon Highway Plan.~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1; Ordinance No. 02-969B, Sec. 7.)~~

~~3.07.640 Government Offices~~

~~A. Cities and counties shall encourage the siting of government offices in Centers by taking action pursuant to Section 3.07.620 to eliminate or reduce unnecessary physical and regulatory barriers to development and expansion of such offices in Centers.~~

~~B. Cities and counties shall discourage the siting of government offices outside Centers, Main Streets and Corridors by requiring a demonstration by the applicant government agency that sites within these designations cannot reasonably accommodate the proposed offices due to characteristics of the offices other than parking for employees.~~

~~C. For purposes of this section, "government offices" means administrative offices and those offices open to and serving the general public, such as libraries, city halls and public spaces. courts. The term "government offices" does not include other government facilities, such as fire stations, sewage treatment plants or equipment storage yards.~~

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.

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1; Ordinance No. 02-969B, Sec. 7.)~~

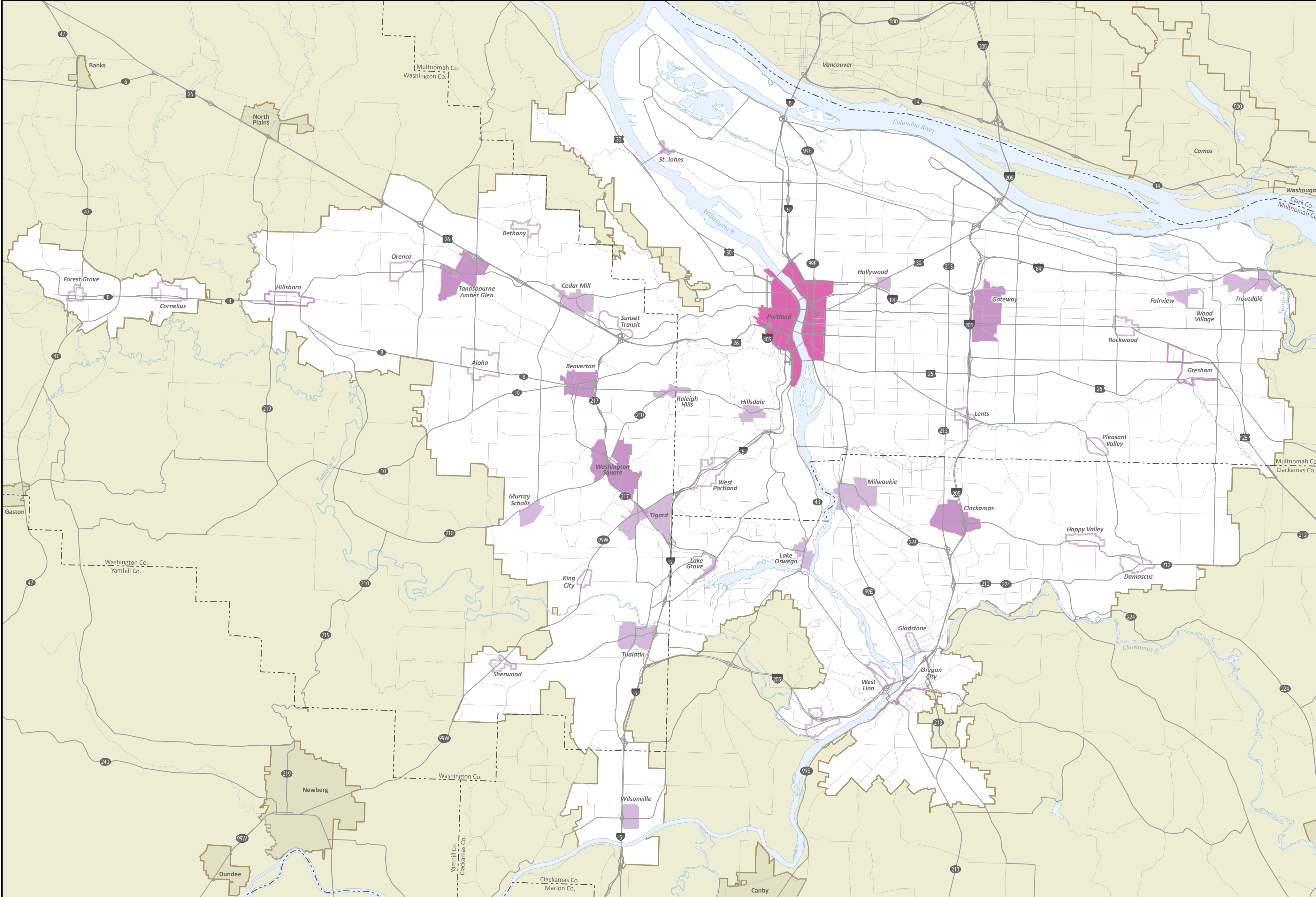
3.07.650 Centers, Corridors, Station Communities and Main Streets Map~~Reporting on Center Progress~~

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~~In order to assist Metro to evaluate the~~ boundaries established pursuant to this title.

B. A city or county may revise the boundary~~effectiveness of Title 6 in aid of a~~ Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on~~accomplishment of the 2040 Growth Concept Map in the RFP. The city or~~ and to comply with state progress reporting requirements in ORS 197.301, by April 15 of each even numbered year beginning 2004, each city and county shall provide notice of its proposed revision as~~report to Metro on a set of measures prescribed in subsection B of section~~ 3.07.620.

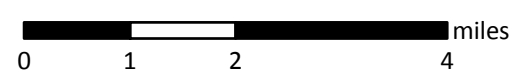
The COO shall revise the Centers, Corridors, Station Communities and Main Streets Map by order to conform the map to establishment or revision of ~~by the Council on~~ a boundary under this title.~~form developed for that purpose by Metro.~~

~~(Ordinance No. 02-969B, Sec. 7.)~~



Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries

ORDINANCE 10-1244, EXHIBIT F
November 18, 2010



- Central city, adopted boundary
- Regional center, adopted boundary
- Regional center, conceptual boundary
- Town center, adopted boundary
- Town center, conceptual boundary
- County boundaries
- Urban growth boundaries
- Neighbor cities



Exhibit G to Ordinance No. 10-1244

TITLE 8: COMPLIANCE PROCEDURES

3.07.810 Compliance ~~with~~With the Functional Plan

- A. The purposes of this ~~chapter~~ ~~are~~ ~~section~~ ~~is~~ to establish a process for ~~ensuring~~ ~~determining~~ ~~whether~~ city or county ~~compliance~~ ~~comprehensive~~ ~~plans~~ ~~and~~ ~~land~~ ~~use~~ ~~regulations~~ ~~comply~~ with requirements of the Urban Growth Management Functional Plan ~~and for evaluating.~~ ~~The Council intends the process to be efficient~~ and ~~informing the region about cost effective~~ ~~and to provide an opportunity for the effectiveness of those~~ ~~Metro Council to interpret the requirements.~~ ~~of its functional plan.~~ Where the terms "compliance" and "comply" appear in this title, the terms shall have the meaning given to "substantial compliance" in ~~section~~ 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 ~~its~~ ~~acknowledgment~~ ~~of the functional plan or amendment,~~ ~~by the Land Conservation and Development Commission,~~ or after ~~any later~~ ~~such other~~ 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.~~ ~~date.~~
- C. ~~Notwithstanding subsection B of this section, cities and counties shall amend their comprehensive plans and land use regulations to comply with Sections 3.07.310 to 3.07.340 of Title 3 of the Urban Growth Management Functional Plan by January 31, 2000, and with the requirements in Sections 3.07.710 to 3.07.760 of Title 7 of the Urban Growth Management Functional Plan by January 18, 2003.~~
- D. ~~Cities and counties that amend their comprehensive plans or land use regulations after the effective date of the functional plan shall make the amendments in compliance with the functional plan. After one year following acknowledgment of a functional plan requirement, adopted or amended by the Metro Council after January 1, 2005, cities and counties that amend their comprehensive plans and land~~

use regulations shall make such amendments in compliance with the new functional plan requirement. ~~The Chief Operating Officer shall notify cities and counties of the effective date.~~

D. ~~Cities~~ E. ~~If a functional plan requirement was adopted or amended by the Metro Council after December 12, 1997, 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~~ that requirement. Notwithstanding the previous sentence, however, cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirements of Title 13 of this chapter, Metro Code Sections 3.07.1310 to 3.07.1370, shall make land use decisions consistent with those requirements after two years following their acknowledgment. The Chief Operating Officer 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. ~~The notice shall specify which functional plan requirements become applicable to land use decisions in each city and county.~~ For the purposes of this subsection, "land use decision" shall have the meaning of that term as defined in ORS 197.015(10).

E.F. ~~An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan upon if no appeal to the expiration Land Use Board of Appeals is made within the appropriate appeal 21-day period specified set forth in ORS 197.830(9), or 197.650 if the amendment is acknowledged in periodic review pursuant to ORS 197.633 or, if 197.644. If an appeal is made, upon the and the amendment is affirmed, the amendment shall be deemed to comply with the functional plan upon the final decision on appeal. Once the amendment is deemed to comply, with the functional plan requirement, the functional plan shall no longer apply to land use decisions made in conformance with the amendment.~~

F.G. ~~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 EF only if the city or county provided notice to the COO Chief Operating Officer as required by subsection Section 3.07.820(A of section 3.07.820.)~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-730C, Sec. 4. Readopted and amended by Ordinance No. 00-839, Sec. 1. Amended by Ordinance No. 00-882C, Sec. 2; Ordinance No. 01-925E, Sec. 1; Ordinance No. 02-972A, Sec. 1; Ordinance No. 05-1077C, Sec. 6.)~~

3.07.820 Compliance Review by the Chief Operating Officer

A. ~~A city or county proposing t least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation which a city or county must submit to the Department of Land Conservation and Development pursuant to ORS 197.610(1) or OAR 660-025-0130(1), the city or county shall submit the proposed amendment to the COO at least 45 days prior to the first evidentiary hearing on the Chief Operating Officer. The Chief Operating Officer shall review the proposed amendment. The COO for compliance with the functional plan. The Chief Operating Officer 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 Chief Operating Officer 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. requirements. The COO Chief Operating Officer shall send a copy of comment its analysis and recommendation to those persons who have requested a copy.~~

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

1. ~~Revise (1) revise~~ the proposed amendment as recommended in the ~~COO's Chief Operating Officer's~~ analysis;

2. ~~Seek (2) seek~~ an extension of time, pursuant to ~~section 3.07.830, Section 3.07.850,~~ to bring the proposed amendment into compliance with the functional plan; or

~~Seek an exception (3) seek review of the noncompliance by MPAC and the Metro Council, pursuant to ~~section Sections 3.07.830 and 3.07.840.~~~~

~~3.07.830 (Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-730C, Secs. 5, 6, 7; Ordinance No. 98-727C, Sec. 1. Readopted by Ordinance No. 00-839, Sec. 1. Amended by Ordinance No. 00-882C, Sec. 2; Ordinance No. 01-925E, Sec. 1; Ordinance No. 02-972A, Sec. 1.)~~

~~3.07.830 Review of Compliance by Metropolitan Policy Advisory Committee~~

- ~~A. A city or county may seek review of the Chief Operating Officer's conclusion of noncompliance under Section 3.07.820B by MPAC and the Metro Council. The city or county shall file an application for MPAC review on a form provided for that purpose by the Chief Operating Officer. Upon receipt of a completed application, the Chief Operating Officer shall set the matter on the MPAC agenda and notify those persons who request notification of MPAC reviews.~~
- ~~B. The Chief Operating Officer may seek review of city or county compliance with a functional plan requirement by MPAC and the Metro Council after the deadline for compliance with that requirement. The Chief Operating Officer shall file an application for MPAC review on the form described in subsection A and shall set the matter on the MPAC agenda. The Council President shall notify the city or county and those persons who request notification of MPAC reviews.~~
- ~~C. MPAC may hold a public hearing on the issue of compliance. If MPAC holds a hearing, any person may testify. MPAC shall attempt to resolve any apparent or potential inconsistency between the proposed amendment and the functional plan. MPAC shall prepare a report to the Metro Council that sets forth reasons for the inconsistency. The Chief Operating Officer shall send a copy of the report to the city or county and those persons who request a copy.~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-727C, Sec. 2; Ordinance No. 01-925E, Sec. 1; Ordinance No. 02-972A, Sec. 1.)~~

~~3.07.840 Review by Metro Council~~

- ~~A. Upon receipt of a report from MPAC under Section 3.07.830, the Chief Operating Officer shall set the matter for a public hearing before the Metro Council and notify the city or county and those persons who request notification of Council reviews.~~

~~B. A person who requested a copy under Section 3.07.820A may seek review by the Metro Council of a Chief Operating Officer conclusion of compliance of a proposed amendment with the functional plan. The person shall file an application for Council review on a form provided for that purpose by the Chief Operating Officer. The Council President shall set the matter for a public hearing before the Council and notify the city or county, the Department of Land Conservation and Development and those persons who request notification of Council reviews.~~

~~C. The Council shall hold a public hearing on the matter within 90 days after receipt of a report from MPAC under subsection A or within 90 days after the filing of a complete application under subsection B. Any person may testify at the hearing. The Council shall issue an order of compliance or noncompliance with its analysis and conclusion and send a copy to the city or county, MPAC, the Department of Land Conservation and Development and those persons who participated in the proceeding.~~

~~D. If the Council finds that the proposed amendment does not comply with the functional plan, the Council shall advise the city or county that it may (1) revise and adopt the proposed amendment as recommended in the Council order; (2) seek an extension of time, pursuant to Section 3.07.850, to bring the proposed amendment into compliance with the functional plan; or (3) seek an exception from the functional plan, pursuant to Section 3.07.860. If the Council determines that an amendment of the functional plan is necessary to resolve the noncompliance, the Council shall include that determination in its order.~~

~~E. 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).~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 01-925E, Sec. 1; Ordinance No. 02-972A, Sec. 1.)~~

3.07.850 Extension of Compliance Deadline

A. A city or county may seek an extension of time for compliance with ~~the~~ functional plan requirement. The city or county shall file an application for an extension on a form provided ~~for that purpose by the~~ COO ~~Chief Operating~~

~~Officer.~~ Upon receipt of an application, the ~~COO~~Council ~~President~~ shall ~~set the matter for a public hearing before the Metro Council and shall~~ notify the city or county, ~~MPAC, the Department of Land Conservation and Development~~ and those persons who request notification of applications for extensions.

~~B. The Metro Council shall hold a public hearing to consider the extension.~~ Any person may file a written comment in support of or opposition to the extension.

~~B. The COO~~testify at the hearing. ~~The Council~~ may grant an extension if ~~it finds that: (1) the city or county is making progress toward accomplishment of its compliance or work program; or (2) 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 count 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~~Metro Council 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. ~~or of the region to achieve the 2040 Growth Concept.~~ A term or condition must relate to the requirement of the functional plan to which the ~~COO has granted~~Council grants the extension. ~~The Council shall incorporate the terms and conditions into its order on the extension. The Council shall not grant more than two extensions of time to a city or a county. The Council shall not grant an extension of time for more than one year.~~

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

~~D. The Metro Council shall issue an order with its conclusion and analysis and send a copy to the city or county, MPAC, the Department of Land Conservation and Development and those persons who participated in the proceeding. 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).~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 01-925E, Sec. 1; Ordinance No. 02-972A, Sec. 1.)~~

3.07.860 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 ~~for that purpose by the COO Chief Operating Officer. An application for an exception to the requirement in subsection 3.07.150D to increase dwelling unit and job capacity to the targets set forth in Table 3.07-1 must be filed between March 1 and March 31 of each calendar year in order to allow the Metro Council to consider the application concurrently with other such applications.~~ Upon receipt of an application, the ~~COO Council President shall set the matter for a public hearing before the Metro Council and shall notify the city or county MPAC, the Department of Land Conservation and Development~~ 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. ~~The Metro Council shall hold a public hearing to determine whether the exception meets the following criteria:~~

~~1. Except as provided in paragraph (2) of this subsection C, the COO Council may grant an exception if: it finds:~~

~~ita. It is not possible to achieve the requirement due to topographic or other physical constraints or an existing development pattern;~~

~~this b.~~ ~~This~~ exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;

~~the e.~~ ~~The~~ exception will not reduce the ability of another city or county to comply with the requirement; and

~~the d.~~ ~~The~~ city or county has adopted other measures more appropriate for the city or county to achieve the intended result of the requirement.

C. 2. The ~~COO Council~~ may grant an exception to the ~~housing requirement in subsection 3.07.140A to increase dwelling unit and job~~ capacity requirements in section 3.07.120 to the targets set forth in Table 3.07-1 if: ~~it finds:~~

~~the a.~~ ~~The~~ city or county has completed the analysis of capacity for dwelling units ~~and jobs~~ required by section 3.07.120; subsections 3.07.120A, B and C;

~~it b.~~ ~~It~~ is not possible to ~~comply with~~ achieve the ~~requirements~~ targets due to topographic or other physical constraints, an existing development pattern, ~~that precludes achievement of the 2040 Growth Concept,~~ or protection of natural resources pursuant to Titles 3 or 13 of this chapter; environmentally sensitive land; and

~~this e.~~ ~~This~~ exception and other similar exceptions ~~to the targets~~ will not render the targets unachievable region-wide. ~~region-wide.~~

D.C. The ~~COO Council~~ 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. 2040 Growth Concept. A term or condition must relate to the requirement of the functional plan to which the ~~COO Council~~ grants the exception. The ~~COO Council~~ shall incorporate the terms and conditions into ~~the its~~ 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).

~~D. 3.07.850 The Council shall issue an order with its conclusion and analysis and send a copy to the city or county, MPAC, the Department of Land Conservation and those persons who have requested a copy of the order. 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).~~

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 01-925E, Sec. 1; Ordinance No. 02-972A, Sec. 1.)~~

~~3.07.870~~ Enforcement of Functional Plan

A. The Metro Council may initiate enforcement ~~proceedings under this section~~ if a city or county has failed to meet a deadline for compliance with a functional plan requirement or if the Council in an extension granted pursuant to Section 3.07.850 or if it has good cause to believe that a city or county is engaged~~engaging~~ in a pattern or a practice of decision-making that is inconsistent with the functional plan, ~~or local~~ ordinances adopted by the city or county to implement the plan, or ~~with~~ 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~~Chief Operating Officer 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. ~~of this section.~~

B. If the ~~Metro~~ Council ~~decides~~concludes that there is good cause, ~~pursuant to subsection A of this section,~~ the Council President shall set the matter for a public hearing before the Council within 90 days of its decision.~~conclusion.~~ The ~~COO~~Chief Operating Officer 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, ~~the Department of Land Conservation~~

~~and Development~~ and any person who requests a copy of such notices.

C. The ~~COO Chief Operating Officer~~ shall prepare a report and recommendation on the pattern or practice, with a proposed order, for consideration by the ~~Metro~~ Council. The ~~COO Chief Operating Officer~~ 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 Metro Council decides concludes that~~ the city or county has failed to meet a deadline for compliance with a functional plan requirement or has engaged in not engaged in a pattern or a practice of decision-making that ~~that~~ is inconsistent with the functional plan, ~~or local~~ ordinances adopted by the city or county to implement the plan, or ~~with~~ terms or conditions of an extension or an exception granted pursuant to ~~section Section~~ 3.07.830 or 3.07.840, respectively, 3.07.850, the Council shall enter an order dismissing the matter. ~~If the Council may adopt an order that:~~

1. ~~Direct concludes that the city or county has engaged in such a pattern or practice of decision making, the Council shall issue an order that sets forth the none compliance and 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. ~~practice.~~ The Council shall issue its order, ~~with analysis and conclusions,~~ not later than 30 days following the ~~public~~ hearing and on the matter. ~~The Chief Operating Officer shall send copies a copy of the order 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. A city, county or person who disagrees with a determination in the compliance report may seek review of the determination by the Council by written request to the COO. The Council shall notify the requestor, all cities and counties, MPAC, JPACT, MCCI, the Department of Land Conservation and Development and any person who requests notification of the review. The notification shall state that the Council does not have jurisdiction to:~~a copy.~~

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 its review at a public hearing, the Council shall adopt an order that determines whether the city or county complies with the functional plan requirement raised in the request. 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).

~~(Ordinance No. 01-925E, Sec. 2. Amended by Ordinance No. 02-972A, Sec. 1.)~~

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) "Accessibility" means the amount of time required to reach a given location or service by any mode of travel.~~

~~(b) "Accessway" means right of way or easement designed for public access by bicycles and pedestrians, and may include emergency vehicle passage.~~

~~(c) "Alternative modes" means alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.~~

~~(d)~~(a) "Balanced cut and fill" means no net increase in fill within the floodplain.

~~(b) "COO" means Metro's Chief Operating Officer.~~

~~(c) "Bikeway" means separated bike paths, striped bike lanes, or wide outside lanes that accommodate bicycles and motor vehicles.~~

~~(f) "Boulevard design" means a design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.~~

~~(g) "Calculated capacity" means the number of dwelling units and jobs that can be contained in an area based on the calculation required by this functional plan.~~

~~(h) "Capacity expansion" means constructed or operational improvements to the regional motor vehicle system that increase the capacity of the system.~~

~~(i)~~(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).

~~(j) "Connectivity" means the degree to which the local and regional street systems in a given area are interconnected.~~

~~(k)~~(d) "DBH" means the diameter of a tree measured at breast height.

~~(l)~~(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.

~~(m)~~(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.

~~(n)~~(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.~~

~~(o)~~(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~~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).

~~(p)~~(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.

~~(q)~~(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.

~~(r)~~(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.

~~(s)~~(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.

~~(t)~~(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.

~~(u)~~(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.

~~(v)~~(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.

~~(w)~~(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.

~~(x) "Full street connection" means right of way designed for public access by motor vehicles, pedestrians and bicycles.~~

~~(y)~~(r) "Growth Concept Map" means the conceptual map demonstrating the 2040 Growth Concept design types attached to this ~~plan¹.plan2.~~

~~(z)~~(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~~Section 3.07.1340.

~~(aa)~~(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.

~~(bb)~~(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,

¹ ~~On file in the Metro Council office.~~

² ~~On file in the Metro Council office.~~

bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

~~(ee)~~(v) "Hazardous materials" means materials described as hazardous by Oregon Department of Environmental Quality.

~~(dd)~~(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.

~~(ee) "Improved pedestrian crossing." An improved pedestrian crossing is marked and may include signage, signalization, curb extensions and a pedestrian refuge such as a landscaped median.~~

~~(ff)~~(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.

~~(gg)~~(y) "Land Conservation and Development Commission" or "LCDC" means the Oregon Land Conservation and Development Commission.

~~(hh) "Landscape strip" means the portion of public right-of-way located between the sidewalk and curb.~~

~~(ii)~~(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.~~

~~(jj) "Level of service (LOS)" means the ratio of the volume of motor vehicle demand to the capacity of the motor vehicle system during a specific increment of time.~~

~~(kk)~~(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~~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.

~~(ll) "Local trips." Local vehicle trips are trips that are five miles or shorter in length.~~

~~(mm) "Median" means the center portion of public right of way, located between opposing directions of motor vehicle travel lanes. A median is usually raised and may be landscaped, and usually incorporates left turn lanes for motor vehicles at intersections and major access points.~~

~~(nn)~~(cc) "Metro" means the regional government of the metropolitan area, the elected Metro Council as the policy setting body of the government.

~~(oo)~~(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.~~

~~(pp) "Metro Urban Growth Boundary" or "Metro UGB" means the urban growth boundary as adopted and amended by the Metro Council, consistent with state law.~~

~~(qq)~~(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.

~~(rr)~~(hh) "Mixed use" means comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

~~(ss)~~(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.

~~(tt) "Mobility" means the speed at which a given mode of travel operates in a specific location.~~

~~(uu) "Mode split target" means the individual percentage of public transportation, pedestrian, bicycle and shared ride trips expressed as a share of total person trips.~~

~~(vv) "Motor vehicle" means automobiles, vans, public and private buses, trucks and semi-trucks, motorcycles and mopeds.~~

~~(ww) "Multi-modal" means transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking.~~

~~(xx) "Narrow street design" means streets with less than 46 feet of total right-of-way and no more than 28 feet of pavement width between curbs.~~

~~(yy)~~(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.

~~(zz)~~(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.

~~(aaa)~~(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.

~~(bbb)~~(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.

| ~~(eee)~~(nn) "Perennial streams" means all primary and secondary perennial waterways as mapped by the U.S. Geological Survey.

| ~~(ddd)~~(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.

| ~~(eee)~~(pp) "Person-trips" means the total number of discrete trips by individuals using any mode of travel.

| ~~(fff)~~(qq) "Persons per acre" means the intensity of building development by combining residents per ~~net~~ acre and employees per ~~net~~ acre.

| ~~(ggg)~~(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.

| ~~(hhh)~~(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.

| ~~(iii)~~(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~~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.

~~(jjj)~~(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.

~~(kkk)~~ "Regional Goals and Objectives" are the land use goals and objectives that Metro is required to adopt under ORS 268.380(1).

~~(lll)~~ "Regional vehicle trips" are trips that are greater than five miles in length.

~~(mmm)~~(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~~Section 3.07.1320, as significant natural resource sites.

~~(nnn)~~ "Residential Parking District" is a designation intended to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed use areas, or other uses that generate a high demand for parking.

~~(ooo)~~(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.

~~(ppp)~~(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. ~~Hotels or motels, restaurants or firms involved in the provision of personal services or office space are not considered retail uses.~~

~~(ggg)~~ (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.

~~(rrr)~~ "Routine repair and maintenance" means activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

~~(sss)~~ "Shared ride" means private passenger vehicles carrying more than one occupant.

~~(ttt)~~ "Significant increase in Single Occupancy Vehicle (SOV) capacity for multi modal arterials." An increase in SOV capacity created by the construction of additional general purpose lanes totaling 1/2 lane miles or more in length. General purpose lanes are defined as through travel lanes or multiple turn lanes. This also includes the construction of a new general purpose highway facility on a new location. Lane tapers are not included as part of the general purpose lane. Significant increases in SOV capacity should be assessed for individual facilities rather than for the planning area.

~~(uuu)~~ "Significant increase in Single Occupancy Vehicle (SOV) capacity for regional through route freeways." Any increase in SOV capacity created by the construction of additional general purpose lanes other than that resulting from a safety project or a project solely intended to eliminate a bottleneck. An increase in SOV capacity associated with the elimination of a bottleneck is considered significant only if such an increase provides a highway section SOV capacity greater than ten percent over that provided immediately upstream of the bottleneck. An increase in SOV capacity associated with a safety project

~~is considered significant only if the safety deficiency is totally related to traffic congestion. Construction of a new general purpose highway facility on a new location also constitutes a significant increase in SOV capacity. Significant increase in SOV capacity should be assessed for individual facilities rather than for the planning area.~~

~~(vvv)~~(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.

~~(www) "Single occupancy vehicle (SOV)" means private passenger vehicles carrying one occupant.~~

~~(xxx)~~(ddd) "Straight-line distance" means the shortest distance measured between two points.

~~(yyy)~~(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.

~~(zzz)~~(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.

~~(aaaa) "Target capacities" means the capacities in Table 3.07.1 required to be demonstrated by cities and counties for compliance with Title 1, Section 3.07.120.~~

~~(bbbb) "Target densities" means the average combined household and employment densities established for each design type in the RUGGO 2040 Growth Concept.~~

~~(eeee)~~(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, sectionSection 3.07.340(E)(3). Title 3 wetlands do not include

artificially constructed and managed stormwater and water quality treatment facilities.

~~(ddd)~~(hhh)"Top of bank" means the same as "bankfull stage" defined in OAR 141-085-0010(2).

~~(eee)"Traffic calming" means street design or operational features intended to maintain a given motor vehicle travel speed.~~

~~(fff)~~(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~~Section 3.07.1340(E).

~~(ggg)~~(jjj)"~~Urban Growth Boundary~~" or "UGB" means an urban growth boundary adopted pursuant to ORS chapter 197.

~~(hhh)~~(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.~~

~~(iii)~~(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.

~~(jjj)~~(nnn)"Vacant land" means land identified in the Metro or local government inventory as undeveloped land.

~~(kkk)~~(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.

~~(lll)~~(ppp)"Visible or measurable erosion"~~erosion.~~"~~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.

~~(mmmm)~~(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.

~~(nnnn)~~(rrr)"Water Quality and Flood Management Area" means an area defined on the Metro Water Quality and Flood Management Area Map, to be attached [hereto](#)³.~~[hereto](#)~~⁴. These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water 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.

~~(oooo)~~(sss)"Water Quality Resource Areas" means vegetated corridors and the adjacent water feature as established in Title 3.

~~(pppp)~~(ttt)"Wetlands." Wetlands are those areas inundated or saturated by surface or ground water at a frequency and

³ [On file in Metro Council office.](#)

~~⁴ [On file in Metro Council office.](#)~~

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.

~~(9999)~~ "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.

~~(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1; Ordinance No. 98-730C, Sec. 10. Readopted by Ordinance No. 00-839, Sec. 1. Amended by Ordinance No. 00-869A, Sec. 2; Ordinance No. 02-972A, Sec. 1; Ordinance No. 05-1077C, Sec. 6.)~~

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.

~~(Ordinance No. 99-818A, Sec. 3. Amended by Ordinance No. 02-969B, Sec. 11; and Ordinance No. 10-1238A, Sec. 5.)~~

3.07.1110 ~~Planning for Interim Protection of~~ Areas
~~Designated Brought into the Urban Reserve Growth~~
~~Boundary (Applicable on March 31, 2011)~~

~~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 sections 3.07.1420, 3.07.1430 and 3.07.1435 of this chapter.~~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;
- ~~e. Opportunities for a range of housing; needed in the prospective UGB expansion area, the prospective governing city and the region, -~~
- ~~d.c. Sufficient employment opportunities to support a healthy economy, 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, for proposed employment areas, lands with incomes at or below 80, 50 and 30 percent of median family incomes for the region; characteristics, such as proximity to transportation facilities, needed by employers;~~
- 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;+
- i. A well-connected system of parks, natural areas and other public open spaces;
- f. Protection of natural ecological systems and important natural landscape features; and
- g. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands. 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;~~

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; and

e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

~~e.~~ 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;

~~4.5~~—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;

~~5.6~~—Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;

~~6.7~~—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;

~~7.8~~—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;

~~8.9~~—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

~~9.10~~—Be coordinated with schools districts, including coordination of demographic assumptions.~~districts.~~

~~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.

~~(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3; Ordinance No. 02-969B, Sec. 11; Ordinance No. 06-1110A, Sec. 1; and Ordinance No. 10-1238A, Sec. 5.)~~

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 section 3.07.1110C(8) ~~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 section 3.07.1455B(4) of this chapter. ~~Metro Code 3.01.040(b)(4).~~
- B. If the concept plan developed for the area pursuant to ~~section~~ 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 section 3.07.1455B(2) of this chapter; ~~Metro Code 3.01.040(b)(2);~~

a. 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;

~~4. Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if the comprehensive plan authorizes housing in any part of the area;~~

5.4. 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;

6.5. 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.~~ providers;

7.6. 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;

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

9.8. 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 to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in ~~section~~Section 3.07.120, ~~to Metro~~ within 30 days after adoption of new land use regulations for the area.

~~(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3; Ordinance No. 01-929A, Sec. 8; Ordinance No. 02-964, Sec. 5; Ordinance No.~~

~~05-1077C, Sec. 6; Ordinance No. 05-1089A, Sec. 2; Ordinance No. 07-1137A, Sec. 3; and Ordinance No. 10-1238A, Sec. 5.)~~

3.07.1130 ~~Interim Protection of Areas Added to the UGB~~

Until land use regulations that comply with ~~section~~Metro Code 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 section 3.07.1010(ww) of this chapter,~~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.

~~(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3 and Ordinance No. 10-1238A, Sec. 5.)~~

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on ~~March~~December 31, 2011.

~~(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3 and Ordinance No. 10-1238A, Sec. 5.)~~

Exhibit K to Ordinance No. 10-1244

Metro Code Chapter 3.01 is repealed.

~~3.01.005 Purpose~~

~~This chapter prescribes criteria and procedures to be used by Metro in establishing urban reserves and making amendments to the Metro Urban Growth Boundary (UGB). The chapter prescribes three processes for amendment of the UGB:~~

- ~~—— (a) —— Legislative amendments following periodic analysis of the capacity of the UGB and the need to amend it to accommodate long range growth in population and employment;~~
- ~~—— (b) —— Major amendments to address short term needs that were not anticipated at the time of legislative amendments; and~~
- ~~—— (c) —— Minor adjustments to make small changes to make the UGB function more efficiently and effectively.~~

~~3.01.010 Definitions~~

- ~~—— (a) —— "Council" has the same meaning as in Chapter 1.01 of the Metro Code.~~
- ~~—— (b) —— "Compatible," as used in this chapter, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. Any such interference or adverse impacts must be balanced with the other criteria and considerations cited.~~
- ~~—— (c) —— "Goals" means the statewide planning goals adopted by the Oregon Land Conservation and Development Commission at OAR 660-015-0000.~~
- ~~—— (d) —— "Legislative amendment" means an amendment to the UGB initiated by Metro, which is not directed at a particular site-specific situation or relatively small number of properties.~~
- ~~—— (e) —— "Property owner" means a person who owns the primary legal or equitable interest in the property.~~
- ~~—— (f) —— "Public facilities and services" means sewers, water service, stormwater services and transportation.~~
- ~~—— (g) —— "UGB" means the Urban Growth Boundary for Metro.~~
- ~~—— (h) —— "Urban reserve" means an area designated as an urban reserve pursuant to Section 3.01.012 of this Code and applicable statutes and administrative rules.~~

3.01.012 Urban Reserve Areas

~~(a) Purpose. This section establishes the process and criteria for designation of urban reserve areas pursuant to ORS 195.145 and Oregon Administrative Rules Chapter 660, Division 021.~~

~~(b) Designation of Urban Reserve Areas:~~

~~(1) The Council shall designate the amount of urban reserves estimated to accommodate the forecast need for a period from 10 to 30 years beyond the planning period for the most recent amendment of the UGB pursuant to ORS 197.299.~~

~~(2) The Council shall estimate the capacity of urban reserve areas consistent with the estimate of the capacity of land within the UGB.~~

~~(3) The Council may allocate urban reserve areas to different planning periods in order to phase addition of the areas to the UGB.~~

~~(4) The Council shall establish a 2040 Growth Concept design type applicable to each urban reserve area designated.~~

~~(c) Plans For Urban Reserve Areas. Cities and counties may plan for urban reserve areas, consistent with the Regional Framework Plan and OAR 660-021-0040, prior to the inclusion of the areas within the UGB.~~

3.01.015 Legislative Amendment Procedures

~~(a) The 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 chapter, the Council shall make a legislative amendment 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 and 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 3.01.050 of this chapter.~~

~~(d) Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the Chief Operating Officer shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The Chief Operating Office 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.~~

~~(e) ——— The Council shall base its final decision on information received by the Council during the legislative process.~~

~~————— (f) ——— The Council may amend the UGB to include land outside the district only upon a written agreement with the local government that exercises land use planning authority over the land that the local government will apply the interim protection requirements set forth in Section 3.07.1110 of the Metro Code to the land until the effective date of annexation of the land to the Metro district. A city or county may adopt an amendment to its comprehensive plan pursuant to Section 3.07.1120 of the Metro Code prior to annexation of the land to the district so long as the amendment does not become applicable to the land until it is annexed to the district.~~

~~3.01.020 Legislative Amendment – Criteria~~

~~————— (a) ——— The purpose of this section is to identify and guide the application of the factors and criteria for UGB expansion in state law and the Regional Framework Plan. Compliance with this section shall constitute compliance with statewide planning Goal 14 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 long-range urban population, consistent with a 20-year population 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 for possible addition to the UGB, and, consistent with ORS 197.298, shall determine which areas are better 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 farm and forest land outside the UGB.~~

~~(d) If the Council determines there is a need to amend the UGB, the Council shall also evaluate areas for possible addition to the UGB and, consistent with ORS 197.298 and statewide planning Goal 14, shall determine which areas are better, considering the following factors:~~

~~(1) Equitable and efficient distribution of housing and employment opportunities throughout the region;~~

~~(2) Contribution to the purposes of Centers;~~

~~(3) Protection of farmland that is most important for the continuation of commercial agriculture in the region;~~

~~(4) Avoidance of conflict with regionally significant fish and wildlife habitat;
and~~

~~(5) Clear transition between urban and rural lands, using natural and built features to mark the transition.~~

~~3.01.025 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 Chief Operating Officer 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(1).~~

~~(b) Except for that calendar year in which the Council is completing its analysis of buildable land supply, the Chief Operating Officer 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. Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may waive the deadline by a vote of five members of the full Council.~~

~~————(c)—— With the application, the applicant shall provide the names and addresses of property owners for notification purposes, consistent with Section 3.01.050(b). 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 Chief Operating Officer 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 Chief Operating Officer 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 Chief Operating Officer 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 3.01.050 of this chapter.~~

~~————(g)—— The Chief Operating Officer 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 Chief Operating Officer 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, then the Chief Operating Officer shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods in the manner prescribed in Section 3.01.015(d).~~

~~(i) An applicant may request postponement of the hearing within 20 days after filing a complete application. The Chief Operating Officer 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 Chief Operating Officer will return the unneeded portion of the fee deposit assessed pursuant to Section 3.01.045.~~

~~(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 indicate the date of the meeting at which the organization adopted the position presented.~~

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

~~(l) The hearings officer will 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 Chief Operating Officer;~~

~~(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. The hearings officer 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 participant, 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 Chief Operating Officer, who shall make it available for review by participants.~~

~~——(t)—— Within seven days after receipt of the proposed order from the hearings officer, the Chief Operating Officer 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 Chief Operating Officer 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 Chief Operating Officer. The Council will allow oral and written argument by participants in the proceedings before the hearings officer. The 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.~~

~~——(v)—— The Council may approve expansion of the UGB to include land outside the Metro jurisdictional boundary only upon a written agreement with the local government that exercises land use planning authority over the subject land that the local government will apply the interim protection requirements set forth in Section 3.07.1110 of the Metro Code until Metro annexes the subject land to Metro. A city or county may approve an amendment to its comprehensive plan, pursuant to Section 3.07.1120 of the Metro Code so long as the amendment does not become effective until Metro annexes the subject land to Metro.~~

3.01.030 Major Amendments—Criteria

~~—(a)— The purpose of the major amendment process is to provide a mechanism to address needs for land that were not anticipated in the last analysis of buildable land supply under ORS 197.299(1) and cannot wait until the next analysis. Land may be added to the UGB under this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs.~~

~~—(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) and (d) of Section 3.01.020 of this chapter. 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)— The amendment will not result in the creation of an island of urban land outside the UGB or an island of rural land inside the UGB; and~~

~~—(3)— If the amendment would add land for public school facilities, a conceptual school plan as described in Section 3.07.1120(f) has been completed.~~

~~—(c)— If the Council incidentally adds land to the UGB for housing in order to facilitate a trade, the Council shall designate the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the 2040 Growth Concept plan designation for the area.~~

3.01.033 Minor Adjustments—Procedures

~~—(a)— 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 Section 3.01.025(d).~~

~~—(b)— The Chief Operating Officer 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 Chief Operating Officer 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 3.01.050 of this chapter.~~

~~———— (d) ——— The Chief Operating Officer shall review the application for compliance with the criteria in Section 3.01.035 of this chapter and shall issue an order with analysis and conclusions within 90 days of receipt of a complete application. The Chief Operating Officer 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 Chief Operating Officer's order to the Metro 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 3.01.050 of this chapter.~~

~~———— (g) ——— Following the hearing, the Council shall uphold, deny or modify the Chief Operating Officer'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.~~

~~3.01.035 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 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 more efficient or less costly;~~

~~———— (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 currently designated 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 the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the 2040 Growth Concept designation for the area.~~

~~(g) The Chief Operating Officer 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.~~

3.01.040 Conditions of Approval

~~(a) Land added to the UGB by legislative amendment pursuant to Section 3.01.015 or by major amendment pursuant to Section 3.01.025 shall be subject to the requirements of Title 11, Planning for New Urban Areas, of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07.1105, et seq.).~~

~~(b) Unless a comprehensive plan amendment has been previously approved for the land pursuant to Section 3.01.012(c), when the Council adopts a legislative or major amendment to the UGB, the Council 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. If local governments have an adopted agreement 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 the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the design type.~~

~~(3) Establish the boundaries of the area that shall be included in the planning required by Title 11. The boundary of the planning area may include all or part of one or more designated urban reserves.~~

~~(4) Establish the time period for city or county compliance with the requirements of Title 11, which shall not be less than two years following the effective date of the ordinance adding the area to the UGB.~~

~~———— (e) ——— When it adopts a legislative or major amendment to the UGB, the Council may establish conditions that it deems necessary to ensure that 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 3.07.870 of the Urban Growth Management Functional Plan.~~

~~3.01.045 Fees~~

~~———— (a) ——— Each application submitted by a property owner or group of property owners pursuant to this chapter shall be accompanied by a filing fee in an amount to be established by resolution of the Council. Such fees shall not exceed the actual costs of Metro to process an application. The filing fee shall include administrative costs and the cost of hearings officer and of public notice.~~

~~———— (b) ——— The fees 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.~~

~~———— (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.~~

~~3.01.050 Notice Requirements~~

~~———— (a) ——— For a proposed legislative amendment under Section 3.01.015, the Chief Operating Officer shall provide notice of the hearings in the following manner:~~

~~———— (1) ——— In writing to the director of the Department of Land Conservation and Development at least 45 days before the first public hearing on the proposal;~~

~~———— (2) ——— In writing to the local governments of the Metro area at least 30 days before the first public hearing on the proposal; and~~

~~———— (3) ——— To the general public 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 Section 3.01.025, the Chief Operating Officer 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 Chief Operating Officer 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 paragraph (b)(1)(C) of this section, the information required by ORS 268.393(3).~~
- ~~(d) For a proposed minor adjustment under Section 3.01.033, the Chief Operating Officer 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 Chief Operating Officer shall notify each county and city in the district of each amendment of the UGB.~~

~~3.01.055 Regular Review of Chapter~~

~~The procedures in this chapter shall be reviewed by Metro every five years, and can be modified by the Council at any time to correct any deficiencies which may arise.~~

~~3.01.060 Severability~~

~~Should a section, or portion of any section of this chapter, be held to be invalid or unconstitutional, the remainder of this chapter shall continue in full force and effect.~~

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).

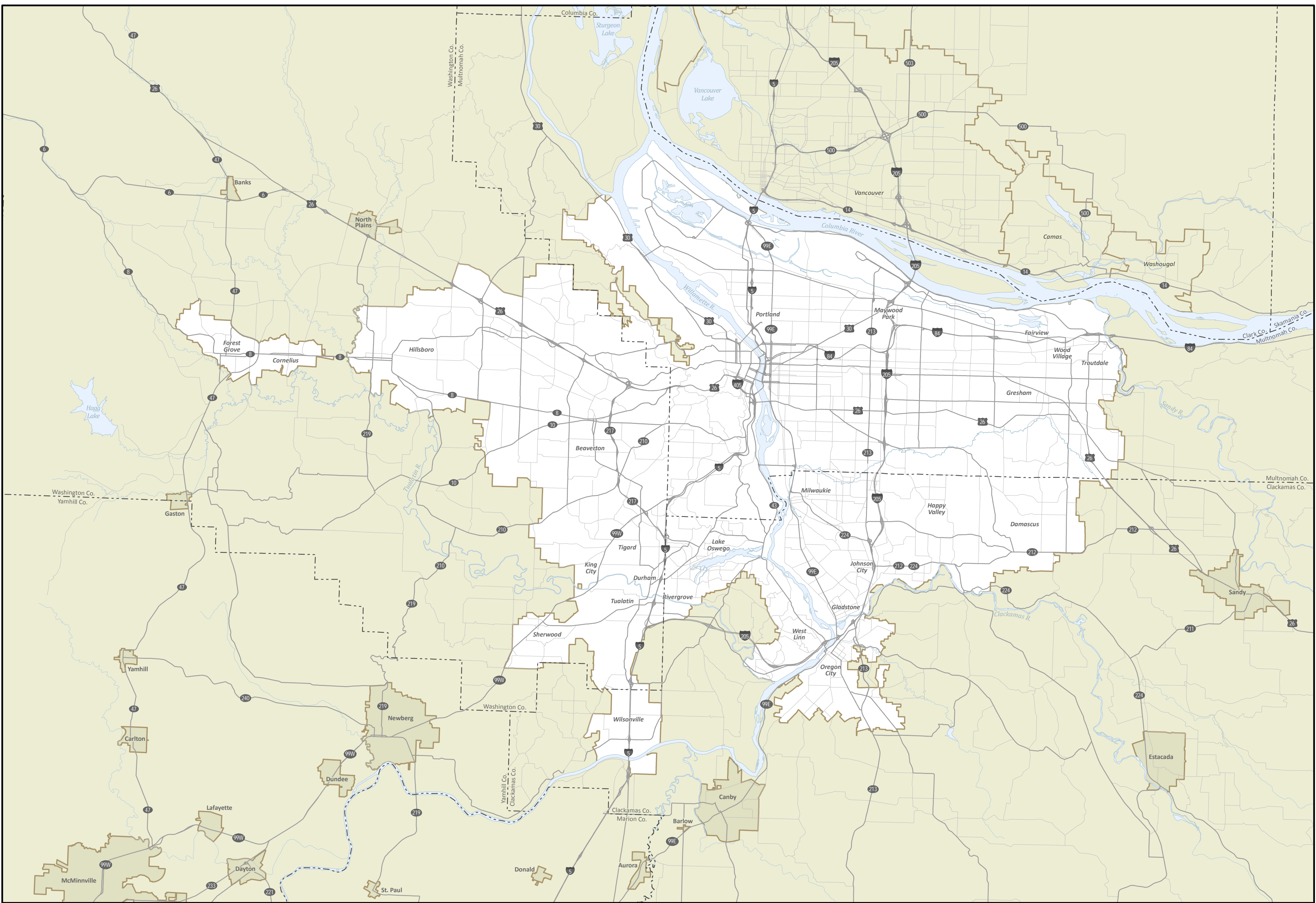
D. For a proposed minor adjustment under section 3.07.1445, the COO shall provide notice in the following manner:

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

ORDINANCE 10-1244, EXHIBIT M
November 18, 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.

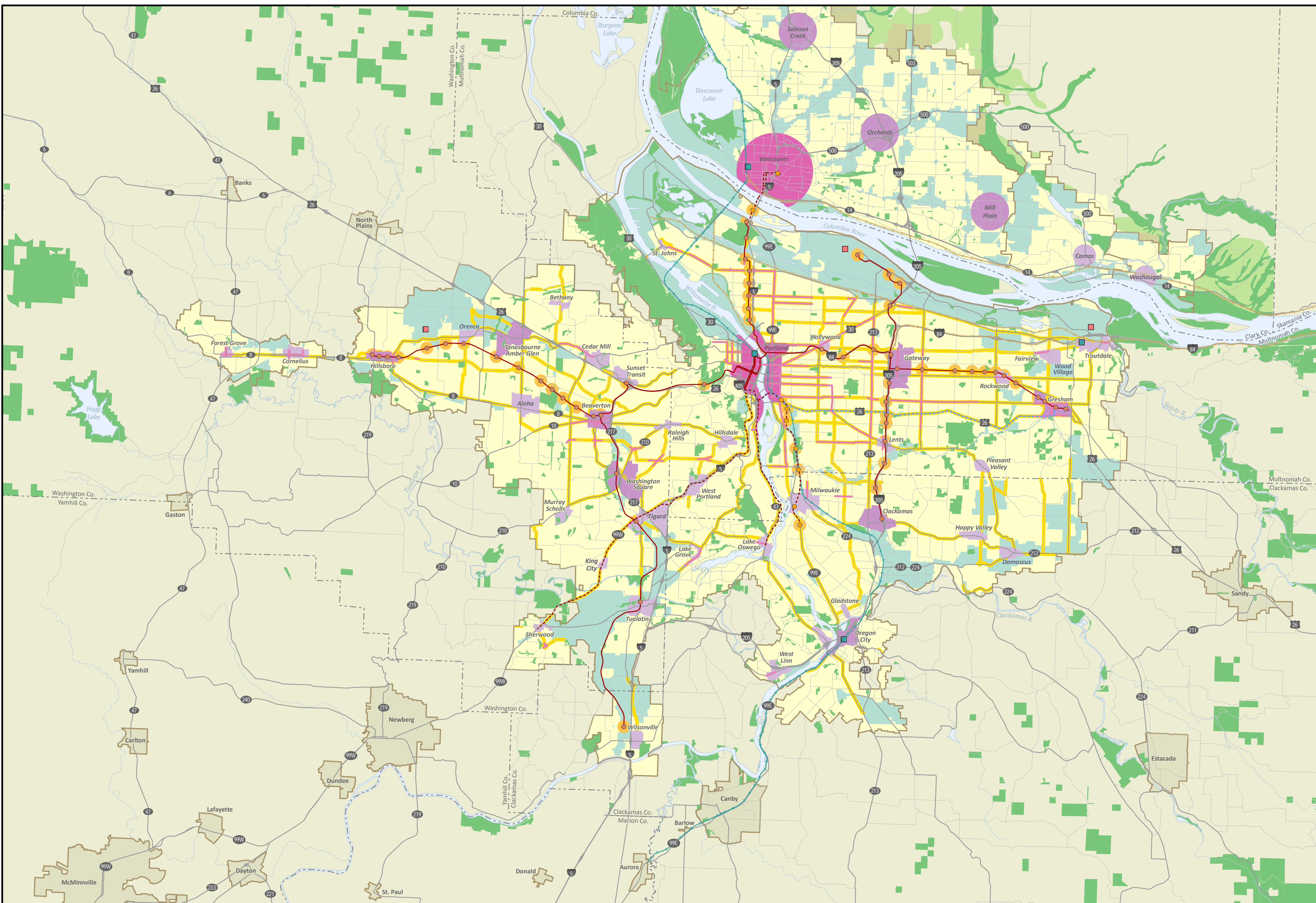
C. The following criteria shall apply in lieu of the criteria set forth in section 3.09.050(d). An approving entity shall demonstrate that:

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.

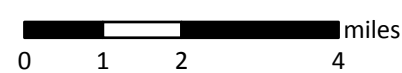
3.09.090 Extension of Services Outside UGB

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

ORDINANCE 10-1244, EXHIBIT O
November 18, 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 December 1995 through the Region 2040 planning and public involvement process. This concept is intended to provide long-term growth management of the region.

The map highlights elements of parallel planning

efforts including: the 2035 Regional Transportation Plan that outlines investments in multiple modes of transportation, and a commitment to local policies and investments that will help the region better accommodate growth within its centers, corridors and employment areas.

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

- Central city
- Regional center
- Town center
- Station communities
- Employment land
- Parks and natural areas
- Neighborhood
- Main streets
- Corridors
- Existing high capacity transit
- Planned high capacity transit
- Proposed high capacity transit tier 1
- Mainline freight
- High speed rail
- County boundaries
- Urban growth boundaries
- Neighbor cities
- Airports
- Intercity rail terminal



STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 10-1244, FOR THE PURPOSE OF MAKING A GREAT PLACE AND PROVIDING CAPACITY FOR HOUSING AND EMPLOYMENT TO THE YEAR 2030; AMENDING THE REGIONAL FRAMEWORK PLAN AND THE METRO CODE; AND DECLARING AN EMERGENCY

Date: November 19, 2010

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Introduction

Purposes of the proposed legislation

Proposed Ordinance No. 10-1244 and its exhibits are intended to fulfill five primary purposes that are described in more detail in this report (section numbers refer to sections of this report, not the ordinance).

Section 1: Recommendations for residential capacity (to narrow the household forecast range and identify the actions that will address at least half the capacity gap identified in the 2009 UGR);

Section 2: Recommendations for employment capacity (to narrow the employment forecast range and to state an intent to add large-lot industrial capacity in 2011);

Section 3: Recommended amendments to the Regional Framework Plan, which articulates Metro Council policies;

Section 4: Recommended amendments to the Metro Code, which is intended to implement the regional vision, and;

Section 5: Recommended amendments to maps, including the 2040 Growth Concept map, the Title 4 map (Industrial and Other Employment Areas), the Title 6 map (Centers, Corridors, Station Communities and Main Streets), and the Title 14 map (Urban Growth Boundary).

Refinement of August 2010 Chief Operating Officer recommendation

In August 2010, Metro's Chief Operating Officer (COO) made a preliminary recommendation to the Metro Council on the contents of Ordinance No. 10-1244. Additional technical details on the topics summarized in this memo can be found in the August 2010 Growth Management Assessment. Since that recommendation was released, there have been a number of discussions at MPAC, MTAC, the Metro Council, amongst stakeholders, and with the general public. The version of Ordinance 10-1244 that is included in this legislative packet reflects staff's synthesis of input received to date. Its main components and staff's reasoning are described in this staff report.

MPAC recommendation

On November 17, 2010, MPAC unanimously recommended that the Council adopt Ordinance 10-1244. MPAC comments on specific portions of the proposed ordinance are noted throughout this staff report.

Public comment period and public hearings

On Aug. 10, 2010, Metro's COO released a set of recommendations in a report entitled, "Community Investment Strategy: Building a sustainable, prosperous and equitable region." A public comment period ran until Oct. 1, 2010.¹

A wide range of views were submitted from across the region in response to the COO recommendations. During the comment period, Metro staff engaged in a coordinated outreach and engagement strategy that included more than 30 stakeholder meetings, website and e-mail information distribution, media releases, newsfeeds and Twitter feeds, seven open houses, a non-scientific online survey, and compilation of letter and e-mail correspondence relating to the Community Investment Strategy and urban growth boundary expansion options. In all, Metro received more than 600 survey entries, 55 e-mails, 16 letters and 10 other public comments.

In advance of the Metro Council's December 16, 2010 decision on Ordinance No. 10-1244, the Council will hold four public hearings:

November 29: Oregon City
December 2: Hillsboro
December 9: Metro Regional Center
December 16: Metro Regional Center

¹ A report on public comments received is available on Metro's website at:
http://library.oregonmetro.gov/files//11173_cis-ugb_comment_report_final.pdf

Background on the regional capacity assessment

Statutory requirements

Oregon land use law requires that, every five years, Metro assess the region's capacity to accommodate the numbers of people anticipated to live or work inside the Metro urban growth boundary (UGB) over the next 20 years. To make this determination, Metro forecasts population and employment growth over a 20-year timeframe; conducts an inventory of vacant, buildable land inside the UGB; assesses the capacity of the current UGB to accommodate population and employment growth either on vacant land or through redevelopment and infill; determines whether additional capacity is needed; and documents the results of these analyses in an urban growth report (UGR). The UGR is the basis for subsequent consideration of the actions to be taken to close any identified capacity gap.

Metro Council intent to take an outcomes-based approach

In addition to addressing statutory obligations, on the advice of the Metro Policy Advisory Committee (MPAC), the Metro Council has indicated its desire to take an outcomes-based approach when it makes decisions. It is intended that the proposed legislation will help to foster the creation of a region where:

1. People live and work in vibrant communities where they can choose to walk for pleasure and to meet their everyday needs.²
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that 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.

2009 forecast and urban growth report

In 2009, Metro completed range forecasts of population, household and employment growth through the year 2030.³ The use of a range forecast acknowledges uncertainty and allows for growth management decisions to focus on desired outcomes rather than a specific number. These range forecasts are incorporated into the UGR's analysis. The forecasts are for the seven-county primary metropolitan statistical area, which includes Clackamas, Multnomah, Washington, Yamhill, Columbia, Clark, and Skamania counties. These forecasts and the macroeconomic model that produces them have been peer reviewed by economists and demographers.

The 20-year forecast indicates that, by the year 2030, there will be a total of 1,181,300 to 1,301,800 households and a total of 1,252,200 to 1,695,300 jobs in the larger seven-county area. There is a 90 percent probability that growth will occur in the ranges identified in the forecast.

In addition to the 20-year range forecasts, the UGR determines how much of the 7-county growth may occur inside the Metro UGB and includes an analysis of the share of the UGB's zoned capacity that is likely to be developed by the year 2030. The UGR's analysis assumed a continuation of policies and investment trends in place at the time of the analysis. No changes to existing zoning were assumed, although it is likely that up-zoning will take place in the future as communities develop and implement their aspirations. The UGR's assessment of the likelihood of development was based on historic data,

² Note: these are the desired outcomes as adopted by the Metro Council in 2008. One effect of proposed Ordinance No. 10-1244 is to incorporate these desired outcomes into the Regional Framework Plan. MPAC has recommended that this desired outcome be modified to be more inclusive. Staff has proposed alternative language to satisfy MPAC concerns. Please see Exhibit A, section A for the proposed language.

³ A range forecast was also completed for the year 2060 in order to inform the urban and rural reserves process.

scenario modeling, and the professional expertise of Metro staff, local city and county staff, economic consultants, and business representatives. UGR results are portrayed for four different categories: residential, general industrial employment, general non-industrial employment, and large-lot employment.

Timeline for addressing regional capacity needs

On December 10, 2009, the Metro council, on the advice of MPAC, adopted Resolution No. 09-4094, which accepted the 2009 UGR and 20-year forecast as a basis for making growth management decisions.⁴ According to state law, the Metro Council must, by the end of 2010, address at least half of the residential capacity needs identified in the UGR. If any capacity needs are to be accommodated through efficiency measures⁵ inside the existing UGB, they must be accounted for by the end of 2010. If, after accounting for efficiency measures, there are any remaining capacity needs, the Council must address them with UGB expansions by the end of 2011.

On October 29, 2010, the state Land Conservation and Development Commission (LCDC) reached an oral decision on urban and rural reserves. LCDC remanded two of the urban reserves and all of the rural reserves in Washington County. As a consequence, the Council has directed that any needed UGB expansions will be made in 2011, which would allow time to finalize urban and rural reserves.

The 2009 UGR assessed regional capacity needs using a range demand forecast. Oregon Department of Land Conservation and Development (DLCD) staff has indicated that the Metro Council may carry a range through the decision that it makes in December 2010, but that the forecast range needs to be narrowed in order to demonstrate that at least half of the residential gap has been addressed. In order to finalize its growth management decision, the Council must, by the end of 2011, choose the point in the range forecast for which it wishes to plan. Depending on the point chosen, UGB expansions may be needed.

Under state statute, Metro can wait until 2011 to address all employment capacity needs identified in the UGR. For employment capacity, there is no requirement that at least half of the need be addressed by the end of 2010.

⁴ As indicated in the text of Ordinance No. 10-1244, the Council would, by adopting the ordinance, formally adopt the forecast and UGR as the basis for its growth management decisions.

⁵ Oregon Revised Statute 197.296 instructs Metro to expand the UGB and/or amend plans in ways that increase the likelihood of higher density development inside the existing UGB. "Efficiency measures" refer to the latter option.

Section 1: recommendations for residential capacity

Residential capacity gap identified in 2009 UGR

The 2009 UGR indicates that there will be demand for between 224,000 to 301,500 new dwelling units inside the Metro UGB from 2007 to 2030. While there is ample zoned capacity within the current UGB to accommodate the next 20 years of residential growth, the UGR's analysis indicates that, without additional infrastructure investments or other policy changes, a portion of the zoned capacity will not be market feasible. As a result, there is unmet demand for 27,400 to 79,300 dwelling units.⁶

Residential efficiency measures

Because a residential capacity gap is identified in the 2009 UGR, Oregon Revised Statute 197.296 instructs Metro to expand the UGB and/or amend plans in ways that increase the likelihood of higher density development inside the existing UGB. These latter actions are referred to as "efficiency measures." Reasonable efforts to implement efficiency measures must be undertaken before expanding the UGB. The statute states that efficiency measures may include, but are not limited to:

- Increases in the permitted density on existing residential land
- Financial incentives for higher density housing
- Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer
- Removal or easing of approval standards or procedures
- Minimum density ranges
- Redevelopment and infill strategies
- Authorization of housing types not previously allowed by the plan or regulations
- Adoption of an average residential density standard
- Rezoning or re-designation of nonresidential land

The August 2010 Growth Management Assessment⁷ includes staff's preliminary assessment of a variety of efficiency measures that have been adopted since the completion of the 2009 UGR. Staff's preliminary analysis indicates that efficiency measures contribute an additional 30,300 dwelling units of capacity beyond what was counted in the 2009 UGR⁸.

⁶ Refill is a share of total growth. The high end of the gap (79,300 units) reported here is different than what was identified in the 2009 UGR (104,900), which, for illustrative purposes, held constant the dwelling unit capacity generated through refill (rather than expressing it as a share of the high demand forecast). When the Council makes its growth management decision, they will identify the point in the forecast for which they are planning. Refill capacity will be calculated as a share of that number. As discussed more thoroughly in the August 2010 Growth Management Assessment, a 38 percent refill rate is a reasonable assumption with the policies and investments that have been adopted since the 2009 UGR.

⁷ Available at Metro's website:

http://library.oregonmetro.gov/files//2010_growth_management_assessment.pdf

⁸ The August 2010 Growth Management Assessment attributed 32,050 dwelling units of capacity to efficiency measures with 38% refill capacity tied to an assumption of medium growth (demand). Because capacity from redevelopment and infill (refill) is expressed as a share of total growth, staff cannot determine a final capacity number until the Council chooses the point in the forecast range for which to plan. The 30,300 units cited here is an

Recommendations for narrowing the residential forecast range

Background

Oregon statutes require that the Council, by the end of 2010, determine that it has addressed at least half of the residential capacity gap identified in the 2009 UGR. However, the Metro Council has indicated that it would like to maintain a range through its December 2010 decision. To accommodate the Council's request and to meet statutory obligations, staff proposes that the Council determine that the efficiency measures described in the August 2010 Growth Management Assessment have addressed at least half of the residential capacity gap identified in the 2009 UGR. To make that determination, the Council will need to narrow the forecast range for which it intends to plan.

In August 2010, Metro's Chief Operating Officer (COO) recommended planning for a point in the middle third of the forecast range. Since that recommendation was issued, the Council, MPAC, and others have had the opportunity to discuss the risks and opportunities of planning for different points in the range. Some of the topics considered include:

- Statistical likelihood of growth occurring at different points in the range
- Need for consistency between the urban and rural reserves decision and this growth management decision
- Need for consistency in expectations for residential and employment growth
- Implications for meeting carbon reduction goals
- Implications of changing demographics and housing preferences
- Adaptability if we aim too high or too low

MPAC recommendation

On October 27, 2010, MPAC discussed the question of where the Council should plan in the residential range forecast.⁹ MPAC recommends (13 in favor, 4 opposed) that the Council plan for at least the low end of the middle third of the forecast range. To provide more guidance to the Council, MPAC also discussed, through an informal show of hands, several portions of the range, with the following results:

- 3 committee members showed support, through a show of hands, for recommending that the Metro Council target the upper part of the middle third of the range.
- 6 committee members showed support, through a show of hands, for recommending that the Metro Council target below the middle third of the range.
- 4 committee members showed support, through a show of hands, for recommending that the Metro Council target the middle part of the middle third of the range.

Staff recommendation

With MPAC's recommendation, statutory requirements, and Council preferences in mind, staff proposes that the Council cap the range that it is considering at the high end of the middle third of the forecast range. This would entail planning for a marginal increase of 224,000 to 271,400 dwelling units inside the Metro UGB from the year 2007 through the year 2030. This proposed range can be in section 16 of Ordinance 10-1244.

adjusted figure that assumes 38% refill tied to low demand. See Table 1 for more details on how supply may change with different demand assumptions.

⁹ Minutes from the October 27, 2010 MPAC meeting are available on Metro's website.

Capacity for 196,600 dwelling units was accounted for in the 2009 UGR. As noted, an additional 30,300 dwelling units of capacity attributable to efficiency measures have been identified. Table 1 summarizes the potential capacity gaps (or surpluses) at different points in the forecast range after having accounted for efficiency measures identified in the August 2010 Growth Management Assessment.¹⁰ Additional detail on these gap calculations is available in Attachment 1 to this staff report. Under the scenarios depicted in Table 1, UGB expansions made in 2011 would need to provide from zero to 26,600 dwelling units of additional capacity, depending on the point in the demand forecast that is chosen. In all cases, the remaining potential gap is less than the 30,300 dwelling units of capacity already attributed to efficiency measures. Consequently, as required by statute, less than half the capacity gap identified in the UGR would remain for the Council to address in 2011.

Table 1: Dwelling unit gap or surplus at different points in the range forecast after accounting for efficiency measures (Metro UGB 2007 - 2030)

Point in demand forecast range	Remaining gap or surplus (dwelling units)
Low	2,900
Low end of middle 1/3 rd	(15,400)
Middle	(21,000)
High end of middle 1/3 rd	(26,600)

¹⁰ Because refill is a share of demand, using different points in the demand forecast will produce different capacity numbers. For this reason, determining the remaining gap at a particular point in the forecast range is not as straight forward as simply adding 30,300 dwelling units to the capacity identified in the 2009 UGR and deducting a demand number. Additional detail on these calculations is available in Attachment 1.

Section 2: recommendations for employment capacity

Employment range forecast

Background

The 2009 UGR indicates that there will be a total of 1.0 to 1.3 million total jobs inside the metro region UGB by the year 2030.

MPAC recommendation

On November 17, 2010, MPAC discussed the contents of Ordinance No. 10-1244. Metro staff proposed that the point chosen in the employment forecast range should be consistent with the point chosen in the residential range forecast.¹¹ MPAC had no comments on the employment range forecast.

Staff recommendation

Though there is no statutory obligation compelling the Council to do so, staff recommends that the Metro Council narrow this range to provide consistency with the recommendation on the residential range. As with the residential range, staff proposes capping the employment forecast range at the high end of the middle third of the forecast range. This would entail planning for between 1,083,200 and 1,211,600 total jobs inside the UGB by the year 2030.¹² When the Council ultimately picks a point in the residential and employment range forecasts, staff strongly recommends that the two points be consistent with one another.

Potential implications for non-industrial employment capacity

A portion of the UGR assesses the current UGB's capacity to accommodate non-industrial (e.g. office, retail, institutional) job growth on vacant land or through refill. The UGR finds that at the low end of the forecast range there is no need for additional non-industrial employment capacity inside the UGB. At the high end of the forecast range there is a need for 1,168 acres of additional capacity. At the high end of the middle third of the range, there is a need for 30 acres of additional capacity for non-industrial employment.¹³

Implications for general industrial employment capacity

A section of the UGR assesses the current UGB's capacity to accommodate industrial job growth on vacant land or through redevelopment and infill (refill). The assessment of demand for large, vacant lots is handled separately and recommendations can be found below. The UGR finds that, at or below the high end of the employment range forecast, there is adequate capacity inside the current UGB to accommodate the next 20 years of general industrial job growth. Consequently, within the narrowed employment forecast range proposed by staff, there is also no need for additional capacity for general industrial employment.

¹¹ As noted in this report, on October 27, 2010, MPAC voted in favor of recommending that the Council plan for at the least the low end of the middle third of the residential range forecast.

¹² Section 16 of Ordinance No. 10-1244 refers to this proposed range.

¹³ Many of the residential efficiency measures identified in the August 2010 Growth Management Assessment are also likely to increase non-industrial employment capacity inside the existing UGB. This is because many non-industrial jobs are in population-serving fields such as education, health care, and retail and these employers need to be close to population centers. Consequently, actions that encourage more residential growth in centers and corridors will likely have the same effect on non-industrial employment. Staff has not, however, performed a quantitative assessment of those effects.

Large lot industrial employment capacity

Background

The “large lot” portion of the UGR’s analysis was completed in recognition of the fact that some firms in traded-sector industries require large, vacant lots.¹⁴ The UGR defines a large lot as a single tax lot with at least 25 vacant, buildable acres. The UGR’s forecast-based assessment determined that, over the 20-year period, there is demand for 200 to 800 acres of additional capacity for large-lot employment uses. This range depends on the amount of employment growth realized as well as whether assembly of adjacent lots of 25 acres or more was assumed.

MPAC recommendation

For several reasons listed below, at its November 18, 2009 meeting, the Metro Policy Advisory Committee (MPAC) recommended that the UGR identify a wider range of potential large lot demand:

- Large traded-sector firms are crucial to the region’s economy since they sell goods and services outside the region, thereby bringing wealth to the region.
- Large traded-sector firms create spinoff employment.
- Large lot demand will be the result of the decisions of individual firms, so it is inherently difficult to forecast.
- The use of an employment forecast may be an inadequate means of estimating large lot demand for freight, rail, and marine terminal uses, which are space-intensive uses with relatively few employees, which play a crucial economic role.

The final 2009 UGR reflects MPAC’s recommendation that the Metro Council consider demand for 200 to 1,500 acres of additional capacity for large-lot industrial uses.

Since the completion of the 2009 UGR, no cities or counties in the region have adopted strategies that will make additional large-lot capacity available. In August 2010, Metro’s COO recommended that the Council address this need by expanding the UGB by 310 acres north of Hillsboro. MPAC endorsed this recommendation on October 13, 2010 with a vote of 9 in favor and 8 opposed. Committee discussion included:

- Reasons why the Metro COO has recommended incorporating 310 acres when the need for 200-1500 has been identified;
- The fact that Metro will have to demonstrate a need for more large-lot parcels in the region when justifying UGB expansion to the State;
- Whether it is more prudent to be conservative in expanding the UGB for large-lot industrial land, due to the continuing recession and other factors;
- Whether incorporating more land than the recommended 310 acres makes the region more economically competitive;
- Whether parcels can be consolidated to create large-lot sites within the UGB;
- The importance of thinking regionally when making this policy decision and not only considering individual jurisdictions;
- How we can learn from past experiences with UGB expansion and subsequent use of large-lot sites; and

¹⁴ Existing sites with significant acres of vacant land may give the initial impression that large-lot need is overestimated. However, firms seeking large sites often construct their facilities in phases. Recent examples of this phased approach can be found in the Metro region, including facility expansions completed or planned by large industrial firms such as Genentech, SolarWorld and Intel. This legitimate business practice factors into the UGR’s calculations of need for large lots.

- The decision of how many acres to incorporate into the UGB for large-lot industrial purposes is intertwined with the concept of a replenishment mechanism for parcels that get used up.

At the October 27, 2010 MPAC meeting, Mayor Lou Ogden of Tualatin requested that the Council also consider a UGB expansion, which would add 177 acres outside of Tualatin for large-lot industrial uses. MPAC did not make a recommendation on this request, but will discuss it in 2011.

Staff recommendation

Because urban and rural reserves in Washington County have been remanded by LCDC, the Council has directed that UGB expansions will be postponed until 2011. Staff recommends that, in 2011, the Council address regional needs for large lots for industrial uses by expanding the UGB to include at least the 310-acre area north of Hillsboro (assuming that urban and rural reserves are adopted and acknowledged).

Section 3: recommended 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 better support community and regional goals. Based on Council and advisory committee discussion and experience during the past few years, 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. The changes are summarized below.

MPAC recommendation

MPAC discussed the Regional Framework Plan on September 8 and 22, 2010, including several proposed amendments. MPAC indicated preliminary support for staff's proposed changes to the Regional Framework Plan. The Council discussed MPAC's comments on the Regional Framework Plan at a work session in October and provided staff with direction. MPAC had a final discussion of proposed changes to the Regional Framework Plan on November 17, 2010. MPAC's recommendations are summarized below for each topic.

Staff recommendation

The proposed Regional Framework Plan is included as Exhibit A to the ordinance. Following is a summary of the proposed language, organized by topic.

Use the defined six desired outcomes for a successful region to guide growth management decisions (Exhibit A, section A)

Background

In June 2008, the Metro Council, with the endorsement of MPAC, adopted Resolution No. 08-3940 which defined six desired outcomes for a successful region. The six desired outcomes are intended to guide decisions.

MPAC recommendation

MPAC recommended that the first desired outcome be changed to be more inclusive of those unable to walk and to reflect other non-motorized forms of transportation. MPAC also discussed adding "equitably" to the second outcome but did not make a recommendation.

Staff recommendation

Staff proposes incorporating the six desired outcomes into the Framework Plan to give them more official status as Metro Council policy. These would replace the fundamentals currently in the Framework Plan. Staff also proposes amending the wording of the first desired outcome in order to address concerns expressed by MPAC. The proposed six desired outcomes are:

- People live, work and play in vibrant communities where their everyday needs are easily accessible.
- Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
- People have safe and reliable transportation choices that enhance their quality of life.
- The region is a leader in minimizing contributions to global warming.

- Current and future generations enjoy clean air, clean water and healthy ecosystems.
- The benefits and burdens of growth and change are distributed equitably.

Measure performance to guide growth management decisions (Exhibit A, policy 1.2.5)

Background

The Metro Council has expressed its desire to take an outcomes-based approach to growth management. Reporting the region's historic and forecasted performance is an important element of implementing that type of decision-making model.

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Staff proposes that the Framework Plan should express the intent to provide performance information to help guide growth management decisions.

Prioritize public investments in Centers, Corridors, Station Communities, Main Streets, Employment and Industrial Areas (Exhibit A, policy 1.2)

Background

The region intends to focus population and employment growth in centers, corridors, station communities, main streets and employment areas, but has not yet expressly stated its intent to strategically invest scarce public dollars in these specific 2040 design types.

MPAC recommendation

MPAC discussed an amendment to Policy section 1.2.2 through 1.2.5 that would add “developing residential areas” and “other industrial areas” as priorities for investments as part of the investment strategy for Centers, Corridors, Station Communities, and Main Streets. MPAC did not support this amendment because it would dilute the effectiveness of investing in those four design types.

Staff recommendation

Staff proposes that the Council should make explicit its policy intent to prioritize investments in centers, corridors, station communities, main streets, and employment areas.

Encourage elimination of barriers to compact, mixed-use, pedestrian-friendly and transit supportive development in centers, corridors, station communities, and main streets (Exhibit A, policy 1.1)

Background

Since the adoption of the 2040 Growth Concept, some of the barriers to compact development have become more apparent (such as some parking requirements).

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Staff proposes that the Framework Plan should be amended to expressly state that it is the policy of the Metro Council to encourage the elimination of such barriers in targeted 2040 design types. Staff also proposes that the Framework Plan should underline the importance of creating the conditions for infill and redevelopment to occur in targeted 2040 design types.

Address housing affordability through a combination of actions, including investments in transportation facilities and transit services that make transportation more affordable, which in turn makes more household income available for housing and other needs (Exhibit A, policy 1.3)

Background

Second to housing costs, many households spend a substantial portion of their income on transportation expenses.

MPAC Recommendation

MPAC discussed changes to this policy, including adding an investment in affordable housing as a strategy to reduce household transportation costs leaving more household income for other expenses. MPAC did not come to a consensus on a policy change.

MPAC also discussed Policy 1.3.1 (provide housing choices). Although staff had previously not recommended any changes to this policy, MPAC recommended that this policy be changed to focus on households with incomes at or below 80 percent of median family income. The language MPAC recommended is as follows:

“1.3.1 That housing choices in the region include single family, multi-family, ownership and rental housing; and housing offered by the private, public and nonprofit sectors for households with incomes at or below 80, 50, and 30 percent of median family income.”

Staff recommendation

Metro staff proposes that it be the policy of the Metro Council to take a holistic approach to ensuring an affordable cost-of-living that acknowledges both housing and transportation costs. This would be an addition to existing housing affordability policies. In response to MPAC suggestions and a discussion with the Metro Council, staff is recommending a slightly modified version of policy 1.3.1:

“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.”

Provide affordable housing in UGB expansion areas (Exhibit A, policy 1.3.10)

Background

Planning for new urban areas offers a unique opportunity to ensure that development forwards community and regional goals. A commonly-held goal is that households of a variety of incomes have choices of where to live.

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Metro staff proposes that it should be the policy of the Metro Council to ensure that affordable housing is addressed in planning for new urban areas.

Provide urban areas with access to parks, trails and natural areas (Exhibit A, policy 1.1.6)

Background

Currently, the Land Use chapter of the Framework Plan addresses access to parks, trails and natural areas in several sections. Staff believes that the Framework Plan should take a stronger position on an integrated system.

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Staff proposes that an integrated system of parks, trails and natural areas is essential for fostering vibrant communities and that it should be a clearly stated Metro Council policy to provide urban areas with access to these amenities. The proposed change would add a section to the Land Use chapter that would specifically address this policy.

Strengthen employment in the region's traded-sector industries (Exhibit A, policies 1.4.3 to 1.4.7)

Background

Attracting and retaining traded-sector industrial firms is important to the region's economic prosperity. Traded-sector industrial firms sell products to consumers elsewhere in the country and world, bringing wealth into the Metro region.

MPAC recommendation

MPAC and its 2010 employment subcommittee proposed that the Metro Council adopt a policy to maintain a supply of large sites for traded-sector industrial uses inside the UGB. MPAC discussed two amendments to Policy 1.4.6 (maintain supply of large industrial sites). MPAC suggested amending the proposed language for Policy 1.4.6 to read:

"1.4.6 Consistent with policies promoting a compact urban form, ensure that the region maintains a sufficient and geographically diverse supply of tracts 50 acres and larger to meet marketplace demand of traded sector industry clusters and that the region protects those sites from conversion to non-industrial uses and conversion into smaller lot sizes."

MPAC also discussed adding to policy 1.4.6 the following clause:

"transit availability shall be a critical factor in determining which sites are included"

MPAC ultimately opposed including this clause because transit is unlikely to serve the area when a site is undeveloped and demand for transit does not yet exist.

Staff recommendation

The Council discussed MPAC's suggestions at a work session. Based on Council direction, staff proposes several policy statements that seek to strengthen employment in traded-sector industries. These proposals include establishing programs to clean up brownfields and consolidate smaller parcels, creating an

inventory of large tracts of land that may be suitable for traded-sector industrial uses, and protecting large sites from conversion to non-industrial uses.

Section 4: recommended amendments to the Metro Code

Background

The Urban Growth Management Functional Plan (UGMFP) is part of Metro Code (Chapter 3.07) and implements the policies contained in the Regional Framework Plan. City and county comprehensive plans and implementing ordinances must be consistent with the Functional Plan and have two years from any amendments to the Code to conform. MPAC reviewed proposed changes in October and November 2010. Changes to the Functional Plan included in Ordinance No. 10-1244 are summarized below.

Each of the titles of the UGMFP that is proposed for amendment is included as a separate exhibit to the ordinance. The contents of the proposed titles and MPAC's recommendations are summarized below.

Title 1: Housing Capacity (Exhibit B)

Background

Currently, Title 1 specifies minimum zoned capacity for jobs and housing for each city and unincorporated area with the UGB. Metro staff has heard a number of concerns from local government staff about the existing Title 1 Requirements for Housing and Employment Accommodation – that it was time-consuming and staff intensive to produce an annual report on changes to housing and employment capacity as well as a biennial report on actual density of new residential density per net developed acre, that it was impossible to calculate an accurate employment number, that there was no consistency in how each local government calculated their zoned capacity, and that Table 1 was out-of-date because it did not include additions to the urban growth boundary or zone changes.

MPAC recommendation

On November 10, MPAC recommended approval of the revised Title 1 to the Metro Council, with several recommended changes:

- MPAC recommends clarifying that small property-specific zoning changes are not subject to the “no-net-loss” provision to reduce the regulatory burden of this requirement. Staff has added subsection 3.07.120(E) to address this recommendation.
- MPAC recommends clarifying that the “no-net-loss” policy focuses on changes to minimum zoned density rather than other actions such as revisions to design standards. Staff has revised the wording of section 3.07.120(C) in response.
- MPAC recommends re-instating the provision allowing transfers of capacity between jurisdictions, which is in the existing Title 1 but was proposed for deletion by staff due to lack of use. Staff has re-instated this language as section 3.07.120(F).
- MPAC recommends giving credit to jurisdictions for their recent actions to increase zoned capacity, allowing for future downzonings in those jurisdictions based on that work. MPAC noted that establishing a new minimum zoned capacity could be seen as “penalizing” jurisdictions that had recently upzoned and were considering downzones. Staff has not proposed any changes to Title 1 on this topic because of uncertainty about how to pick a point in time, whether the backdating would only include upzonings (some jurisdictions have recently completed downzonings), and related implementation concerns.
- MPAC recommends allowing more flexibility in both the timing and sequencing of allowing downzones in exchange for upzones. In the proposed Title 1, upzoning must occur before downzoning and jurisdictions have two years to downzone following upzones. MPAC recommends allowing more than two years and allowing downzones to occur first, to give more flexibility to local jurisdictions. Staff understands MPAC's desire for flexibility and agrees that

the vast majority of local government actions will not cause concern under this section. However, staff believes that two years is an adequate period and is concerned that allowing downzoning first could occasionally create difficult enforcement situations. It's also not clear what Metro's recourse would be if a jurisdiction reduces zoning, builds at that reduced density and then takes no action to replace that lost capacity.

Staff recommendation

Staff proposes that the Council revise Title 1 while continuing to implement the Regional Framework Plan policies of a compact urban form, efficient use of land, and a "fair-share" approach to meeting regional housing needs. The proposed Title 1 Housing Capacity moves to a "no-net-loss" approach for housing based on a project amendment basis, eliminates Table 1 and the need to calculate capacity city-wide, and eliminates the requirements for calculating and tracking job capacity.

Title 4: Industrial and Other Employment Areas (Exhibit C)

Background

Title 4 seeks to protect a regional supply of sites for industrial uses. In recent years, several industrial-designated sites have been developed for non-industrial uses.

MPAC recommendation

On October 13, 2010 MPAC recommended that the Council amend Title 4 to prohibit new schools, places of assembly, recreational facilities and parks (with exceptions for habitat protection) in Regionally Significant Industrial Areas.

During fall, 2010, MPAC 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.

Staff 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. As described under MPAC's recommendations, staff does not, at this time, recommend that the Council adopt the previously-contemplated system for maintaining a supply of large sites for industrial uses. A summary of proposed changes to the Title 4 map (Industrial and Other Employment Areas) is included later in this report. In response to MPAC recommendations, staff also proposes a new Title 14 (see Exhibit L), which includes an expedited process for adding large industrial sites to the UGB.

Title 6: Centers, Corridors, Station Communities and Main Streets (Exhibit E)

Background

The existing version of Title 6 requires 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 one of its centers. This approach has not been effective in encouraging center development and development in centers has not achieved the results originally anticipated.

An MTAC subcommittee spent considerable time earlier this year discussing possible revisions to Title 6. The subcommittee included staff from local governments, Department of Land Conservation and Development, Oregon Department of Transportation (ODOT) and TriMet. Metro staff worked extensively with ODOT to find mutually acceptable language concerning the 30% trip reduction credit and new auto dependent uses in centers, corridors, station communities, and main streets (3.07.630(B)(2)).

MPAC recommendation

MPAC discussed the amount of work that a local government might have to undertake to be eligible for the incentives listed in Title 6 and agreed that the incentive approach was appropriate. Some members of MPAC also expressed some concern that limiting the definition of regional investment to new High Capacity Transit lines may be too narrow. MPAC recommended that the Metro Council adopt the proposed Title 6.

Staff recommendation

Staff recommends changing Title 6 to an incentive approach to encourage cities and counties to develop centers and recommends expanding Title 6 to include corridors and main streets. The changes to Title 6 are intended to:

- Add corridors to Title 6 because of their potential for redevelopment and infill. Title 6 would link strategies for centers and corridors to a community investment strategy.
- Align local and regional investments to support local aspirations in centers, corridors, station communities, and main streets and make progress toward achieving 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 street. These incentives include:

- Eligibility for a regional investment,¹⁵
- 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
- Address the problems that transportation impacts have on achieving mixed-use, pedestrian-friendly, and transit-supportive development

Title 8: Compliance Procedures (Exhibit G)

Background

Title 8 sets up a process for determining whether a city or county complies with requirements of the Urban Growth Management Functional Plan. Experience has demonstrated that the compliance process and annual compliance reporting place burdens on local governments who have limited staff resources and Metro. The Metro Council has indicated its desire to emphasize a more collaborative, outcomes-based approach to implementing the 2040 Growth Concept.

MPAC recommendation

MPAC suggested that “citizen” should be changed to “person” in section 3.07.860 and that JPACT and MPAC receive the annual compliance report. MPAC generally supported the changes to Title 8 but expressed concern about how citizen involvement in the compliance process would be affected by the recommended changes.

Staff recommendation

Staff proposes two primary changes for Title 8 to streamline the process. First, the current version of Title 8 requires the Metro Council to hold a public hearing to consider requests from local governments for extensions of compliance deadlines or exceptions from compliance. The Council may grant an extension or exception based on certain criteria (3.07.850 and 3.07.860). This process can be time-consuming for the Council and the local government involved. To streamline the process, proposed changes to Title 8 make these functions administrative but still allow an appeal to the Metro Council. The criteria for determining whether an extension or exception is granted would remain the same.

Second, Title 8 currently allows a local government to seek review by MPAC of noncompliance (3.07.830). This section is proposed to be removed. The Metro Council would be the final authority for determining noncompliance and it can seek MPAC advice without this provision. The Metro Council could request MPAC advice when an action raises policy issues.

Title 9: Performance Measures (Exhibit H)

Background

The Urban Growth Management Functional Plan contains requirements that are binding on cities and counties. Title 9 does not fit that category and is more appropriate as a regional policy statement.

¹⁵ Regional investments are currently limited to new high-capacity transit lines. In the future, the Council, in consultation with MPAC and JPACT, could add other major investments to this definition.

MPAC recommendation

MPAC did not comment on this title.

Staff recommendation

Staff proposes that the Council repeal Title 9 and include a performance measurement in the Regional Framework Plan (see Exhibit A, policy 1.2.5).

Title 10: Functional Plan Definitions (Exhibit I)

Background

Title 10 defines terms found in the Urban Growth Management Functional Plan.

MPAC recommendation

MPAC did not comment on this title.

Staff recommendation

Staff recommends that the Council update existing definitions to conform to the UGMFP revisions contemplated in Ordinance No. 10-1244.

Title 11: Planning for New Urban Areas (Exhibit J)

Background

An MPAC subcommittee chaired by Metro Councilor Liberty has met on several occasions to propose changes to Title 11. The committee 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. Revisions discussed by the committee would emphasize affordable housing in the planning for urban reserve areas both before and they are added to the UGB. The revisions would also 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.

MPAC recommendation

MPAC discussed this topic in detail on November 17. All but one MPAC member supported three guiding principles proposed by the committee:

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; and
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.

Similarly, all but one MPAC member supported the general proposition that the planning process should require local governments to consider and describe which income groups would be expected to live in the areas when added to the UGB and describe strategies that would be used to make those housing opportunities possible.

MPAC and the subcommittee did not come to consensus on how best to implement these principles, and did not recommend language to the Council.

Staff recommendation

Councilor Liberty has proposed working with staff and subcommittee members in coming days to develop alternate language, hopefully in time for Council public hearings and decision-making. The current version of the capacity ordinance includes the proposed language for reference, but should not be interpreted as an MPAC recommendation, MPAC subcommittee recommendation, or staff recommendation.

Metro Code Chapter 3.01: Urban Growth Boundary and Urban Reserves Procedures (Exhibit K)

Background

Metro Code chapter 3.01 contains UGB and reserves procedures and criteria. Though part of the Metro Code, this chapter is not part of the Urban Growth Management Functional Plan.

MPAC recommendation

MPAC did not comment.

Staff recommendation

Metro staff proposes repealing Code Chapter 3.01 and moving the Urban Growth Boundary and reserves procedures and criteria Urban Growth Management Functional Plan (new Title 14) to join other growth management tools and strategies.

Title 14: Urban Growth Boundary (Exhibit L)

Background

Exhibit K would repeal Metro Code Chapter 3.01, but some portions of that Code chapter must be moved.

MPAC recommendation

MPAC did not comment on this title.

Staff recommendation

Staff proposes that the Council move the Urban Growth Boundary and reserves procedures and criteria currently found in Metro Code Chapter 3.01 to the Urban Growth Management Functional Plan (new Title 14) to join other growth management tools and strategies. In addition, Title 14 would include an expedited process for adding large industrial sites to the UGB.

Metro Code Chapter 3.09: Local Government Boundary Changes (Exhibit N)

Background

The Oregon Legislature recently made amendments to the law concerning local boundary changes. Those legislative changes necessitate amendments to the Metro Code for conformity.

MPAC recommendation

MPAC did not comment on this proposed change.

Staff recommendation

Staff proposes revisions to Metro Code Chapter 3.09 (Local Government Boundary Changes). The revisions conform Metro's criteria and procedures for city and service district boundary changes with changes to the law recently made by the Oregon Legislature. The revisions would also require petitioners to incorporate a new city to demonstrate that the city will have the fiscal capability to provide adequate urban services.

Section 5: recommended map amendments

Staff recommends that the Metro Council make several map amendments as part of Ordinance No. 10-1244. Summaries of the proposed changes follow. The maps that would be affected by the proposed legislation include:

- 2040 Growth Concept map
- Title 4 Industrial and Other Employment Areas map
- Title 6 Central City, Regional Centers, Town Centers, and Station Communities map
- Title 14 Urban Growth Boundary map (new Functional Plan Title and map)

2040 growth concept map (Exhibit O)

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. The August 2010 Growth Management Assessment describes how the proposed changes are consistent with existing policies.

MPAC recommendation

MPAC discussed the COO recommendation to change these centers designations at their meeting on October 13, 2010 and voted to support the changes. During the discussion, MPAC members supported a motion to have a deeper policy discussion next year about the 2040 Growth Concept that would address questions such as:

- How many centers are too many?
- Does an area that is predominately shopping/retail function as a center
- How are we doing in achieving our vision for centers?

During MPAC's final discussion of Ordinance No. 10-1244, Tri-Met's representative requested two changes to staff's proposed map:

- Retain the distinction between inner and outer neighborhoods
- Depict fixed high-capacity transit along the southwest corridor

Staff 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.

Staff suggests that the region should have high expectations for all centers, not just those that are proposed for new designations as part of Ordinance No. 10-1244.

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. These changes also follow the direction given by the Council at their November 4, 2010 work session, in which the Council expressed its desire for the map to depict center boundaries more realistically.

Recommended Title 4 map amendments (Exhibit D)

Background

The Regional Framework Plan calls for a strong regional economy. To improve the regional economy, Title 4 of the Urban Growth Management Functional Plan (“Industrial and Other Employment Areas”) 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. These areas are depicted on the Industrial and Other Employment Areas Map. 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, Employment Areas, Corridors, Main Streets and Station Communities. Title 4 is implemented through city and county comprehensive plans and zoning.

MPAC recommendation

In keeping with past practice regarding Title 4 map amendment requests, MPAC was not consulted on the proposed Title 4 map amendments that are found in Ordinance No. 10-1244.

Staff recommendation

Staff proposes changes to Title 4 map designations in two locations – Washington Square Regional Center and the Beavercreek concept plan area – described below:

Washington Square Regional Center

The City of Tigard has submitted a request for an amendment to the Title 4 map. Metro staff recommends that the Council amend the Title 4 map as requested by the City of Tigard. The petition is assessed in detail in Attachment 2 following the criteria found in the Metro Code. The petitioner requests that the Council amend the Employment and Industrial Areas Map to authorize changing portion of the Washington Square Regional Center from “Industrial Area” to “Employment Area” so that the Title 4 Map will be consistent with the mixed use zoning that has been in place on the properties since 2002.

The proposed amendment would apply to 39-acre site consisting of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks. Most of the site is zoned Mixed Use Commercial (MUC) with a 5.77 acre area zoned Mixed Use Employment-2 (MUE-2.) This mixed-use zoning was adopted to implement the Washington Square Regional Center Plan in 2002. The site is almost completely developed with retail and office park uses.

Beavercreek concept plan area

Metro staff proposes that the Council amend the Employment and Industrial Areas Map to authorize a mix of uses in the city of Oregon City’s Beavercreek concept Plan area. Staff reasoning for the proposal is described in detail in Attachment 3. The proposed amendment would apply to the 308 gross acres of land

(245 acres in 2002 and 63 acres in 2004) that the urban growth boundary (UGB) was expanded into (Ordinance No. 02-969B and Ordinance No. 04-1040B) and an additional 151 gross acres already in the UGB before these expansions. The expansion and additional areas are part of the Beaver Creek Concept Plan area completed and adopted by the City of Oregon City Council on September 17, 2008.

The applicable criteria for this proposed amendment to the Employment and Industrial Areas Map are contained in Metro Urban Growth Management Functional Plan, section 3.07.450 G, which states that: *“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.”* Metro staff proposes that the basis of the proposed change is two-fold: a) the community’s proposal for how the area should be developed in order to achieve the local and regional goals; and b) the findings of the 2009 Urban Growth Report, which determined that the UGB has a surplus of general industrial capacity and a deficit of residential capacity.

Recommended Title 6 map (Exhibit F)

Background

In order for the incentive-based approach described in Title 6 to work properly, center, corridor, station community, and main street boundaries would need to be identified. Currently, several cities and counties have not officially adopted boundaries for these areas.

MPAC recommendation:

MPAC did not comment on this proposal.

Staff recommendation

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 Title 6 map, which would depict center boundaries and indicate instances where a city had officially adopted center boundaries. The proposed map also depicts centers without adopted boundaries as “conceptual centers.” 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. 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). Adopted boundaries would also help to determine eligibility for alternative mobility standards and the 30 percent trip reduction credit described in proposed Title 6.

Recommendations on Title 14 map (Exhibit M)

Background

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 (Exhibit L) 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 refers to a Title 14 map, which depicts the current urban growth boundary. If the Council chooses to adopt the new Title 14, it is also necessary to adopt the map. The map would be amended in 2001 if the Council chooses to expand the UGB.

MPAC recommendation

MPAC did not comment on this proposal. MPAC will be consulted further in 2011 if UGB expansions are contemplated.

Staff recommendation

Staff proposes that the Council adopt a new Title 14 map to depict the UGB.

ATTACHMENTS

- Attachment 1: Summary of residential supply and demand scenarios within the proposed narrowed forecast range
- Attachment 2: Staff report on a proposed Title 4 map amendment in the Washington Square Regional Center
- Attachment 3: Staff report on a proposed Title 4 map amendment in the Beaver Creek concept plan area

ANALYSIS/INFORMATION

1. Known Opposition

This ordinance covers a variety of topics, including Framework Plan, Functional Plan, map amendments, and growth management determinations. As such, it cannot be expected to inspire universal support. Several components of the proposed legislation have strong advocates and critics with valid concerns. Staff believes that the proposed legislation strikes a good balance that is in keeping with the region's agreed-upon vision.

2. Legal Antecedents

- Statewide Planning Goals 2 (Land Use Planning), 9 (Economic Development), 10 (Housing) and 14 (Urbanization)
- Oregon Revised Statutes 197.296, 197.299, and 197.303 (Needed Housing in Urban Growth Areas)
- Oregon Administrative Rules, Division 24 (Urban Growth Boundaries)
- Metro Regional Framework Plan, Chapter 1 (Land Use)
- Metro Urban Growth Management Functional Plan

3. Anticipated Effects

Adoption of the proposed legislation would:

- Satisfy Metro's statutory requirements related to growth management;
- Narrow the forecast range that the Council will consider as it completes its growth management decisions in 2011;
- Amend the Regional Framework Plan;
- Amend Titles 1, 4, 6, 8, 10, and 11 of the Urban Growth Management Functional Plan;
- Repeal Title 9 of the Urban Growth Management Functional Plan;
- Repeal Metro Code section 3.01;
- Add Title 14 to the Urban Growth Management Functional Plan;
- Add a Title 14 map;
- Amend Metro Code section 3.09;
- Amend the Titles 4 and 6 maps;
- Amend the 2040 Growth Concept Map, and;
- Make a great place.

4. Budget Impacts

If the UGB is ultimately expanded in 2011, Metro would incur expenses associated with staff time working on concept planning for new urban areas. The level of expense would depend on which, if any, UGB expansion areas are chosen by the Council. The level of expense would also depend on whether any concept planning has already been completed for an area as well as any complications that may arise in the course of concept planning.

Metro would also incur expenses associated with the implementation of proposed changes to the Urban Growth Management Functional Plan. These expenses are expected to be primarily associated with staff time. In some cases, these expenses are not expected to be substantially different from the costs of implementing the current version of the Functional Plan. However, in other cases, the proposed changes would require additional staff time.

RECOMMENDED ACTION

Staff recommends that the Council adopt Ordinance No. 10-1244.

Attachment 1:

Summary of residential supply and demand scenarios within the proposed narrowed forecast range

Staff analysis indicates that that policies and investment plans currently in place (including efficiency measures) will result in a 38% refill (redevelopment and infill) rate. Since refill is expressed as a share of total demand, higher points in the demand forecast range will result in additional capacity. The table below summarizes the potential gap that the Metro Council would need to address if it chooses to plan for different points in the range forecast.

Dwelling unit supply and demand scenarios at different points in the range forecast after accounting for efficiency measures (Metro UGB 2007 - 2030)

		Supply			
		MID 1/3 rd HIGH	MEDIUM	MID 1/3 rd LOW	LOW
		244,800	241,400	238,000	226,900
Demand (marginal increase)					
MID 1/3 rd HIGH	271,400	(26,600)			
MEDIUM	262,400		(21,000)		
MID 1/3 rd LOW	253,400			(15,400)	
LOW	224,000				2,900

Staff Report for the Washington Square Regional Center Title 4 Map Change

Prepared by Gerry Uba (503) 797-1737

BACKGROUND INFORMATION

Petitioner: City of Tigard

Proposal: The petitioner requests that Metro amend the Employment and Industrial Areas Map to authorize changing portion of the Washington Square Regional Center from “Industrial Area” to “Employment Area” so that the Title 4 Map will be consistent with the mixed use zoning that has been in place on the properties since 2002. The proposed change is depicted in Attachment 2a.

The proposed amendment would apply to 39-acre site consisting of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks. Most of the site is zoned Mixed Use Commercial (MUC) with a 5.77 acre area zoned Mixed Use Employment-2 (MUE-2.) This mixed use zoning was adopted to implement the Washington Square Regional Center Plan in 2002. The site is almost completely developed with retail and office park uses.

Location: The 39 acre site consists of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks.

Application Review Criteria: Metro Code section 3.07.450.H

The petitioner’s application for the proposed Title 4 Map amendment is included as Attachment 2b of this staff report.

APPLICATION REVIEW CRITERIA

The criteria for amendments to the Employment and Industrial Areas Map are contained in Metro Urban Growth Management Functional Plan, section 3.07.450 H. It states that the Metro Council may amend the Employment and Industrial Areas Map by ordinance if the Council concludes the proposed amendment meets certain criteria. Below are the criteria (**in bold**), petitioner responses to the criteria (*in italics*), and staff analysis.

Criterion 1: Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;

Petitioner Response

The proposed amendment to the Title 4 Employment and Industrial Areas Map is unlikely to reduce Tigard's jobs capacity below the number (17,801) shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan. The Washington Square Regional Center Plan was intended to ensure a mix of housing, retail, and employment. The Plan estimated that new development would provide 7,443 new jobs for the portion of the Regional Center within Tigard and the unincorporated Metzger area.

Specifically, the Plan's Development and Redevelopment Opportunities Report allocated 1455 jobs to an area that roughly corresponds to Area 1. A mix of office, retail, and lodging jobs were specified. Industrial jobs were not included, likely because of their lower job per acre density.

Comprehensive Plan and Development Code amendments were adopted in 2002 to implement the Washington Square Regional Center Plan. The area in question was rezoned from Industrial Park (I-P) to Mixed Use Commercial (MUC) and Mixed Use Employment 2 (MUE-2). These zones, specifically created for the Center, allow a mix of denser employment and housing, as well as retail (subject to some restrictions.)

The job projections of the Washington Square Regional Plan were developed to help meet Tigard's target growth allocations and the job capacity of Table 3.07-1 of the Urban Growth Management Functional Plan. The City believes that the proposed amendment would not reduce job capacity, but would bring the Title 4 Map into accord with zoning that has already been implemented.

Metro Staff Analysis

The 39-acre site is part of the Washington Square Regional Center that is envisioned to increase capacity for more jobs in the City of Tigard. Metro staff concurs with the petitioner's assessment that keeping the Title 4 Industrial Area designation for the area, with the required restrictions on retail and professional services could hamper development and job creation in the Regional Center as envisioned. The proposed change to the Title 4 map would not reduce the jobs capacity for the city below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan.

In conclusion, Metro staff believes that the proposed change to the Title 4 map would not have the effect of reducing the jobs capacity of the City of Tigard below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan. This criterion is met.

Criterion 2: Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

Tigard Staff Response

The Metro 2004 Regional Freight System Map facilities that are located within or border Area 1 include Highway 217 (Main Roadway Route), Scholls Ferry Road (Roadway Connector), and the Portland & Western Railway (Branch Railroad Line and Spur Track.)

The 2004 Regional Transportation Plan presumably reflected the land uses and zoning of the Washington Square Regional Center that were in place as of 2002. The Washington Square Regional Center Plan included suggested transportation upgrades, some of which appear on the on the RTP's Financially Constrained System. The Plan also called for multi-modal transportation improvements, including the recently started Westside Express Service peak-hour commuter rail.

The proposed map amendment is necessary to resolve an inconsistency between the local zone adopted through the implementation of the Washington Square Regional Center Plan and the Title 4 map. This proposed map amendment will not change the uses that are allowed on the site, thus adoption of this map amendment will not allow new uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways.

Metro Staff Analysis

The petitioner explained that the land uses and zoning (Mixed Use Commercial and Mixed Use Employment) that was in place in 2002 when the Washington Square Regional Center Plan was adopted has not changed and that the city do not have any intention of changing the zoning as the current zoning is adequate for implementing the Washington Square Regional Center Plan. Metro staff concurs with the petitioner that since the proposed change in Title 4 designation will not allow new uses on the site, the approval of the change of the Industrial Area designation to Employment Area will not reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan, or exceed volume-to-capacity ratios on Table 7 of the 1999 State Highway Plan for state highways.

In conclusion, Metro staff believes that this criterion is met.

Criterion 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;

Tigard Staff Response

The area in question is within the boundaries of the Washington Square Regional Center, one of three designated regional centers in Washington County and one of eight in the region in Metro's 2040 Growth Concept.

After completing the Washington Square Regional Center Plan, in 2002 the City rezoned the area from industrial zoning to Mixed Use Commercial (MUC) and Mixed Use Employment-2 (MUE-2). This zoning permits a wide range of uses and was designed to reinforce and encourage the Washington Square Regional Center’s development of concentrated retail, cultural, and civic services to serve its market area. Keeping the Title 4 Industrial Area designation for the area, with its restrictions on retail and professional service uses, could diminish the intended function of the Regional Center. For this reason the City believes that the Title 4 Map should be amended to change the area’s designation to Employment Area, which is more compatible with a Regional Center.

Metro Staff Analysis

Washington Square Regional Center has a clear boundary and development in the area will be guided by the plan adopted in 2002, recently adopted economic development policy in the updated city’s Comprehensive Plan, and new development strategies the city and region may consider for the area in the future. The proposed change in the Title 4 designation for the area will assist the city to capture and retain the regional vision intended for the area, and encourage more retail, civic activities and services, and cultural services in the market area.

In conclusion, Metro staff believes that the proposed change to the Title 4 map would not have the effect of diminishing the intended function of the Washington Square Regional Center as the principal location of retail, cultural and civic services in this market area.

Criterion 4: Would not reduce the integrity or viability of a traded sector cluster of industries;

Tigard Staff Response

The 2006 Regional Business Plan identified seven traded sector clusters: (1) high-tech, (2) metals, machinery, and transportation equipment, (3) forest products, (4) food processing, (5) creative services, (6) nursery products, and (7) sporting goods and apparel.

A review of the Tigard Business License data for Area 1 revealed that traded sector clusters are minimally represented in this area. The chart below summarized the types of businesses located in Area 1.

Type of Business	# of businesses
<i>Motor vehicle sales</i>	<i>2</i>
<i>Motor vehicle repair</i>	<i>1</i>
<i>Communications (cable provider)</i>	<i>1</i>
<i>Storage facility</i>	<i>1</i>
<i>Bakery (non retail)</i>	<i>1</i>
<i>Building Supplies</i>	<i>1</i>
<i>Other retail</i>	<i>3</i>
<i>Medical Technology Manufacturer</i>	<i>1</i>
<i>Electrical Goods Manufacturer</i>	<i>1</i>
<i>Church</i>	<i>1</i>
<i>State Government Offices</i>	<i>1</i>

ATTACHMENT 2

While the seven traded sector clusters are currently minimally represented in the area, the Mixed Use Employment-2 (MUE-2) and Mixed Use Commercial (MUC) zoning classifications would permit many of these kinds of businesses, subject to some restrictions. (See Appendix B for more information on zoning.)

The area south of North Dakota Street (Area 2 on Map A) is zoned Industrial Park (I-P). According to Tigard Business License data there appears to be at least one identified traded sector company located in Area 2. The City believes that the "Industrial Area" designation is appropriate for these properties, which are outside the Washington Square Regional Center boundaries.

Traded sector clusters appear to be minimally represented in the area in question. As stated previously the proposal is unlikely to affect the freight routes that serve traded sector clusters in the region. Staff believes the proposed amendment will not reduce the integrity or viability of a traded sector cluster of industries.

Metro Staff Analysis

Traded-sector industries are those in which member firms sell their goods or services into markets for which national or international competition exists. Firms in these sectors are important to the regional economy since they bring wealth into the region by exporting goods or services. The petitioner indicated that the traded sector cluster of industries is minimally represented in this area. The petitioner also indicated that its research shows that they appear to be at least one identified traded sector company in the area. Metro staff agrees with the petitioner that the current zoning presents an opportunity for increasing traded sector clusters in the area.

In conclusion, Metro staff believes that the proposed change in Title 4 area in the Washington Square Regional Center would not reduce the integrity or viability of a traded sector cluster of industries.

Criterion 5: Would not create or worsen a significant imbalance between jobs and housing in a regional market area.

Tigard Staff Response

The City of Tigard as a whole has a job/household ratio of 2.03 (about 2 jobs for every household) compared to a ratio of 1.22 for Washington County as a whole (2004 data.)

While this is a healthy jobs/household ratio, the City recognizes that many employees must commute into Tigard and many residents must commute to jobs outside of the City.

One intention of the Washington Square Regional Center Plan was to improve the balance between jobs and housing in the South Washington County market. The Plan estimated 7,443 new jobs and 1,871 residential units for the portion of the Regional Center within Tigard (and a section of the unincorporated Metzger area.) The mixed use zoning allows high density housing in proximity to the major regional retail center of Washington Square Mall, and office complexes at Lincoln Center and the Nimbus area. The MUC zone has a minimum density of 50 units/acre and no maximum density, and MUE-2 has a minimum density of 25 units/acre and a maximum of 50 units/acre. While only a limited number of housing units have been built to date in the Regional Center, the capacity for

housing exists. The zoning provides the Center the potential to develop into a place where people can “live, work, and play.”

Metro Staff Analysis

The general location of the site in the Washington Square Regional Center and the current city zoning makes it one of the most suitable places in the region to transform suburban type of development into a vibrant community with jobs, housing, and urban amenities such as shopping, entertainment and services. Staff believes that the promising job-housing balance of the city will get better as the right partnerships and policies are created to improve the area’s transportation infrastructure, build mixed use development that includes housing, and create more jobs.

In conclusion, Metro staff believes that the proposed change to the Title 4 map would not create or worsen a significant imbalance between jobs and housing in the City of Tigard area sub-regional market.

Criterion 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.

Tigard Staff Response

This is not applicable; the subject properties are designated Industrial Area, not Regionally Significant Industrial Area.

Metro Staff Analysis

No portion of the 39-acre site is designated as Regionally Significant Industrial Area.

In conclusion, this criterion does not apply to the proposed Title 4 Map amendment.

ANALYSIS/INFORMATION

Known Opposition [identify known opposition to the proposed legislation]

There is no known opposition.

Legal Antecedents [identify legislation related to the proposed legislation, including federal, state, or local law and Metro Code, using appropriate resolution or ordinance numbers, ballot measure numbers, etc.]

Statewide Planning Goals 2 (Land Use Planning) and 9 (Economic Development); Metro Code section 3.07.450 (Employment and Industrial Areas Map).

ATTACHMENT 2

Anticipated Effects [identify what is expected to occur if the legislation is adopted]

Proposed changes to the City of Tigard zoning map and comprehensive plan map would become effective, allowing additional commercial uses in the Washington Square Regional Center.

Budget Impacts [identify the cost to implement the legislation]

There is no significant budget impact. Implementation would consist of updating the Employment and Industrial Areas Map.

RECOMMENDED ACTION

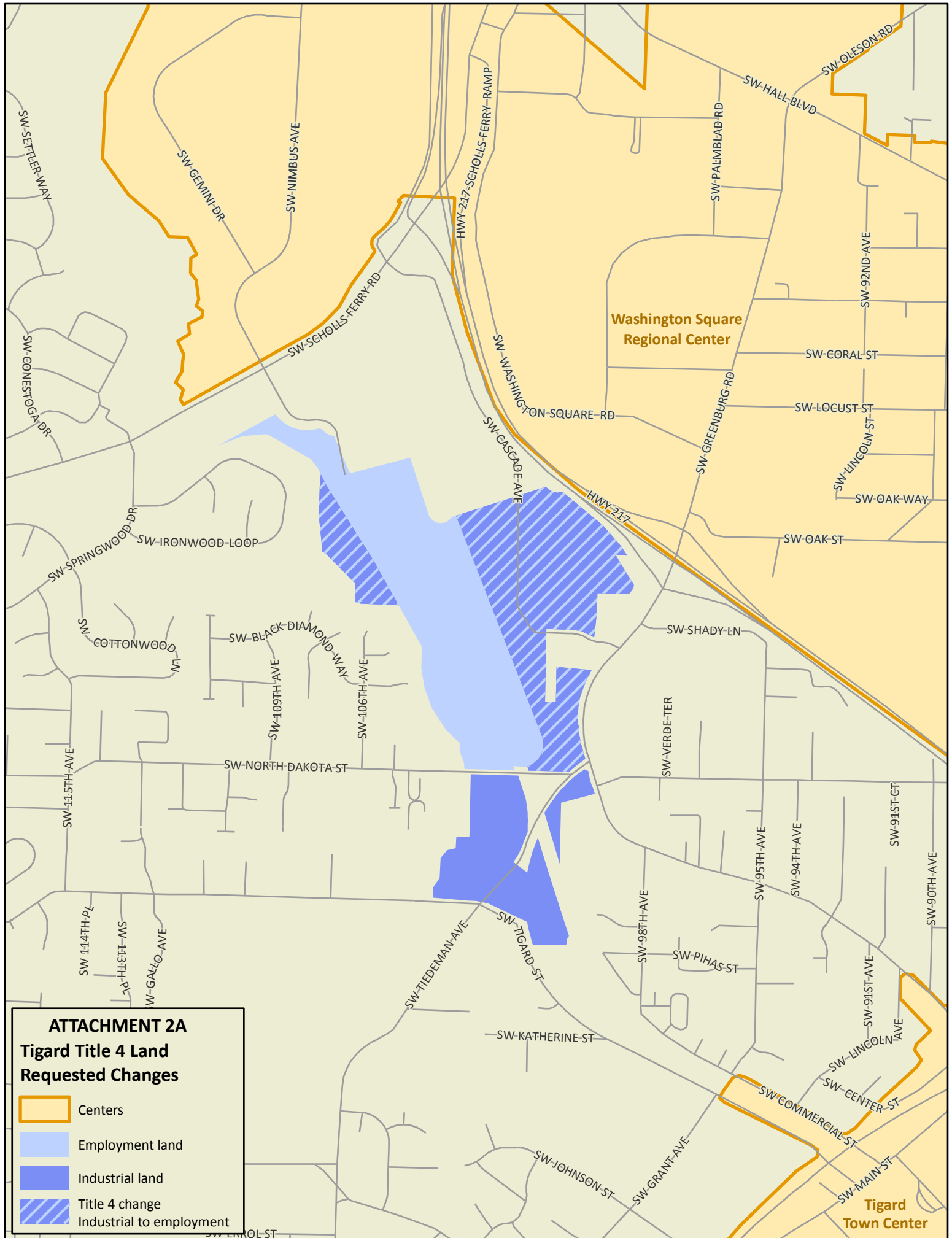
The petitioner requests the amendment of the Title 4 Employment and Industrial Areas Map. Metro Staff believes that the petitioner has provided sufficient evidence to demonstrate that the criteria are satisfied.

Staff recommends, therefore, that the Metro Council approve this ordinance.

ATTACHMENTS

Attachment 2a (map of the proposed Title 4 map amendment)

Attachment 2b (city's application)



ATTACHMENT 2A
Tigard Title 4 Land
Requested Changes

- Centers
- Employment land
- Industrial land
- Title 4 change
Industrial to employment

City of Tigard, Oregon • 13125 SW Hall Blvd. • Tigard, OR 97223



February 20, 2009

Christina Deffebach, Manager, Long Range Planning
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Ms. Deffebach,

This letter is in regard to the City of Tigard's compliance with Title 4 (Industrial and Other Employment Areas) of Metro's Urban Growth Management Functional Plan. The City has taken a number of steps to comply with Title 4, including adopting two Economic Development policies in its updated Comprehensive Plan stating its intention to implement the Title 4 map designations. However, there is an outstanding issue that the City would like resolved prior to incorporating the Title 4 map and associated restrictions into its Development Code.

We are requesting an Amendment to the Title 4 Employment and Industrial Areas Map under Metro Urban Growth Management Functional Plan section 3.07.450 H. The City is requesting that the designation for a 39-acre area of the Washington Square Regional Center ("Area 1" on Map A) be changed from "Industrial Area" to "Employment Area." City staff believes that this proposed amendment will remove an existing inconsistency that will make the Title 4 Map more accurate. Applying the Industrial Area restrictions to this area would not be in accordance with the envisioned character detailed in the Washington Square Regional Center Plan and implemented in the zoning which has been in place for the past six years.

Please see the attached memo, dated February 18, 2009, for the City's detailed response to the criteria of 3.07.450 H.

Thank you for your attention to this matter. If you have any other questions please call me at 503-718-2443.

Sincerely,

A handwritten signature in black ink that reads "Ron Bunch". The signature is written in a cursive, flowing style.

Ron Bunch
Community Development Director



MEMORANDUM

TO: Ron Bunch, Community Development Director

FROM: Sean Farrelly, Associate Planner

RE: Proposed Amendment to the Title 4 Employment and Industrial Areas Map

DATE: February 18, 2009

Background:

The City of Tigard is requesting an amendment to the Employment and Industrial Areas Map in Title 4 (“Industrial and Other Employment Areas”) of Metro’s Urban Growth Management Functional Plan. The City is requesting that the designation for a 39-acre area of the Washington Square Regional Center (“Area 1” on Map A) be changed from “Industrial Area” to “Employment Area.” Making this change would make the Title 4 Map consistent with the mixed use zoning that has been in place on the properties since 2002.

The 39-acre area in question consists of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks. The area is almost completely developed with retail and office park uses. One 1.34 acre property and another small portion of a developed property are on the Tigard Buildable Lands Inventory. The 5.77 acre property that lies to the west of the other properties is vacant, however it does not appear on the Tigard Buildable Lands Inventory, because of its wetland status.

Most of the area is zoned Mixed Use Commercial (MUC) with a 5.77 acre area zoned Mixed Use Employment-2 (MUE-2.) This mixed use zoning was adopted to implement the Washington Square Regional Center Plan in 2002.

The zone description of the Mixed Use Commercial (MUC) District in the Tigard Development Code is:

The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per

acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.

The MUC zone, permits some General Retail uses. Sales Oriented and Personal Services are permitted outright, other retail uses are limited to under 60,000 gross leasable area per building.

The zone description of the Mixed Employment Districts in Tigard Development Code is:

The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.

The MUE-2 zone restricts retail uses to under 60,000 gross leasable area per building. Light Industrial, Research and Development, Warehouse/Freight Movement, and Wholesale Sales are permitted as long as all activities associated with these uses, except employee and customer parking, are contained within buildings.

Proposed Title 4 Map Amendment

Section 3.07.430.A of the Urban Growth Management Functional Plan states that for properties designated as Industrial Areas, jurisdictions take 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...”

The City believes that applying such restrictions to this section of the Washington Square Regional Center would not be in accordance with the area’s envisioned character, which is detailed in the Washington Square Regional Center Plan (Attachment A) and not in keeping with the present zoning (adopted in 2002.) “Employment Area” is a more appropriate designation.

Once the Map is amended by designating the properties “Employment Area”, the City will be able to make the Comprehensive Plan and Development Code amendments necessary to adopt the Employment and Industrial Areas Map and its requirements. Tigard’s recently updated Comprehensive Plan contains an Economic Development Policy which signals its intent to do this. Economic Development Policy 9.1.7 states “The City shall limit the development of retail and service land

uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.”

Amendment Review Criteria:

The criteria for an amendment to the Employment and Industrial Areas Map are found in Metro Urban Growth Management Functional Plan section 3.07.450 H. It states that the Metro Council may amend the Employment and Industrial Areas Map by ordinance if the Council concludes the proposed amendment meets certain criteria.

The following is the criteria (in *italics*) from Metro Code 3.07.450.H followed by Tigard staff response.

- 1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;*

Tigard Staff Response

The proposed amendment to the Title 4 Employment and Industrial Areas Map is unlikely to reduce Tigard’s jobs capacity below the number (17,801) shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan. The Washington Square Regional Center Plan was intended to ensure a mix of housing, retail, and employment. The Plan estimated that new development would provide 7,443 new jobs for the portion of the Regional Center within Tigard and the unincorporated Metzger area.

Specifically, the Plan’s Development and Redevelopment Opportunities Report allocated 1455 jobs to an area that roughly corresponds to Area 1. A mix of office, retail, and lodging jobs were specified. Industrial jobs were not included, likely because of their lower job per acre density.

Comprehensive Plan and Development Code amendments were adopted in 2002 to implement the Washington Square Regional Center Plan. The area in question was rezoned from Industrial Park (I-P) to Mixed Use Commercial (MUC) and Mixed Use Employment 2 (MUE-2). These zones, specifically created for the Center, allow a mix of denser employment and housing, as well as retail (subject to some restrictions.)

The job projections of the Washington Square Regional Plan were developed to help meet Tigard’s target growth allocations and the job capacity of Table 3.07-1 of the Urban Growth Management Functional Plan. The City believes that the proposed amendment would not reduce job capacity, but would bring the Title 4 Map into accord with zoning that has already been implemented.

2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

Tigard Staff Response

The Metro 2004 Regional Freight System Map facilities that are located within or border Area 1 include Highway 217 (Main Roadway Route), Scholls Ferry Road (Roadway Connector), and the Portland & Western Railway (Branch Railroad Line and Spur Track.)

The 2004 Regional Transportation Plan presumably reflected the land uses and zoning of the Washington Square Regional Center that were in place as of 2002. The Washington Square Regional Center Plan included suggested transportation upgrades, some of which appear on the on the RTP's Financially Constrained System. The Plan also called for multi-modal transportation improvements, including the recently started Westside Express Service peak-hour commuter rail.

The proposed map amendment is necessary to resolve an inconsistency between the local zone adopted through the implementation of the Washington Square Regional Center Plan and the Title 4 map. This proposed map amendment will not change the uses that are allowed on the site, thus adoption of this map amendment will not allow new uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways.

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;

Tigard Staff Response

The area in question is within the boundaries of the Washington Square Regional Center, one of three designated regional centers in Washington County and one of eight in the region in Metro's 2040 Growth Concept.

After completing the Washington Square Regional Center Plan, in 2002 the City rezoned the area from industrial zoning to Mixed Use Commercial (MUC) and Mixed Use Employment-2 (MUE-2). This zoning permits a wide range of uses and was designed to reinforce and encourage the Washington Square Regional Center's development of concentrated retail, cultural, and civic services to serve its market area. Keeping the Title 4 Industrial Area designation for the area, with its restrictions on retail and professional service uses, could diminish the intended function of the

Regional Center. For this reason the City believes that the Title 4 Map should be amended to change the area’s designation to Employment Area, which is more compatible with a Regional Center.

4. Would not reduce the integrity or viability of a traded sector cluster of industries;

Tigard Staff Response

The 2006 Regional Business Plan identified seven traded sector clusters: (1) high-tech, (2) metals, machinery, and transportation equipment, (3) forest products, (4) food processing, (5) creative services, (6) nursery products, and (7) sporting goods and apparel.

A review of the Tigard Business License data for Area 1 revealed that traded sector clusters are minimally represented in this area. The chart below summarized the types of businesses located in Area 1.

Type of Business	# of businesses
Motor vehicle sales	2
Motor vehicle repair	1
Communications (cable provider)	1
Storage facility	1
Bakery (non retail)	1
Building Supplies	1
Other retail	3
Medical Technology Manufacturer	1
Electrical Goods Manufacturer	1
Church	1
State Government Offices	1

While the seven traded sector clusters are currently minimally represented in the area, the Mixed Use Employment-2 (MUE-2) and Mixed Use Commercial (MUC) zoning classifications would permit many of these kinds of businesses, subject to some restrictions (See Appendix B for more information on zoning.)

The area south of North Dakota Street (Area 2 on Map A) is zoned Industrial Park (I-P). According to Tigard Business License data there appears to be at least one identified traded sector company located in Area 2. The City believes that the “Industrial Area” designation is appropriate for these properties, which are outside the Washington Square Regional Center boundaries.

Traded sector clusters appear to be minimally represented in the area in question. As stated previously the proposal is unlikely to affect the freight routes that serve traded

sector clusters in the region. Staff believes the proposed amendment will 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.

Tigard Staff Response

The City of Tigard as a whole has a job/household ratio of 2.03 (about 2 jobs for every household) compared to a ratio of 1.22 for Washington County as a whole (2004 data.)

While this is a healthy jobs/household ratio, the City recognizes that many employees must commute into Tigard and many residents must commute to jobs outside of the City.

One intention of the Washington Square Regional Center Plan was to improve the balance between jobs and housing in the South Washington County market. The Plan estimated 7,443 new jobs and 1,871 residential units for the portion of the Regional Center within Tigard (and a section of the unincorporated Metzger area.) The mixed use zoning allows high density housing in proximity to the major regional retail center of Washington Square Mall, and office complexes at Lincoln Center and the Nimbus area. The MUC zone has a minimum density of 50 units/acre and no maximum density, and MUE-2 has a minimum density of 25 units/acre and a maximum of 50 units/acre. While only a limited number of housing units have been built to date in the Regional Center, the capacity for housing exists. The zoning provides the Center the potential to develop into a place where people can “live, work, and play.”

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.

Tigard Staff Response

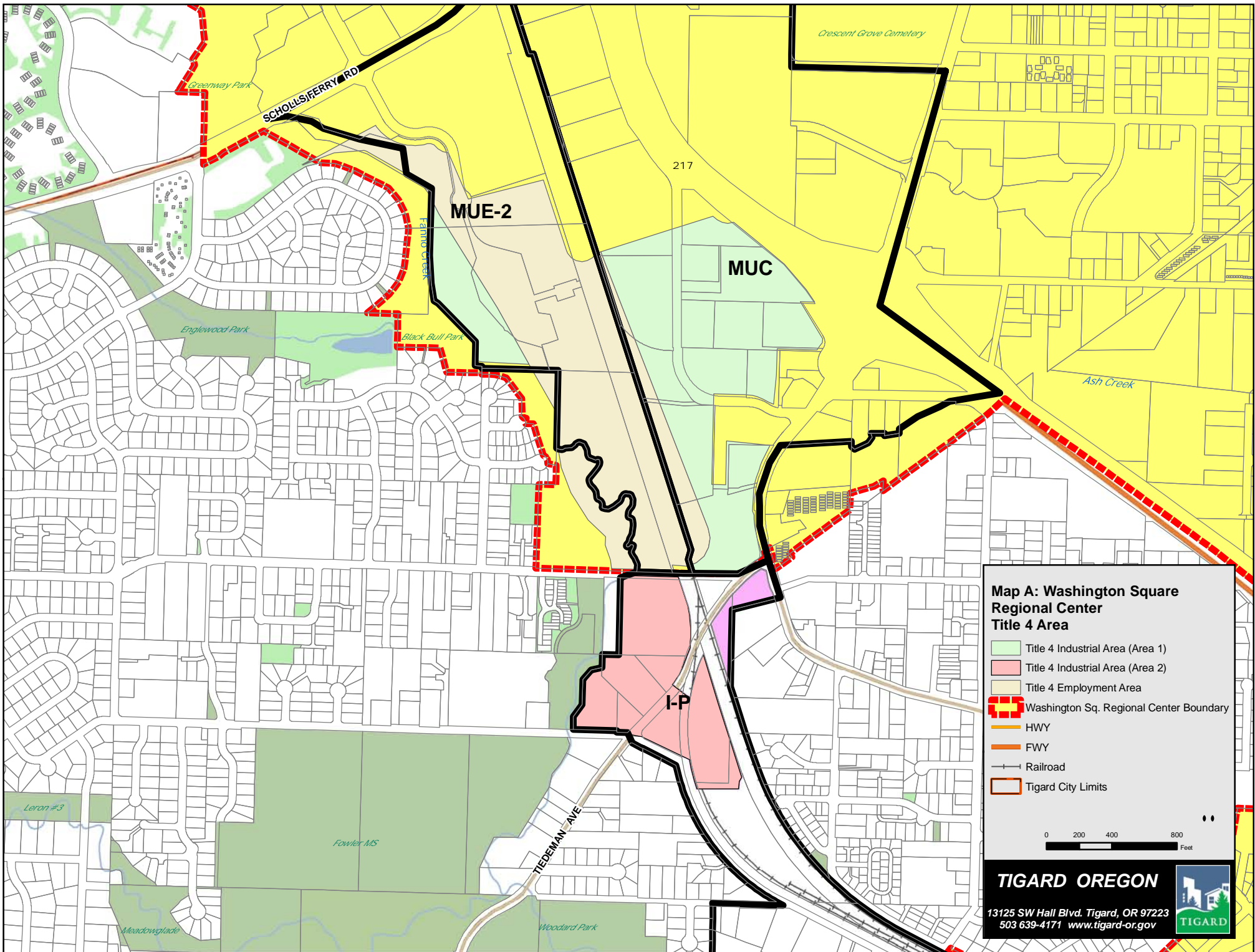
This is not applicable; the subject properties are designated Industrial Area, not Regionally Significant Industrial Area.

Conclusion:

City staff believes that this proposed amendment will remove an existing inconsistency that will make the Title 4 Map more accurate. Applying the Industrial Area restrictions to this area would not be in accordance with the envisioned character detailed in the Washington Square Regional Center Plan and implemented in the zoning which has been in place for the past six years.

Attachment 2b

Employment Area is a more appropriate designation for the 39-acre area in question (Area 1). The area directly borders a 21.4 acre designated Employment Area (Area 3 on Map A.) The designation as part of a Regional Center, its current zoning, and the existing development in Area 1 is more in line with an Employment Area than an Industrial Area.



Attachment 3

Staff Report for the Beavercreek concept plan area Title 4 Map change

Prepared by: Gerry Uba (503) 797-1737

BACKGROUND INFORMATION

Petitioner: Metro

Proposal: Metro intends to amend the Employment and Industrial Areas Map to authorize a mix of uses in the city of Oregon City's Beavercreek concept Plan area.

The proposed amendment would apply to the 308 gross acres of land (245 acres in 2002 and 63 acres in 2004) that the urban growth boundary (UGB) was expanded into (Ordinance No. 02-969B and Ordinance No. 04-1040B) and an additional 151 gross acres already in the UGB before these expansions. The expansion and additional areas are part of the Beavercreek Concept Plan area completed and adopted by the City of Oregon City Council on September 17, 2008.

Location: The 459 gross acres site consists of 57 tax lots or properties (based on Metro's 2010 Regional Land Information System).

Application Review Criteria

The criteria for amendments to the Employment and Industrial Areas Map is contained in Metro Urban Growth Management Functional Plan, section 3.07.450 G. It states that:

"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."

Metro Staff Analysis

As a background, Metro's 2002-2022 Urban Growth Report: Employment Land Need Analysis identified a demand for 4,285 net acres of industrial land, and Metro Council's December 2002 regional capacity decision included roughly half of the industrial land need (818 net acres of industrial land and 1,499 net acres of Regionally Significant Industrial Land). Thus, within the 2002 UGB expansion there was 1,968 net acres of industrial land need. In 2004, adjustments were made on the commercial refill rate, Cities of Wilsonville and Oregon City industrial zones, and City of Gresham's Springwater industrial land, and the result was the reduction of industrial land need to 1,180 net acres. The Metro Council expanded the UGB in 2004 by adding 1,047 gross acres of land to satisfy the need for industrial land over the next 20 years. The Council completed the fulfillment of employment capacity by adding 876 gross acres of industrial land by Ordinance No. 05-1070A in 2005.

Metro's broad expectation for urbanization of these areas was set in Title 11 of the Urban Growth Management Functional Plan. The purpose of this title is to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities, and to provide interim protection of the new areas until the city and county likely to provide governance or urban service for the area amends their land use regulations to allow urbanization become applicable to the areas. Title 11 requires city and county, in conjunction with Metro and appropriate service districts,

Attachment 3

to develop and adopt a concept plan for the area. The concept planning process created an opportunity for the city to provide governance or urban service for the area and comply with the requirements of Metro's Title 11.

Beavercreek Concept Plan

Oregon City initiated the Beavercreek Concept Plan process in spring of 2006 to ensure that the 308 gross acres brought into the UGB (245 acres in 2002 and 63 acres in 2004) provide needed employment capacity, are urbanized efficiently in a way that reasonably provides public facilities and services, offers transportation and housing choices, supports economic development and protects natural resources. The total land area included in the concept plan area was 459 gross acres. Attachment 3a shows the Title 4 map of the area before the Beavercreek Concept Plan process was started.

The Concept Plan was developed by a Citizen Advisory Committee and Technical Advisory Committee that met between June 2006 and July 2007. Metro participated in the concept planning process, including membership on the Technical Advisory Committee. In addition, the city conducted study area tours, market focus group, sustainability focus group, public open houses, and community design workshop.

The concept plan provided explanation of the existing condition of the area, including the detailed natural resources, infrastructure, transportation system, buildable land, demographics, market, employment and industrial land analysis that formed the factual basis for determining trends in the area and developing future land use policies and strategies for the area. In addition, the concept plan provided land for the need identified with the various rigorous analyses conducted for the area, including the need to provide for mix of uses that will contribute to family-wage jobs and general economic welfare of the city and improve the region's economic conditions. The city's planning commission report stated that the final product "is a reflection of the needs, desires, attitudes and conditions of the community and represents the vision, direction and improvements that are necessary to accommodate the changing demographics and economics of the community."

Metro staff reviewed the proposed Beavercreek Concept Plan comprehensive plan amendment and Metro compliance findings, and sent comment to Mayor Alice Norris on March 19, 2008 (Attachment 3b), after concluding that the proposal, if adopted by the city council, would comply with the requirements of Title 11 of the Urban Growth Management Functional Plan. On September 17, 2008, the Oregon City Council adopted the Beavercreek Concept Plan as an ancillary document to the city's Comprehensive Plan with the provision that the ancillary document would become effective until February 1, 2009 or upon adoption of zoning regulations implementing the plan amendments, whichever comes first. Attachment 3c shows the Title 4 map of the area after the Beavercreek Concept Plan was adopted.

Changes to Employment and Industrial land inside the Beavercreek Concept Plan Area

Proposed changes to the employment and industrial area inside the Beavercreek Concept Plan area is regulated by Title 4 of the Urban Growth Management Functional Plan, under section 3.07.450 G, which states that the Council may amend the Employment and Industrial Areas Map "...at any time to make corrections in order to better achieve the policies of the Regional Framework Plan."

The basis of the proposed change is two-fold: a) the community's proposal for how the area should be developed in order to achieve the local and regional goals; and b) the findings of the 2009 Urban Growth Report (Employment).

Attachment 3

During the Beavercreek concept planning process, the city addressed economic opportunities and activities vital for the city and the region, and worked with consultant EcoNorthwest to inventory and analyze local and regional market conditions within and adjacent to the area. The inventory included profile of industrial, commercial and office land supply and local employment, and the potential for industrial and commercial development within the area. The consultant analysis concluded “that under the right conditions it is not unreasonable to expect 150 net acres of industrial and business park development to build out on the site over a 20-year period. Thus, the Beavercreek Concept Plan provided 53% (156 net acres) of total net acreage of the area (292 net acres) for employment and industrial land. Attachment 3d shows the proposed changes to the Title 4 map, indicating that 151 gross acres of industrial land is still available in the concept plan area. The 151 gross acres will supply approximately 121 net acres which was Metro’s expectation, as stated in a letter that Metro Council President sent to the Board of Directors for the Hamlet of Beavercreek and the City on May 14, 2007 (Attachment 3e).

Reflecting changes in employment needs and demands between the 2002 UGR (Employment) and the 2009 UGR (Employment, Metro’s 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. This proposed change to the Title 4 Employment and Industrial Areas map will conform the map to the updated information about employment needs in the 2009 UGR (Employment). The change will also respond to the identification of a need for residential capacity in the 2009 UGR (Residential) by increasing the residential capacity of the Beavercreek planning area by 36 dwelling units above the level expected at the time the Metro Council added the areas to the UGB.

ANALYSIS/INFORMATION

Known Opposition

There is no known opposition. However, it is important to state here that a city resident, Elizabeth Grazer-Lindsey, challenged the consistency of the Beavercreek Concept Plan with Metro’s regional planning goals for the area that the Metro Council included in the UGB in 2002 and 2004, and appealed to the Oregon Land Use Board of Appeals.

Legal Antecedents

Statewide Planning Goal 2 (Land Use Planning); Metro Code section 3.07.450 (Employment and Industrial Areas Map).

Anticipated Effects

Proposed changes to the Title 4 map area in the City of Oregon City will make it possible for the area to be urbanized efficiently and contribute the livability in the city, county and the region, consistent with local

Attachment 3

aspirations. The change will also increase residential capacity by shifting some unneeded employment capacity to needed residential capacity, as determined by the 2009 UGR.

Budget Impacts

There is no significant budget impact. Implementation would consist of updating the Employment and Industrial Areas Map.

RECOMMENDED ACTION

Metro Staff believes that the changes to the Title 4 map area will not have any impact on the supply of industrial land. Staff recommends, therefore, that the Metro Council approve this ordinance.

ATTACHMENTS

Attachment 3a (map of the area before the Beaver creek Concept Plan was started)

Attachment 3b (Metro staff (Ray Valone) letter to Mayor Alice Norris and City Commissioners)

Attachment 3c (map of the Beaver creek Concept Plan area)

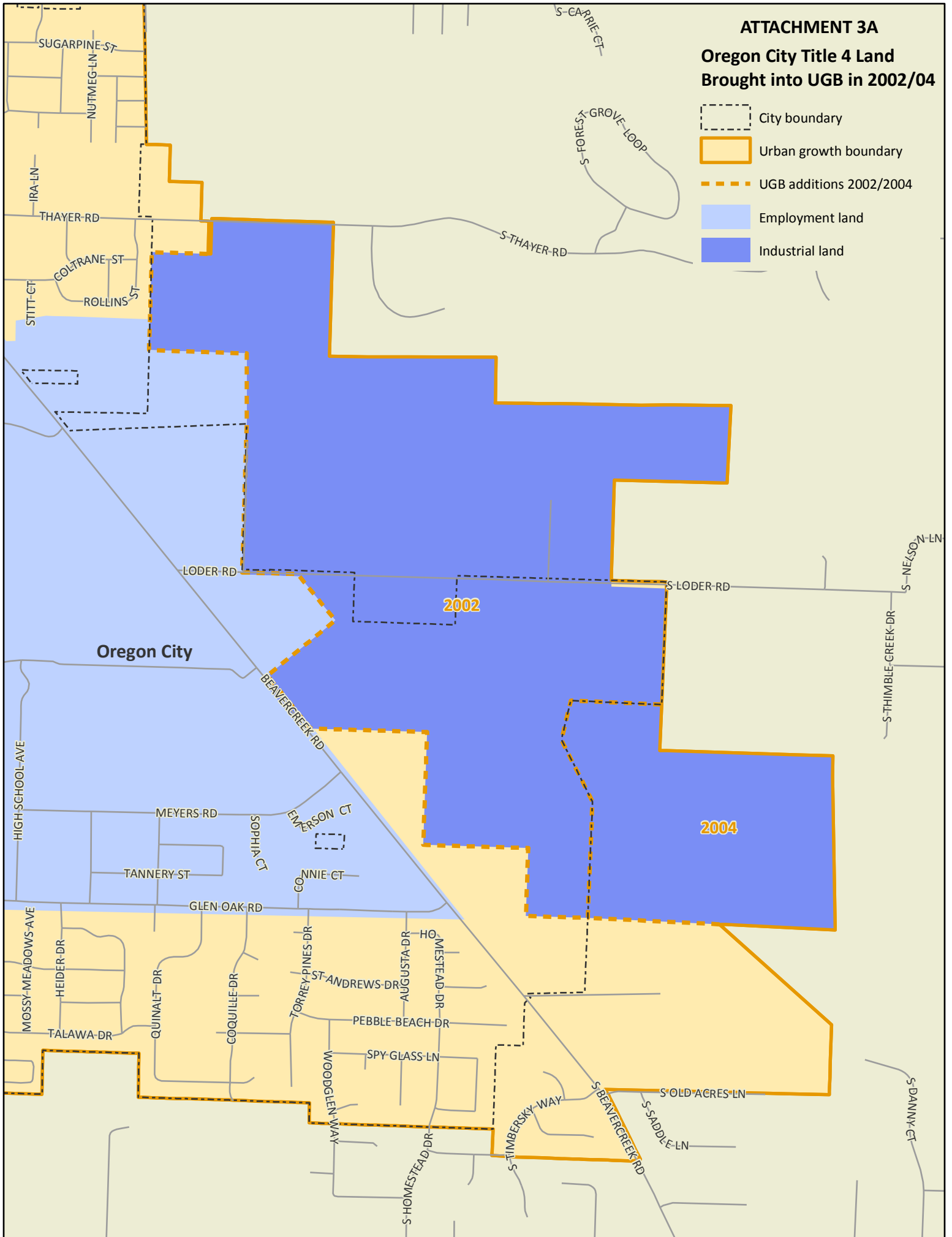
Attachment 3d (map of the area after the Beaver creek Concept Plan was completed)

Attachment 3e (Metro Council President (David Bragdon) letter to the Board of Directors for the Hamlet of Beaver creek and the City)

ATTACHMENT 3A

**Oregon City Title 4 Land
Brought into UGB in 2002/04**

-  City boundary
-  Urban growth boundary
-  UGB additions 2002/2004
-  Employment land
-  Industrial land



ATTACHMENT 3B



METRO

March 19, 2008

Mayor Alice Norris and City Commissioners
City of Oregon City
320 Warner-Milne Road
Oregon City, OR 97045

RE: File L 07-02, Beaver Creek Road Concept Plan

Dear Mayor Norris and Commissioners:

Thank you for the opportunity to review and comment on the proposed Beaver Creek Road Concept Plan comprehensive plan amendment that will begin the process leading to urbanization of the expansion area brought into the UGB in 2002 and 2004. Please enter this letter into the hearing record.

After review of the final recommended concept plan and Metro compliance findings, as detailed by Tony Konkol in his March 8, 2008, memo to the Commission, Metro staff concludes that the proposal, if adopted, would comply with the intent of Metro Ordinance No. 02-969B, Ordinance No. 04-1040B and the Urban Growth Management Functional Plan. As you know, the two Metro ordinances brought the Beaver Creek Road site into the UGB in December 2002 and June 2004, respectively. Title 11 of the Functional Plan requires the City to consider and adopt certain provisions to guide urbanization of new urban areas.

The adoption of the recommended concept plan by the City at this time sets the context for urbanizing the Beaver Creek Road site. The plan and accompanying language seem consistent with Metro policies and regulations. Metro reserves the right, however, to review the future implementation measures, as they come before the Commission, before determining compliance with the two ordinances and Title 11.

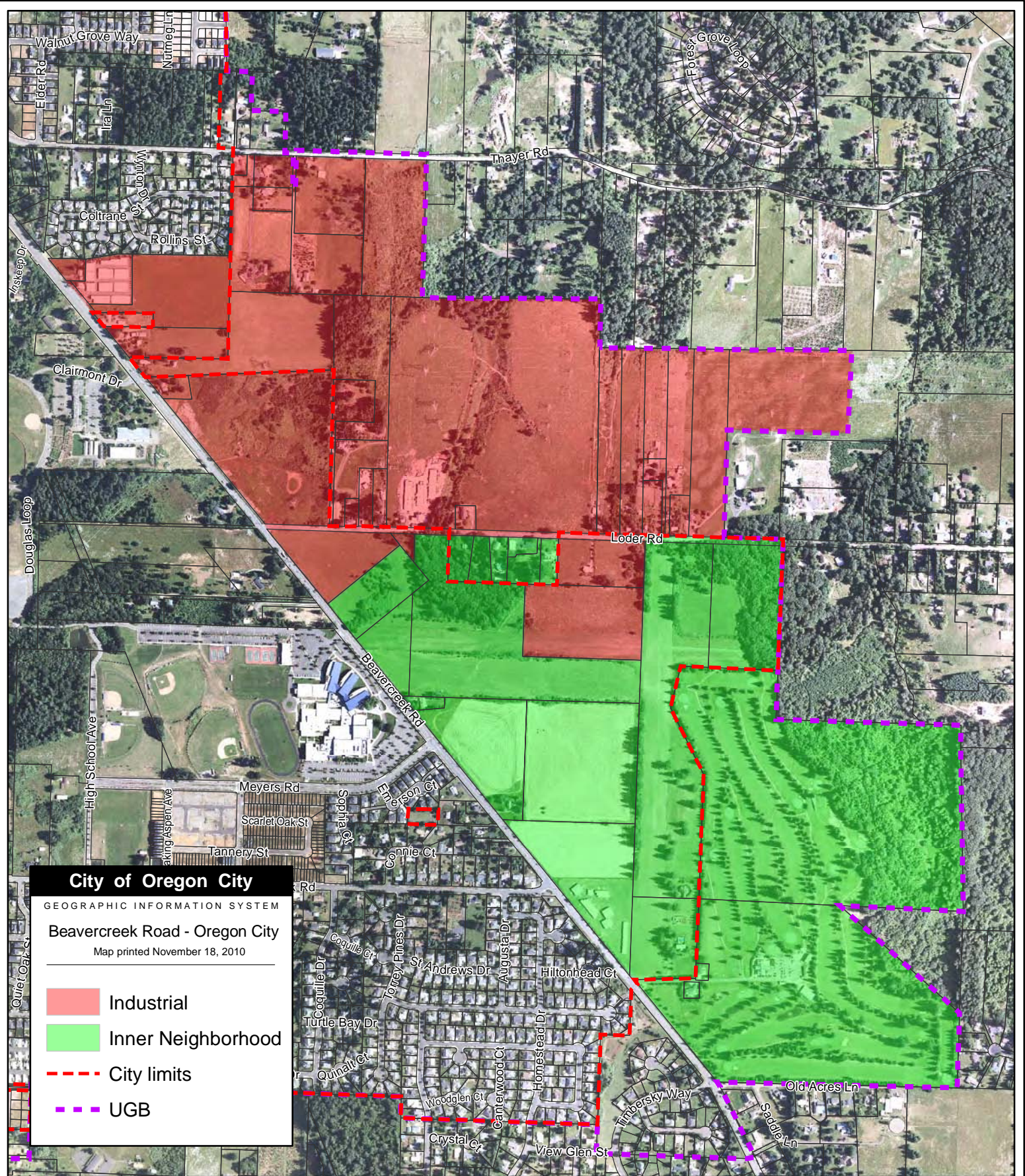
As a participant on the Beaver Creek Road Technical Advisory Committee and attendee of the public open houses during the development of the concept plan, I commend City staff and the consultant team for conducting a thorough process in working with the Citizen Advisory Committee and other stakeholders. While the 2002 and 2004 UGB area was originally designated for job use to support the City's needs, Metro realizes that modifications during local government planning are part of the refinement process. We also appreciate the flexibility shown by all parties in achieving a compromise plan that includes housing and retail services along with a substantial job base.

Sincerely,

A handwritten signature in black ink that reads "Ray Valone".

Ray Valone
Principal Planner

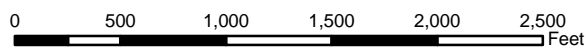
cc: Dan Drentlaw
Tony Konkol
Darren Nichols, DLCD
David Bragdon, Metro Council President
Carlotta Collette, Metro Council District #2
Michael Jordan, Metro COO



City of Oregon City
 GEOGRAPHIC INFORMATION SYSTEM
Beaver Creek Road - Oregon City
 Map printed November 18, 2010

- Industrial
- Inner Neighborhood
- City limits
- UGB

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.









ATTACHMENT 3C

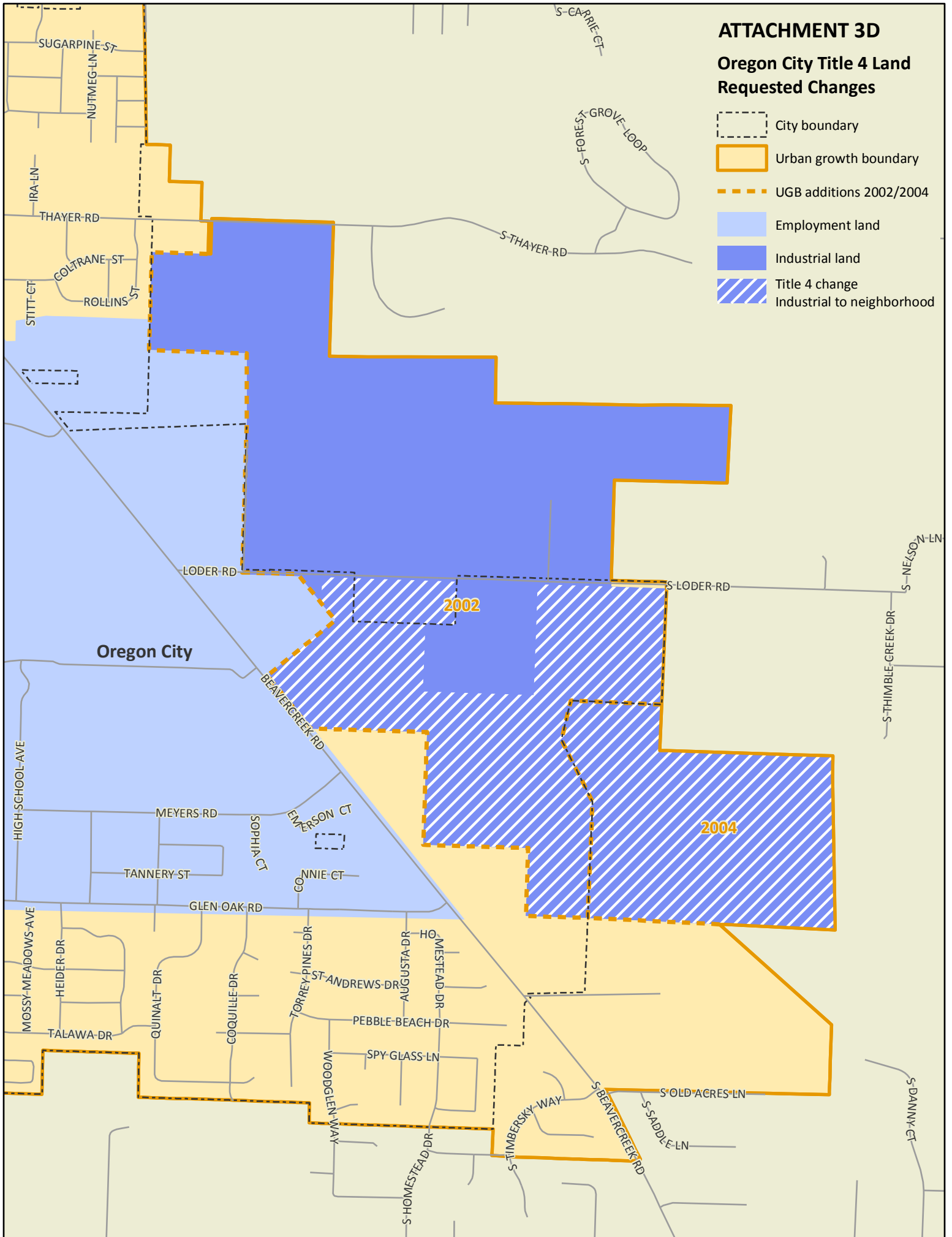
City of Oregon City
 P.O. Box 3040
 625 Center St
 Oregon City, OR 97045
 503-657-0891 phone
 503-657-6629 fax
 www.orcity.org



ATTACHMENT 3D

Oregon City Title 4 Land Requested Changes

-  City boundary
-  Urban growth boundary
-  UGB additions 2002/2004
-  Employment land
-  Industrial land
-  Title 4 change Industrial to neighborhood





METRO

6 0 0 N O R T H E A S T G R A N D A V E N U E | P O R T L A N D, O R E G O N 9 7 2 3 2 2 7 3 6
T E L 5 0 3 7 9 7 1 8 8 9 | F A X 5 0 3 7 9 7 1 7 9 3

COUNCIL PRESIDENT DAVID BRAGDON

May 14, 2007

Bill Merchant
Chair, Board of Directors for the Hamlet of Beaver creek

Elizabeth Graser-Lindsey
Speaker and Corresponding Secretary, Board of Directors for the Hamlet of Beaver creek
The Hamlet of Beaver creek
PO BOX 587
Beaver creek, OR 97004

Dear Mr. Merchant and Ms. Graser-Linsey:

Thank you for your recent letter outlining your concerns about the planning and future development of the 300 acres of property along Beaver creek Road that were included in the 2002 and 2004 urban growth boundary expansions. The Metro Council had targeted 120 net acres of industrial job land for the 300 acres. It is my understanding that the latest proposed plan meets this requirement.

I have forwarded a courtesy copy of your letter to the City of Oregon City, and it is my understanding that Dan Drentlaw, Director of Community Development has also responded to your letter.

Metro staff Ray Valone is serves as Metro's representative on the technical advisory committee for this project and can be reached at 503-797-1808 or valoner@metro.dst.or.us if you have further questions regarding the Metro Council's industrial land targets and the concept and comprehensive planning process.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Bragdon".

David L. Bragdon
Metro Council President

Cc: Mayor Alice Norris, City of Oregon City
Dan Drentlaw, Director of Community Development, City of Oregon City
Michael Jordan, Chief Operating Officer, Metro
Ray Valone, Principal Planner, Metro

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 10-1244, FOR THE PURPOSE OF MAKING A GREAT PLACE AND PROVIDING CAPACITY FOR HOUSING AND EMPLOYMENT TO THE YEAR 2030; AMENDING THE REGIONAL FRAMEWORK PLAN AND THE METRO CODE; AND DECLARING AN EMERGENCY

Date: November 19, 2010

Prepared by: John Williams (503) 797-1635
Richard Benner
Chris Deffebach
Sherry Oeser
Ted Reid
Gerry Uba

Introduction

Purposes of the proposed legislation

Proposed Ordinance No. 10-1244 and its exhibits are intended to fulfill five primary purposes that are described in more detail in this report (section numbers refer to sections of this report, not the ordinance).

Section 1: Recommendations for residential capacity (to narrow the household forecast range and identify the actions that will address at least half the capacity gap identified in the 2009 UGR);

Section 2: Recommendations for employment capacity (to narrow the employment forecast range and to state an intent to add large-lot industrial capacity in 2011);

Section 3: Recommended amendments to the Regional Framework Plan, which articulates Metro Council policies;

Section 4: Recommended amendments to the Metro Code, which is intended to implement the regional vision, and;

Section 5: Recommended amendments to maps, including the 2040 Growth Concept map, the Title 4 map (Industrial and Other Employment Areas), the Title 6 map (Centers, Corridors, Station Communities and Main Streets), and the Title 14 map (Urban Growth Boundary).

Refinement of August 2010 Chief Operating Officer recommendation

In August 2010, Metro's Chief Operating Officer (COO) made a preliminary recommendation to the Metro Council on the contents of Ordinance No. 10-1244. Additional technical details on the topics summarized in this memo can be found in the August 2010 Growth Management Assessment. Since that recommendation was released, there have been a number of discussions at MPAC, MTAC, the Metro Council, amongst stakeholders, and with the general public. The version of Ordinance 10-1244 that is included in this legislative packet reflects staff's synthesis of input received to date. Its main components and staff's reasoning are described in this staff report.

MPAC recommendation

On November 17, 2010, MPAC unanimously recommended that the Council adopt Ordinance 10-1244. MPAC comments on specific portions of the proposed ordinance are noted throughout this staff report.

Public comment period and public hearings

On Aug. 10, 2010, Metro's COO released a set of recommendations in a report entitled, "Community Investment Strategy: Building a sustainable, prosperous and equitable region." A public comment period ran until Oct. 1, 2010.¹

A wide range of views were submitted from across the region in response to the COO recommendations. During the comment period, Metro staff engaged in a coordinated outreach and engagement strategy that included more than 30 stakeholder meetings, website and e-mail information distribution, media releases, newsfeeds and Twitter feeds, seven open houses, a non-scientific online survey, and compilation of letter and e-mail correspondence relating to the Community Investment Strategy and urban growth boundary expansion options. In all, Metro received more than 600 survey entries, 55 e-mails, 16 letters and 10 other public comments.

In advance of the Metro Council's December 16, 2010 decision on Ordinance No. 10-1244, the Council will hold four public hearings:

November 29: Oregon City
December 2: Hillsboro
December 9: Metro Regional Center
December 16: Metro Regional Center

¹ A report on public comments received is available on Metro's website at:
http://library.oregonmetro.gov/files//11173_cis-ugb_comment_report_final.pdf

Background on the regional capacity assessment

Statutory requirements

Oregon land use law requires that, every five years, Metro assess the region's capacity to accommodate the numbers of people anticipated to live or work inside the Metro urban growth boundary (UGB) over the next 20 years. To make this determination, Metro forecasts population and employment growth over a 20-year timeframe; conducts an inventory of vacant, buildable land inside the UGB; assesses the capacity of the current UGB to accommodate population and employment growth either on vacant land or through redevelopment and infill; determines whether additional capacity is needed; and documents the results of these analyses in an urban growth report (UGR). The UGR is the basis for subsequent consideration of the actions to be taken to close any identified capacity gap.

Metro Council intent to take an outcomes-based approach

In addition to addressing statutory obligations, on the advice of the Metro Policy Advisory Committee (MPAC), the Metro Council has indicated its desire to take an outcomes-based approach when it makes decisions. It is intended that the proposed legislation will help to foster the creation of a region where:

1. People live and work in vibrant communities where they can choose to walk for pleasure and to meet their everyday needs.²
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that 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.

2009 forecast and urban growth report

In 2009, Metro completed range forecasts of population, household and employment growth through the year 2030.³ The use of a range forecast acknowledges uncertainty and allows for growth management decisions to focus on desired outcomes rather than a specific number. These range forecasts are incorporated into the UGR's analysis. The forecasts are for the seven-county primary metropolitan statistical area, which includes Clackamas, Multnomah, Washington, Yamhill, Columbia, Clark, and Skamania counties. These forecasts and the macroeconomic model that produces them have been peer reviewed by economists and demographers.

The 20-year forecast indicates that, by the year 2030, there will be a total of 1,181,300 to 1,301,800 households and a total of 1,252,200 to 1,695,300 jobs in the larger seven-county area. There is a 90 percent probability that growth will occur in the ranges identified in the forecast.

In addition to the 20-year range forecasts, the UGR determines how much of the 7-county growth may occur inside the Metro UGB and includes an analysis of the share of the UGB's zoned capacity that is likely to be developed by the year 2030. The UGR's analysis assumed a continuation of policies and investment trends in place at the time of the analysis. No changes to existing zoning were assumed, although it is likely that up-zoning will take place in the future as communities develop and implement their aspirations. The UGR's assessment of the likelihood of development was based on historic data,

² Note: these are the desired outcomes as adopted by the Metro Council in 2008. One effect of proposed Ordinance No. 10-1244 is to incorporate these desired outcomes into the Regional Framework Plan. MPAC has recommended that this desired outcome be modified to be more inclusive. Staff has proposed alternative language to satisfy MPAC concerns. Please see Exhibit A, section A for the proposed language.

³ A range forecast was also completed for the year 2060 in order to inform the urban and rural reserves process.

scenario modeling, and the professional expertise of Metro staff, local city and county staff, economic consultants, and business representatives. UGR results are portrayed for four different categories: residential, general industrial employment, general non-industrial employment, and large-lot employment.

Timeline for addressing regional capacity needs

On December 10, 2009, the Metro council, on the advice of MPAC, adopted Resolution No. 09-4094, which accepted the 2009 UGR and 20-year forecast as a basis for making growth management decisions.⁴ According to state law, the Metro Council must, by the end of 2010, address at least half of the residential capacity needs identified in the UGR. If any capacity needs are to be accommodated through efficiency measures⁵ inside the existing UGB, they must be accounted for by the end of 2010. If, after accounting for efficiency measures, there are any remaining capacity needs, the Council must address them with UGB expansions by the end of 2011.

On October 29, 2010, the state Land Conservation and Development Commission (LCDC) reached an oral decision on urban and rural reserves. LCDC remanded two of the urban reserves and all of the rural reserves in Washington County. As a consequence, the Council has directed that any needed UGB expansions will be made in 2011, which would allow time to finalize urban and rural reserves.

The 2009 UGR assessed regional capacity needs using a range demand forecast. Oregon Department of Land Conservation and Development (DLCD) staff has indicated that the Metro Council may carry a range through the decision that it makes in December 2010, but that the forecast range needs to be narrowed in order to demonstrate that at least half of the residential gap has been addressed. In order to finalize its growth management decision, the Council must, by the end of 2011, choose the point in the range forecast for which it wishes to plan. Depending on the point chosen, UGB expansions may be needed.

Under state statute, Metro can wait until 2011 to address all employment capacity needs identified in the UGR. For employment capacity, there is no requirement that at least half of the need be addressed by the end of 2010.

⁴ As indicated in the text of Ordinance No. 10-1244, the Council would, by adopting the ordinance, formally adopt the forecast and UGR as the basis for its growth management decisions.

⁵ Oregon Revised Statute 197.296 instructs Metro to expand the UGB and/or amend plans in ways that increase the likelihood of higher density development inside the existing UGB. "Efficiency measures" refer to the latter option.

Section 1: recommendations for residential capacity

Residential capacity gap identified in 2009 UGR

The 2009 UGR indicates that there will be demand for between 224,000 to 301,500 new dwelling units inside the Metro UGB from 2007 to 2030. While there is ample zoned capacity within the current UGB to accommodate the next 20 years of residential growth, the UGR's analysis indicates that, without additional infrastructure investments or other policy changes, a portion of the zoned capacity will not be market feasible. As a result, there is unmet demand for 27,400 to 79,300 dwelling units.⁶

Residential efficiency measures

Because a residential capacity gap is identified in the 2009 UGR, Oregon Revised Statute 197.296 instructs Metro to expand the UGB and/or amend plans in ways that increase the likelihood of higher density development inside the existing UGB. These latter actions are referred to as "efficiency measures." Reasonable efforts to implement efficiency measures must be undertaken before expanding the UGB. The statute states that efficiency measures may include, but are not limited to:

- Increases in the permitted density on existing residential land
- Financial incentives for higher density housing
- Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer
- Removal or easing of approval standards or procedures
- Minimum density ranges
- Redevelopment and infill strategies
- Authorization of housing types not previously allowed by the plan or regulations
- Adoption of an average residential density standard
- Rezoning or re-designation of nonresidential land

The August 2010 Growth Management Assessment⁷ includes staff's preliminary assessment of a variety of efficiency measures that have been adopted since the completion of the 2009 UGR. Staff's preliminary analysis indicates that efficiency measures contribute an additional 30,300 dwelling units of capacity beyond what was counted in the 2009 UGR⁸.

⁶ Refill is a share of total growth. The high end of the gap (79,300 units) reported here is different than what was identified in the 2009 UGR (104,900), which, for illustrative purposes, held constant the dwelling unit capacity generated through refill (rather than expressing it as a share of the high demand forecast). When the Council makes its growth management decision, they will identify the point in the forecast for which they are planning. Refill capacity will be calculated as a share of that number. As discussed more thoroughly in the August 2010 Growth Management Assessment, a 38 percent refill rate is a reasonable assumption with the policies and investments that have been adopted since the 2009 UGR.

⁷ Available at Metro's website:

http://library.oregonmetro.gov/files//2010_growth_management_assessment.pdf

⁸ The August 2010 Growth Management Assessment attributed 32,050 dwelling units of capacity to efficiency measures with 38% refill capacity tied to an assumption of medium growth (demand). Because capacity from redevelopment and infill (refill) is expressed as a share of total growth, staff cannot determine a final capacity number until the Council chooses the point in the forecast range for which to plan. The 30,300 units cited here is an

Recommendations for narrowing the residential forecast range

Background

Oregon statutes require that the Council, by the end of 2010, determine that it has addressed at least half of the residential capacity gap identified in the 2009 UGR. However, the Metro Council has indicated that it would like to maintain a range through its December 2010 decision. To accommodate the Council's request and to meet statutory obligations, staff proposes that the Council determine that the efficiency measures described in the August 2010 Growth Management Assessment have addressed at least half of the residential capacity gap identified in the 2009 UGR. To make that determination, the Council will need to narrow the forecast range for which it intends to plan.

In August 2010, Metro's Chief Operating Officer (COO) recommended planning for a point in the middle third of the forecast range. Since that recommendation was issued, the Council, MPAC, and others have had the opportunity to discuss the risks and opportunities of planning for different points in the range. Some of the topics considered include:

- Statistical likelihood of growth occurring at different points in the range
- Need for consistency between the urban and rural reserves decision and this growth management decision
- Need for consistency in expectations for residential and employment growth
- Implications for meeting carbon reduction goals
- Implications of changing demographics and housing preferences
- Adaptability if we aim too high or too low

MPAC recommendation

On October 27, 2010, MPAC discussed the question of where the Council should plan in the residential range forecast.⁹ MPAC recommends (13 in favor, 4 opposed) that the Council plan for at least the low end of the middle third of the forecast range. To provide more guidance to the Council, MPAC also discussed, through an informal show of hands, several portions of the range, with the following results:

- 3 committee members showed support, through a show of hands, for recommending that the Metro Council target the upper part of the middle third of the range.
- 6 committee members showed support, through a show of hands, for recommending that the Metro Council target below the middle third of the range.
- 4 committee members showed support, through a show of hands, for recommending that the Metro Council target the middle part of the middle third of the range.

Staff recommendation

With MPAC's recommendation, statutory requirements, and Council preferences in mind, staff proposes that the Council cap the range that it is considering at the high end of the middle third of the forecast range. This would entail planning for a marginal increase of 224,000 to 271,400 dwelling units inside the Metro UGB from the year 2007 through the year 2030. This proposed range can be in section 16 of Ordinance 10-1244.

adjusted figure that assumes 38% refill tied to low demand. See Table 1 for more details on how supply may change with different demand assumptions.

⁹ Minutes from the October 27, 2010 MPAC meeting are available on Metro's website.

Capacity for 196,600 dwelling units was accounted for in the 2009 UGR. As noted, an additional 30,300 dwelling units of capacity attributable to efficiency measures have been identified. Table 1 summarizes the potential capacity gaps (or surpluses) at different points in the forecast range after having accounted for efficiency measures identified in the August 2010 Growth Management Assessment.¹⁰ Additional detail on these gap calculations is available in Attachment 1 to this staff report. Under the scenarios depicted in Table 1, UGB expansions made in 2011 would need to provide from zero to 26,600 dwelling units of additional capacity, depending on the point in the demand forecast that is chosen. In all cases, the remaining potential gap is less than the 30,300 dwelling units of capacity already attributed to efficiency measures. Consequently, as required by statute, less than half the capacity gap identified in the UGR would remain for the Council to address in 2011.

Table 1: Dwelling unit gap or surplus at different points in the range forecast after accounting for efficiency measures (Metro UGB 2007 - 2030)

Point in demand forecast range	Remaining gap or surplus (dwelling units)
Low	2,900
Low end of middle 1/3 rd	(15,400)
Middle	(21,000)
High end of middle 1/3 rd	(26,600)

¹⁰ Because refill is a share of demand, using different points in the demand forecast will produce different capacity numbers. For this reason, determining the remaining gap at a particular point in the forecast range is not as straight forward as simply adding 30,300 dwelling units to the capacity identified in the 2009 UGR and deducting a demand number. Additional detail on these calculations is available in Attachment 1.

Section 2: recommendations for employment capacity

Employment range forecast

Background

The 2009 UGR indicates that there will be a total of 1.0 to 1.3 million total jobs inside the metro region UGB by the year 2030.

MPAC recommendation

On November 17, 2010, MPAC discussed the contents of Ordinance No. 10-1244. Metro staff proposed that the point chosen in the employment forecast range should be consistent with the point chosen in the residential range forecast.¹¹ MPAC had no comments on the employment range forecast.

Staff recommendation

Though there is no statutory obligation compelling the Council to do so, staff recommends that the Metro Council narrow this range to provide consistency with the recommendation on the residential range. As with the residential range, staff proposes capping the employment forecast range at the high end of the middle third of the forecast range. This would entail planning for between 1,083,200 and 1,211,600 total jobs inside the UGB by the year 2030.¹² When the Council ultimately picks a point in the residential and employment range forecasts, staff strongly recommends that the two points be consistent with one another.

Potential implications for non-industrial employment capacity

A portion of the UGR assesses the current UGB's capacity to accommodate non-industrial (e.g. office, retail, institutional) job growth on vacant land or through refill. The UGR finds that at the low end of the forecast range there is no need for additional non-industrial employment capacity inside the UGB. At the high end of the forecast range there is a need for 1,168 acres of additional capacity. At the high end of the middle third of the range, there is a need for 30 acres of additional capacity for non-industrial employment.¹³

Implications for general industrial employment capacity

A section of the UGR assesses the current UGB's capacity to accommodate industrial job growth on vacant land or through redevelopment and infill (refill). The assessment of demand for large, vacant lots is handled separately and recommendations can be found below. The UGR finds that, at or below the high end of the employment range forecast, there is adequate capacity inside the current UGB to accommodate the next 20 years of general industrial job growth. Consequently, within the narrowed employment forecast range proposed by staff, there is also no need for additional capacity for general industrial employment.

¹¹ As noted in this report, on October 27, 2010, MPAC voted in favor of recommending that the Council plan for at the least the low end of the middle third of the residential range forecast.

¹² Section 16 of Ordinance No. 10-1244 refers to this proposed range.

¹³ Many of the residential efficiency measures identified in the August 2010 Growth Management Assessment are also likely to increase non-industrial employment capacity inside the existing UGB. This is because many non-industrial jobs are in population-serving fields such as education, health care, and retail and these employers need to be close to population centers. Consequently, actions that encourage more residential growth in centers and corridors will likely have the same effect on non-industrial employment. Staff has not, however, performed a quantitative assessment of those effects.

Large lot industrial employment capacity

Background

The “large lot” portion of the UGR’s analysis was completed in recognition of the fact that some firms in traded-sector industries require large, vacant lots.¹⁴ The UGR defines a large lot as a single tax lot with at least 25 vacant, buildable acres. The UGR’s forecast-based assessment determined that, over the 20-year period, there is demand for 200 to 800 acres of additional capacity for large-lot employment uses. This range depends on the amount of employment growth realized as well as whether assembly of adjacent lots of 25 acres or more was assumed.

MPAC recommendation

For several reasons listed below, at its November 18, 2009 meeting, the Metro Policy Advisory Committee (MPAC) recommended that the UGR identify a wider range of potential large lot demand:

- Large traded-sector firms are crucial to the region’s economy since they sell goods and services outside the region, thereby bringing wealth to the region.
- Large traded-sector firms create spinoff employment.
- Large lot demand will be the result of the decisions of individual firms, so it is inherently difficult to forecast.
- The use of an employment forecast may be an inadequate means of estimating large lot demand for freight, rail, and marine terminal uses, which are space-intensive uses with relatively few employees, which play a crucial economic role.

The final 2009 UGR reflects MPAC’s recommendation that the Metro Council consider demand for 200 to 1,500 acres of additional capacity for large-lot industrial uses.

Since the completion of the 2009 UGR, no cities or counties in the region have adopted strategies that will make additional large-lot capacity available. In August 2010, Metro’s COO recommended that the Council address this need by expanding the UGB by 310 acres north of Hillsboro. MPAC endorsed this recommendation on October 13, 2010 with a vote of 9 in favor and 8 opposed. Committee discussion included:

- Reasons why the Metro COO has recommended incorporating 310 acres when the need for 200-1500 has been identified;
- The fact that Metro will have to demonstrate a need for more large-lot parcels in the region when justifying UGB expansion to the State;
- Whether it is more prudent to be conservative in expanding the UGB for large-lot industrial land, due to the continuing recession and other factors;
- Whether incorporating more land than the recommended 310 acres makes the region more economically competitive;
- Whether parcels can be consolidated to create large-lot sites within the UGB;
- The importance of thinking regionally when making this policy decision and not only considering individual jurisdictions;
- How we can learn from past experiences with UGB expansion and subsequent use of large-lot sites; and

¹⁴ Existing sites with significant acres of vacant land may give the initial impression that large-lot need is overestimated. However, firms seeking large sites often construct their facilities in phases. Recent examples of this phased approach can be found in the Metro region, including facility expansions completed or planned by large industrial firms such as Genentech, SolarWorld and Intel. This legitimate business practice factors into the UGR’s calculations of need for large lots.

- The decision of how many acres to incorporate into the UGB for large-lot industrial purposes is intertwined with the concept of a replenishment mechanism for parcels that get used up.

At the October 27, 2010 MPAC meeting, Mayor Lou Ogden of Tualatin requested that the Council also consider a UGB expansion, which would add 177 acres outside of Tualatin for large-lot industrial uses. MPAC did not make a recommendation on this request, but will discuss it in 2011.

Staff recommendation

Because urban and rural reserves in Washington County have been remanded by LCDC, the Council has directed that UGB expansions will be postponed until 2011. Staff recommends that, in 2011, the Council address regional needs for large lots for industrial uses by expanding the UGB to include at least the 310-acre area north of Hillsboro (assuming that urban and rural reserves are adopted and acknowledged).

Section 3: recommended 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 better support community and regional goals. Based on Council and advisory committee discussion and experience during the past few years, 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. The changes are summarized below.

MPAC recommendation

MPAC discussed the Regional Framework Plan on September 8 and 22, 2010, including several proposed amendments. MPAC indicated preliminary support for staff's proposed changes to the Regional Framework Plan. The Council discussed MPAC's comments on the Regional Framework Plan at a work session in October and provided staff with direction. MPAC had a final discussion of proposed changes to the Regional Framework Plan on November 17, 2010. MPAC's recommendations are summarized below for each topic.

Staff recommendation

The proposed Regional Framework Plan is included as Exhibit A to the ordinance. Following is a summary of the proposed language, organized by topic.

Use the defined six desired outcomes for a successful region to guide growth management decisions (Exhibit A, section A)

Background

In June 2008, the Metro Council, with the endorsement of MPAC, adopted Resolution No. 08-3940 which defined six desired outcomes for a successful region. The six desired outcomes are intended to guide decisions.

MPAC recommendation

MPAC recommended that the first desired outcome be changed to be more inclusive of those unable to walk and to reflect other non-motorized forms of transportation. MPAC also discussed adding "equitably" to the second outcome but did not make a recommendation.

Staff recommendation

Staff proposes incorporating the six desired outcomes into the Framework Plan to give them more official status as Metro Council policy. These would replace the fundamentals currently in the Framework Plan. Staff also proposes amending the wording of the first desired outcome in order to address concerns expressed by MPAC. The proposed six desired outcomes are:

- People live, work and play in vibrant communities where their everyday needs are easily accessible.
- Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
- People have safe and reliable transportation choices that enhance their quality of life.
- The region is a leader in minimizing contributions to global warming.

- Current and future generations enjoy clean air, clean water and healthy ecosystems.
- The benefits and burdens of growth and change are distributed equitably.

Measure performance to guide growth management decisions (Exhibit A, policy 1.2.5)

Background

The Metro Council has expressed its desire to take an outcomes-based approach to growth management. Reporting the region's historic and forecasted performance is an important element of implementing that type of decision-making model.

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Staff proposes that the Framework Plan should express the intent to provide performance information to help guide growth management decisions.

Prioritize public investments in Centers, Corridors, Station Communities, Main Streets, Employment and Industrial Areas (Exhibit A, policy 1.2)

Background

The region intends to focus population and employment growth in centers, corridors, station communities, main streets and employment areas, but has not yet expressly stated its intent to strategically invest scarce public dollars in these specific 2040 design types.

MPAC recommendation

MPAC discussed an amendment to Policy section 1.2.2 through 1.2.5 that would add “developing residential areas” and “other industrial areas” as priorities for investments as part of the investment strategy for Centers, Corridors, Station Communities, and Main Streets. MPAC did not support this amendment because it would dilute the effectiveness of investing in those four design types.

Staff recommendation

Staff proposes that the Council should make explicit its policy intent to prioritize investments in centers, corridors, station communities, main streets, and employment areas.

Encourage elimination of barriers to compact, mixed-use, pedestrian-friendly and transit supportive development in centers, corridors, station communities, and main streets (Exhibit A, policy 1.1)

Background

Since the adoption of the 2040 Growth Concept, some of the barriers to compact development have become more apparent (such as some parking requirements).

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Staff proposes that the Framework Plan should be amended to expressly state that it is the policy of the Metro Council to encourage the elimination of such barriers in targeted 2040 design types. Staff also proposes that the Framework Plan should underline the importance of creating the conditions for infill and redevelopment to occur in targeted 2040 design types.

Address housing affordability through a combination of actions, including investments in transportation facilities and transit services that make transportation more affordable, which in turn makes more household income available for housing and other needs (Exhibit A, policy 1.3)

Background

Second to housing costs, many households spend a substantial portion of their income on transportation expenses.

MPAC Recommendation

MPAC discussed changes to this policy, including adding an investment in affordable housing as a strategy to reduce household transportation costs leaving more household income for other expenses. MPAC did not come to a consensus on a policy change.

MPAC also discussed Policy 1.3.1 (provide housing choices). Although staff had previously not recommended any changes to this policy, MPAC recommended that this policy be changed to focus on households with incomes at or below 80 percent of median family income. The language MPAC recommended is as follows:

“1.3.1 That housing choices in the region include single family, multi-family, ownership and rental housing; and housing offered by the private, public and nonprofit sectors for households with incomes at or below 80, 50, and 30 percent of median family income.”

Staff recommendation

Metro staff proposes that it be the policy of the Metro Council to take a holistic approach to ensuring an affordable cost-of-living that acknowledges both housing and transportation costs. This would be an addition to existing housing affordability policies. In response to MPAC suggestions and a discussion with the Metro Council, staff is recommending a slightly modified version of policy 1.3.1:

“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.”

Provide affordable housing in UGB expansion areas (Exhibit A, policy 1.3.10)

Background

Planning for new urban areas offers a unique opportunity to ensure that development forwards community and regional goals. A commonly-held goal is that households of a variety of incomes have choices of where to live.

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Metro staff proposes that it should be the policy of the Metro Council to ensure that affordable housing is addressed in planning for new urban areas.

Provide urban areas with access to parks, trails and natural areas (Exhibit A, policy 1.1.6)

Background

Currently, the Land Use chapter of the Framework Plan addresses access to parks, trails and natural areas in several sections. Staff believes that the Framework Plan should take a stronger position on an integrated system.

MPAC recommendation

MPAC did not comment on this recommendation.

Staff recommendation

Staff proposes that an integrated system of parks, trails and natural areas is essential for fostering vibrant communities and that it should be a clearly stated Metro Council policy to provide urban areas with access to these amenities. The proposed change would add a section to the Land Use chapter that would specifically address this policy.

Strengthen employment in the region's traded-sector industries (Exhibit A, policies 1.4.3 to 1.4.7)

Background

Attracting and retaining traded-sector industrial firms is important to the region's economic prosperity. Traded-sector industrial firms sell products to consumers elsewhere in the country and world, bringing wealth into the Metro region.

MPAC recommendation

MPAC and its 2010 employment subcommittee proposed that the Metro Council adopt a policy to maintain a supply of large sites for traded-sector industrial uses inside the UGB. MPAC discussed two amendments to Policy 1.4.6 (maintain supply of large industrial sites). MPAC suggested amending the proposed language for Policy 1.4.6 to read:

"1.4.6 Consistent with policies promoting a compact urban form, ensure that the region maintains a sufficient and geographically diverse supply of tracts 50 acres and larger to meet marketplace demand of traded sector industry clusters and that the region protects those sites from conversion to non-industrial uses and conversion into smaller lot sizes."

MPAC also discussed adding to policy 1.4.6 the following clause:

"transit availability shall be a critical factor in determining which sites are included"

MPAC ultimately opposed including this clause because transit is unlikely to serve the area when a site is undeveloped and demand for transit does not yet exist.

Staff recommendation

The Council discussed MPAC's suggestions at a work session. Based on Council direction, staff proposes several policy statements that seek to strengthen employment in traded-sector industries. These proposals include establishing programs to clean up brownfields and consolidate smaller parcels, creating an

inventory of large tracts of land that may be suitable for traded-sector industrial uses, and protecting large sites from conversion to non-industrial uses.

Section 4: recommended amendments to the Metro Code

Background

The Urban Growth Management Functional Plan (UGMFP) is part of Metro Code (Chapter 3.07) and implements the policies contained in the Regional Framework Plan. City and county comprehensive plans and implementing ordinances must be consistent with the Functional Plan and have two years from any amendments to the Code to conform. MPAC reviewed proposed changes in October and November 2010. Changes to the Functional Plan included in Ordinance No. 10-1244 are summarized below.

Each of the titles of the UGMFP that is proposed for amendment is included as a separate exhibit to the ordinance. The contents of the proposed titles and MPAC's recommendations are summarized below.

Title 1: Housing Capacity (Exhibit B)

Background

Currently, Title 1 specifies minimum zoned capacity for jobs and housing for each city and unincorporated area with the UGB. Metro staff has heard a number of concerns from local government staff about the existing Title 1 Requirements for Housing and Employment Accommodation – that it was time-consuming and staff intensive to produce an annual report on changes to housing and employment capacity as well as a biennial report on actual density of new residential density per net developed acre, that it was impossible to calculate an accurate employment number, that there was no consistency in how each local government calculated their zoned capacity, and that Table 1 was out-of-date because it did not include additions to the urban growth boundary or zone changes.

MPAC recommendation

On November 10, MPAC recommended approval of the revised Title 1 to the Metro Council, with several recommended changes:

- MPAC recommends clarifying that small property-specific zoning changes are not subject to the “no-net-loss” provision to reduce the regulatory burden of this requirement. Staff has added subsection 3.07.120(E) to address this recommendation.
- MPAC recommends clarifying that the “no-net-loss” policy focuses on changes to minimum zoned density rather than other actions such as revisions to design standards. Staff has revised the wording of section 3.07.120(C) in response.
- MPAC recommends re-instating the provision allowing transfers of capacity between jurisdictions, which is in the existing Title 1 but was proposed for deletion by staff due to lack of use. Staff has re-instated this language as section 3.07.120(F).
- MPAC recommends giving credit to jurisdictions for their recent actions to increase zoned capacity, allowing for future downzonings in those jurisdictions based on that work. MPAC noted that establishing a new minimum zoned capacity could be seen as “penalizing” jurisdictions that had recently upzoned and were considering downzones. Staff has not proposed any changes to Title 1 on this topic because of uncertainty about how to pick a point in time, whether the backdating would only include upzonings (some jurisdictions have recently completed downzonings), and related implementation concerns.
- MPAC recommends allowing more flexibility in both the timing and sequencing of allowing downzones in exchange for upzones. In the proposed Title 1, upzoning must occur before downzoning and jurisdictions have two years to downzone following upzones. MPAC recommends allowing more than two years and allowing downzones to occur first, to give more flexibility to local jurisdictions. Staff understands MPAC's desire for flexibility and agrees that

the vast majority of local government actions will not cause concern under this section. However, staff believes that two years is an adequate period and is concerned that allowing downzoning first could occasionally create difficult enforcement situations. It's also not clear what Metro's recourse would be if a jurisdiction reduces zoning, builds at that reduced density and then takes no action to replace that lost capacity.

Staff recommendation

Staff proposes that the Council revise Title 1 while continuing to implement the Regional Framework Plan policies of a compact urban form, efficient use of land, and a "fair-share" approach to meeting regional housing needs. The proposed Title 1 Housing Capacity moves to a "no-net-loss" approach for housing based on a project amendment basis, eliminates Table 1 and the need to calculate capacity city-wide, and eliminates the requirements for calculating and tracking job capacity.

Title 4: Industrial and Other Employment Areas (Exhibit C)

Background

Title 4 seeks to protect a regional supply of sites for industrial uses. In recent years, several industrial-designated sites have been developed for non-industrial uses.

MPAC recommendation

On October 13, 2010 MPAC recommended that the Council amend Title 4 to prohibit new schools, places of assembly, recreational facilities and parks (with exceptions for habitat protection) in Regionally Significant Industrial Areas.

During fall, 2010, MPAC 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.

Staff 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. As described under MPAC's recommendations, staff does not, at this time, recommend that the Council adopt the previously-contemplated system for maintaining a supply of large sites for industrial uses. A summary of proposed changes to the Title 4 map (Industrial and Other Employment Areas) is included later in this report. In response to MPAC recommendations, staff also proposes a new Title 14 (see Exhibit L), which includes an expedited process for adding large industrial sites to the UGB.

Title 6: Centers, Corridors, Station Communities and Main Streets (Exhibit E)

Background

The existing version of Title 6 requires 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 one of its centers. This approach has not been effective in encouraging center development and development in centers has not achieved the results originally anticipated.

An MTAC subcommittee spent considerable time earlier this year discussing possible revisions to Title 6. The subcommittee included staff from local governments, Department of Land Conservation and Development, Oregon Department of Transportation (ODOT) and TriMet. Metro staff worked extensively with ODOT to find mutually acceptable language concerning the 30% trip reduction credit and new auto dependent uses in centers, corridors, station communities, and main streets (3.07.630(B)(2)).

MPAC recommendation

MPAC discussed the amount of work that a local government might have to undertake to be eligible for the incentives listed in Title 6 and agreed that the incentive approach was appropriate. Some members of MPAC also expressed some concern that limiting the definition of regional investment to new High Capacity Transit lines may be too narrow. MPAC recommended that the Metro Council adopt the proposed Title 6.

Staff recommendation

Staff recommends changing Title 6 to an incentive approach to encourage cities and counties to develop centers and recommends expanding Title 6 to include corridors and main streets. The changes to Title 6 are intended to:

- Add corridors to Title 6 because of their potential for redevelopment and infill. Title 6 would link strategies for centers and corridors to a community investment strategy.
- Align local and regional investments to support local aspirations in centers, corridors, station communities, and main streets and make progress toward achieving 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 street. These incentives include:

- Eligibility for a regional investment,¹⁵
- 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
- Address the problems that transportation impacts have on achieving mixed-use, pedestrian-friendly, and transit-supportive development

Title 8: Compliance Procedures (Exhibit G)

Background

Title 8 sets up a process for determining whether a city or county complies with requirements of the Urban Growth Management Functional Plan. Experience has demonstrated that the compliance process and annual compliance reporting place burdens on local governments who have limited staff resources and Metro. The Metro Council has indicated its desire to emphasize a more collaborative, outcomes-based approach to implementing the 2040 Growth Concept.

MPAC recommendation

MPAC suggested that “citizen” should be changed to “person” in section 3.07.860 and that JPACT and MPAC receive the annual compliance report. MPAC generally supported the changes to Title 8 but expressed concern about how citizen involvement in the compliance process would be affected by the recommended changes.

Staff recommendation

Staff proposes two primary changes for Title 8 to streamline the process. First, the current version of Title 8 requires the Metro Council to hold a public hearing to consider requests from local governments for extensions of compliance deadlines or exceptions from compliance. The Council may grant an extension or exception based on certain criteria (3.07.850 and 3.07.860). This process can be time-consuming for the Council and the local government involved. To streamline the process, proposed changes to Title 8 make these functions administrative but still allow an appeal to the Metro Council. The criteria for determining whether an extension or exception is granted would remain the same.

Second, Title 8 currently allows a local government to seek review by MPAC of noncompliance (3.07.830). This section is proposed to be removed. The Metro Council would be the final authority for determining noncompliance and it can seek MPAC advice without this provision. The Metro Council could request MPAC advice when an action raises policy issues.

Title 9: Performance Measures (Exhibit H)

Background

The Urban Growth Management Functional Plan contains requirements that are binding on cities and counties. Title 9 does not fit that category and is more appropriate as a regional policy statement.

¹⁵ Regional investments are currently limited to new high-capacity transit lines. In the future, the Council, in consultation with MPAC and JPACT, could add other major investments to this definition.

MPAC recommendation

MPAC did not comment on this title.

Staff recommendation

Staff proposes that the Council repeal Title 9 and include a performance measurement in the Regional Framework Plan (see Exhibit A, policy 1.2.5).

Title 10: Functional Plan Definitions (Exhibit I)

Background

Title 10 defines terms found in the Urban Growth Management Functional Plan.

MPAC recommendation

MPAC did not comment on this title.

Staff recommendation

Staff recommends that the Council update existing definitions to conform to the UGMFP revisions contemplated in Ordinance No. 10-1244.

Title 11: Planning for New Urban Areas (Exhibit J)

Background

An MPAC subcommittee chaired by Metro Councilor Liberty has met on several occasions to propose changes to Title 11. The committee 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. Revisions discussed by the committee would emphasize affordable housing in the planning for urban reserve areas both before and they are added to the UGB. The revisions would also 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.

MPAC recommendation

MPAC discussed this topic in detail on November 17. All but one MPAC member supported three guiding principles proposed by the committee:

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; and
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.

Similarly, all but one MPAC member supported the general proposition that the planning process should require local governments to consider and describe which income groups would be expected to live in the areas when added to the UGB and describe strategies that would be used to make those housing opportunities possible.

MPAC and the subcommittee did not come to consensus on how best to implement these principles, and did not recommend language to the Council.

Staff recommendation

Councilor Liberty has proposed working with staff and subcommittee members in coming days to develop alternate language, hopefully in time for Council public hearings and decision-making. The current version of the capacity ordinance includes the proposed language for reference, but should not be interpreted as an MPAC recommendation, MPAC subcommittee recommendation, or staff recommendation.

Metro Code Chapter 3.01: Urban Growth Boundary and Urban Reserves Procedures (Exhibit K)

Background

Metro Code chapter 3.01 contains UGB and reserves procedures and criteria. Though part of the Metro Code, this chapter is not part of the Urban Growth Management Functional Plan.

MPAC recommendation

MPAC did not comment.

Staff recommendation

Metro staff proposes repealing Code Chapter 3.01 and moving the Urban Growth Boundary and reserves procedures and criteria Urban Growth Management Functional Plan (new Title 14) to join other growth management tools and strategies.

Title 14: Urban Growth Boundary (Exhibit L)

Background

Exhibit K would repeal Metro Code Chapter 3.01, but some portions of that Code chapter must be moved.

MPAC recommendation

MPAC did not comment on this title.

Staff recommendation

Staff proposes that the Council move the Urban Growth Boundary and reserves procedures and criteria currently found in Metro Code Chapter 3.01 to the Urban Growth Management Functional Plan (new Title 14) to join other growth management tools and strategies. In addition, Title 14 would include an expedited process for adding large industrial sites to the UGB.

Metro Code Chapter 3.09: Local Government Boundary Changes (Exhibit N)

Background

The Oregon Legislature recently made amendments to the law concerning local boundary changes. Those legislative changes necessitate amendments to the Metro Code for conformity.

MPAC recommendation

MPAC did not comment on this proposed change.

Staff recommendation

Staff proposes revisions to Metro Code Chapter 3.09 (Local Government Boundary Changes). The revisions conform Metro's criteria and procedures for city and service district boundary changes with changes to the law recently made by the Oregon Legislature. The revisions would also require petitioners to incorporate a new city to demonstrate that the city will have the fiscal capability to provide adequate urban services.

Section 5: recommended map amendments

Staff recommends that the Metro Council make several map amendments as part of Ordinance No. 10-1244. Summaries of the proposed changes follow. The maps that would be affected by the proposed legislation include:

- 2040 Growth Concept map
- Title 4 Industrial and Other Employment Areas map
- Title 6 Central City, Regional Centers, Town Centers, and Station Communities map
- Title 14 Urban Growth Boundary map (new Functional Plan Title and map)

2040 growth concept map (Exhibit O)

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. The August 2010 Growth Management Assessment describes how the proposed changes are consistent with existing policies.

MPAC recommendation

MPAC discussed the COO recommendation to change these centers designations at their meeting on October 13, 2010 and voted to support the changes. During the discussion, MPAC members supported a motion to have a deeper policy discussion next year about the 2040 Growth Concept that would address questions such as:

- How many centers are too many?
- Does an area that is predominately shopping/retail function as a center
- How are we doing in achieving our vision for centers?

During MPAC's final discussion of Ordinance No. 10-1244, Tri-Met's representative requested two changes to staff's proposed map:

- Retain the distinction between inner and outer neighborhoods
- Depict fixed high-capacity transit along the southwest corridor

Staff 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.

Staff suggests that the region should have high expectations for all centers, not just those that are proposed for new designations as part of Ordinance No. 10-1244.

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. These changes also follow the direction given by the Council at their November 4, 2010 work session, in which the Council expressed its desire for the map to depict center boundaries more realistically.

Recommended Title 4 map amendments (Exhibit D)

Background

The Regional Framework Plan calls for a strong regional economy. To improve the regional economy, Title 4 of the Urban Growth Management Functional Plan (“Industrial and Other Employment Areas”) 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. These areas are depicted on the Industrial and Other Employment Areas Map. 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, Employment Areas, Corridors, Main Streets and Station Communities. Title 4 is implemented through city and county comprehensive plans and zoning.

MPAC recommendation

In keeping with past practice regarding Title 4 map amendment requests, MPAC was not consulted on the proposed Title 4 map amendments that are found in Ordinance No. 10-1244.

Staff recommendation

Staff proposes changes to Title 4 map designations in two locations – Washington Square Regional Center and the Beaver Creek concept plan area – described below:

Washington Square Regional Center

The City of Tigard has submitted a request for an amendment to the Title 4 map. Metro staff recommends that the Council amend the Title 4 map as requested by the City of Tigard. The petition is assessed in detail in Attachment 2 following the criteria found in the Metro Code. The petitioner requests that the Council amend the Employment and Industrial Areas Map to authorize changing portion of the Washington Square Regional Center from “Industrial Area” to “Employment Area” so that the Title 4 Map will be consistent with the mixed use zoning that has been in place on the properties since 2002.

The proposed amendment would apply to 39-acre site consisting of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks. Most of the site is zoned Mixed Use Commercial (MUC) with a 5.77 acre area zoned Mixed Use Employment-2 (MUE-2.) This mixed-use zoning was adopted to implement the Washington Square Regional Center Plan in 2002. The site is almost completely developed with retail and office park uses.

Beaver Creek concept plan area

Metro staff proposes that the Council amend the Employment and Industrial Areas Map to authorize a mix of uses in the city of Oregon City’s Beaver Creek concept Plan area. Staff reasoning for the proposal is described in detail in Attachment 3. The proposed amendment would apply to the 308 gross acres of land

(245 acres in 2002 and 63 acres in 2004) that the urban growth boundary (UGB) was expanded into (Ordinance No. 02-969B and Ordinance No. 04-1040B) and an additional 151 gross acres already in the UGB before these expansions. The expansion and additional areas are part of the Beaver Creek Concept Plan area completed and adopted by the City of Oregon City Council on September 17, 2008.

The applicable criteria for this proposed amendment to the Employment and Industrial Areas Map are contained in Metro Urban Growth Management Functional Plan, section 3.07.450 G, which states that: *“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.”* Metro staff proposes that the basis of the proposed change is two-fold: a) the community’s proposal for how the area should be developed in order to achieve the local and regional goals; and b) the findings of the 2009 Urban Growth Report, which determined that the UGB has a surplus of general industrial capacity and a deficit of residential capacity.

Recommended Title 6 map (Exhibit F)

Background

In order for the incentive-based approach described in Title 6 to work properly, center, corridor, station community, and main street boundaries would need to be identified. Currently, several cities and counties have not officially adopted boundaries for these areas.

MPAC recommendation:

MPAC did not comment on this proposal.

Staff recommendation

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 Title 6 map, which would depict center boundaries and indicate instances where a city had officially adopted center boundaries. The proposed map also depicts centers without adopted boundaries as “conceptual centers.” 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. 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). Adopted boundaries would also help to determine eligibility for alternative mobility standards and the 30 percent trip reduction credit described in proposed Title 6.

Recommendations on Title 14 map (Exhibit M)

Background

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 (Exhibit L) 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 refers to a Title 14 map, which depicts the current urban growth boundary. If the Council chooses to adopt the new Title 14, it is also necessary to adopt the map. The map would be amended in 2001 if the Council chooses to expand the UGB.

MPAC recommendation

MPAC did not comment on this proposal. MPAC will be consulted further in 2011 if UGB expansions are contemplated.

Staff recommendation

Staff proposes that the Council adopt a new Title 14 map to depict the UGB.

ATTACHMENTS

- Attachment 1: Summary of residential supply and demand scenarios within the proposed narrowed forecast range
- Attachment 2: Staff report on a proposed Title 4 map amendment in the Washington Square Regional Center
- Attachment 3: Staff report on a proposed Title 4 map amendment in the Beaver Creek concept plan area

ANALYSIS/INFORMATION

1. Known Opposition

This ordinance covers a variety of topics, including Framework Plan, Functional Plan, map amendments, and growth management determinations. As such, it cannot be expected to inspire universal support. Several components of the proposed legislation have strong advocates and critics with valid concerns. Staff believes that the proposed legislation strikes a good balance that is in keeping with the region's agreed-upon vision.

2. Legal Antecedents

- Statewide Planning Goals 2 (Land Use Planning), 9 (Economic Development), 10 (Housing) and 14 (Urbanization)
- Oregon Revised Statutes 197.296, 197.299, and 197.303 (Needed Housing in Urban Growth Areas)
- Oregon Administrative Rules, Division 24 (Urban Growth Boundaries)
- Metro Regional Framework Plan, Chapter 1 (Land Use)
- Metro Urban Growth Management Functional Plan

3. Anticipated Effects

Adoption of the proposed legislation would:

- Satisfy Metro's statutory requirements related to growth management;
- Narrow the forecast range that the Council will consider as it completes its growth management decisions in 2011;
- Amend the Regional Framework Plan;
- Amend Titles 1, 4, 6, 8, 10, and 11 of the Urban Growth Management Functional Plan;
- Repeal Title 9 of the Urban Growth Management Functional Plan;
- Repeal Metro Code section 3.01;
- Add Title 14 to the Urban Growth Management Functional Plan;
- Add a Title 14 map;
- Amend Metro Code section 3.09;
- Amend the Titles 4 and 6 maps;
- Amend the 2040 Growth Concept Map, and;
- Make a great place.

4. Budget Impacts

If the UGB is ultimately expanded in 2011, Metro would incur expenses associated with staff time working on concept planning for new urban areas. The level of expense would depend on which, if any, UGB expansion areas are chosen by the Council. The level of expense would also depend on whether any concept planning has already been completed for an area as well as any complications that may arise in the course of concept planning.

Metro would also incur expenses associated with the implementation of proposed changes to the Urban Growth Management Functional Plan. These expenses are expected to be primarily associated with staff time. In some cases, these expenses are not expected to be substantially different from the costs of implementing the current version of the Functional Plan. However, in other cases, the proposed changes would require additional staff time.

RECOMMENDED ACTION

Staff recommends that the Council adopt Ordinance No. 10-1244.

Attachment 1:

Summary of residential supply and demand scenarios within the proposed narrowed forecast range

Staff analysis indicates that that policies and investment plans currently in place (including efficiency measures) will result in a 38% refill (redevelopment and infill) rate. Since refill is expressed as a share of total demand, higher points in the demand forecast range will result in additional capacity. The table below summarizes the potential gap that the Metro Council would need to address if it chooses to plan for different points in the range forecast.

Dwelling unit supply and demand scenarios at different points in the range forecast after accounting for efficiency measures (Metro UGB 2007 - 2030)

		Supply			
		MID 1/3 rd HIGH	MEDIUM	MID 1/3 rd LOW	LOW
		244,800	241,400	238,000	226,900
Demand (marginal increase)					
MID 1/3 rd HIGH	271,400	(26,600)			
MEDIUM	262,400		(21,000)		
MID 1/3 rd LOW	253,400			(15,400)	
LOW	224,000				2,900

Staff Report for the Washington Square Regional Center Title 4 Map Change

Prepared by Gerry Uba (503) 797-1737

BACKGROUND INFORMATION

Petitioner: City of Tigard

Proposal: The petitioner requests that Metro amend the Employment and Industrial Areas Map to authorize changing portion of the Washington Square Regional Center from “Industrial Area” to “Employment Area” so that the Title 4 Map will be consistent with the mixed use zoning that has been in place on the properties since 2002. The proposed change is depicted in Attachment 2a.

The proposed amendment would apply to 39-acre site consisting of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks. Most of the site is zoned Mixed Use Commercial (MUC) with a 5.77 acre area zoned Mixed Use Employment-2 (MUE-2.) This mixed use zoning was adopted to implement the Washington Square Regional Center Plan in 2002. The site is almost completely developed with retail and office park uses.

Location: The 39 acre site consists of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks.

Application Review Criteria: Metro Code section 3.07.450.H

The petitioner’s application for the proposed Title 4 Map amendment is included as Attachment 2b of this staff report.

APPLICATION REVIEW CRITERIA

The criteria for amendments to the Employment and Industrial Areas Map are contained in Metro Urban Growth Management Functional Plan, section 3.07.450 H. It states that the Metro Council may amend the Employment and Industrial Areas Map by ordinance if the Council concludes the proposed amendment meets certain criteria. Below are the criteria (**in bold**), petitioner responses to the criteria (*in italics*), and staff analysis.

Criterion 1: Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;

Petitioner Response

The proposed amendment to the Title 4 Employment and Industrial Areas Map is unlikely to reduce Tigard's jobs capacity below the number (17,801) shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan. The Washington Square Regional Center Plan was intended to ensure a mix of housing, retail, and employment. The Plan estimated that new development would provide 7,443 new jobs for the portion of the Regional Center within Tigard and the unincorporated Metzger area.

Specifically, the Plan's Development and Redevelopment Opportunities Report allocated 1455 jobs to an area that roughly corresponds to Area 1. A mix of office, retail, and lodging jobs were specified. Industrial jobs were not included, likely because of their lower job per acre density.

Comprehensive Plan and Development Code amendments were adopted in 2002 to implement the Washington Square Regional Center Plan. The area in question was rezoned from Industrial Park (I-P) to Mixed Use Commercial (MUC) and Mixed Use Employment 2 (MUE-2). These zones, specifically created for the Center, allow a mix of denser employment and housing, as well as retail (subject to some restrictions.)

The job projections of the Washington Square Regional Plan were developed to help meet Tigard's target growth allocations and the job capacity of Table 3.07-1 of the Urban Growth Management Functional Plan. The City believes that the proposed amendment would not reduce job capacity, but would bring the Title 4 Map into accord with zoning that has already been implemented.

Metro Staff Analysis

The 39-acre site is part of the Washington Square Regional Center that is envisioned to increase capacity for more jobs in the City of Tigard. Metro staff concurs with the petitioner's assessment that keeping the Title 4 Industrial Area designation for the area, with the required restrictions on retail and professional services could hamper development and job creation in the Regional Center as envisioned. The proposed change to the Title 4 map would not reduce the jobs capacity for the city below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan.

In conclusion, Metro staff believes that the proposed change to the Title 4 map would not have the effect of reducing the jobs capacity of the City of Tigard below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan. This criterion is met.

Criterion 2: Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

Tigard Staff Response

The Metro 2004 Regional Freight System Map facilities that are located within or border Area 1 include Highway 217 (Main Roadway Route), Scholls Ferry Road (Roadway Connector), and the Portland & Western Railway (Branch Railroad Line and Spur Track.)

The 2004 Regional Transportation Plan presumably reflected the land uses and zoning of the Washington Square Regional Center that were in place as of 2002. The Washington Square Regional Center Plan included suggested transportation upgrades, some of which appear on the on the RTP's Financially Constrained System. The Plan also called for multi-modal transportation improvements, including the recently started Westside Express Service peak-hour commuter rail.

The proposed map amendment is necessary to resolve an inconsistency between the local zone adopted through the implementation of the Washington Square Regional Center Plan and the Title 4 map. This proposed map amendment will not change the uses that are allowed on the site, thus adoption of this map amendment will not allow new uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways.

Metro Staff Analysis

The petitioner explained that the land uses and zoning (Mixed Use Commercial and Mixed Use Employment) that was in place in 2002 when the Washington Square Regional Center Plan was adopted has not changed and that the city do not have any intention of changing the zoning as the current zoning is adequate for implementing the Washington Square Regional Center Plan. Metro staff concurs with the petitioner that since the proposed change in Title 4 designation will not allow new uses on the site, the approval of the change of the Industrial Area designation to Employment Area will not reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan, or exceed volume-to-capacity ratios on Table 7 of the 1999 State Highway Plan for state highways.

In conclusion, Metro staff believes that this criterion is met.

Criterion 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;

Tigard Staff Response

The area in question is within the boundaries of the Washington Square Regional Center, one of three designated regional centers in Washington County and one of eight in the region in Metro's 2040 Growth Concept.

After completing the Washington Square Regional Center Plan, in 2002 the City rezoned the area from industrial zoning to Mixed Use Commercial (MUC) and Mixed Use Employment-2 (MUE-2). This zoning permits a wide range of uses and was designed to reinforce and encourage the Washington Square Regional Center’s development of concentrated retail, cultural, and civic services to serve its market area. Keeping the Title 4 Industrial Area designation for the area, with its restrictions on retail and professional service uses, could diminish the intended function of the Regional Center. For this reason the City believes that the Title 4 Map should be amended to change the area’s designation to Employment Area, which is more compatible with a Regional Center.

Metro Staff Analysis

Washington Square Regional Center has a clear boundary and development in the area will be guided by the plan adopted in 2002, recently adopted economic development policy in the updated city’s Comprehensive Plan, and new development strategies the city and region may consider for the area in the future. The proposed change in the Title 4 designation for the area will assist the city to capture and retain the regional vision intended for the area, and encourage more retail, civic activities and services, and cultural services in the market area.

In conclusion, Metro staff believes that the proposed change to the Title 4 map would not have the effect of diminishing the intended function of the Washington Square Regional Center as the principal location of retail, cultural and civic services in this market area.

Criterion 4: Would not reduce the integrity or viability of a traded sector cluster of industries;

Tigard Staff Response

The 2006 Regional Business Plan identified seven traded sector clusters: (1) high-tech, (2) metals, machinery, and transportation equipment, (3) forest products, (4) food processing, (5) creative services, (6) nursery products, and (7) sporting goods and apparel.

A review of the Tigard Business License data for Area 1 revealed that traded sector clusters are minimally represented in this area. The chart below summarized the types of businesses located in Area 1.

Type of Business	# of businesses
<i>Motor vehicle sales</i>	<i>2</i>
<i>Motor vehicle repair</i>	<i>1</i>
<i>Communications (cable provider)</i>	<i>1</i>
<i>Storage facility</i>	<i>1</i>
<i>Bakery (non retail)</i>	<i>1</i>
<i>Building Supplies</i>	<i>1</i>
<i>Other retail</i>	<i>3</i>
<i>Medical Technology Manufacturer</i>	<i>1</i>
<i>Electrical Goods Manufacturer</i>	<i>1</i>
<i>Church</i>	<i>1</i>
<i>State Government Offices</i>	<i>1</i>

ATTACHMENT 2

While the seven traded sector clusters are currently minimally represented in the area, the Mixed Use Employment-2 (MUE-2) and Mixed Use Commercial (MUC) zoning classifications would permit many of these kinds of businesses, subject to some restrictions. (See Appendix B for more information on zoning.)

The area south of North Dakota Street (Area 2 on Map A) is zoned Industrial Park (I-P). According to Tigard Business License data there appears to be at least one identified traded sector company located in Area 2. The City believes that the "Industrial Area" designation is appropriate for these properties, which are outside the Washington Square Regional Center boundaries.

Traded sector clusters appear to be minimally represented in the area in question. As stated previously the proposal is unlikely to affect the freight routes that serve traded sector clusters in the region. Staff believes the proposed amendment will not reduce the integrity or viability of a traded sector cluster of industries.

Metro Staff Analysis

Traded-sector industries are those in which member firms sell their goods or services into markets for which national or international competition exists. Firms in these sectors are important to the regional economy since they bring wealth into the region by exporting goods or services. The petitioner indicated that the traded sector cluster of industries is minimally represented in this area. The petitioner also indicated that its research shows that they appear to be at least one identified traded sector company in the area. Metro staff agrees with the petitioner that the current zoning presents an opportunity for increasing traded sector clusters in the area.

In conclusion, Metro staff believes that the proposed change in Title 4 area in the Washington Square Regional Center would not reduce the integrity or viability of a traded sector cluster of industries.

Criterion 5: Would not create or worsen a significant imbalance between jobs and housing in a regional market area.

Tigard Staff Response

The City of Tigard as a whole has a job/household ratio of 2.03 (about 2 jobs for every household) compared to a ratio of 1.22 for Washington County as a whole (2004 data.)

While this is a healthy jobs/household ratio, the City recognizes that many employees must commute into Tigard and many residents must commute to jobs outside of the City.

One intention of the Washington Square Regional Center Plan was to improve the balance between jobs and housing in the South Washington County market. The Plan estimated 7,443 new jobs and 1,871 residential units for the portion of the Regional Center within Tigard (and a section of the unincorporated Metzger area.) The mixed use zoning allows high density housing in proximity to the major regional retail center of Washington Square Mall, and office complexes at Lincoln Center and the Nimbus area. The MUC zone has a minimum density of 50 units/acre and no maximum density, and MUE-2 has a minimum density of 25 units/acre and a maximum of 50 units/acre. While only a limited number of housing units have been built to date in the Regional Center, the capacity for

housing exists. The zoning provides the Center the potential to develop into a place where people can “live, work, and play.”

Metro Staff Analysis

The general location of the site in the Washington Square Regional Center and the current city zoning makes it one of the most suitable places in the region to transform suburban type of development into a vibrant community with jobs, housing, and urban amenities such as shopping, entertainment and services. Staff believes that the promising job-housing balance of the city will get better as the right partnerships and policies are created to improve the area’s transportation infrastructure, build mixed use development that includes housing, and create more jobs.

In conclusion, Metro staff believes that the proposed change to the Title 4 map would not create or worsen a significant imbalance between jobs and housing in the City of Tigard area sub-regional market.

Criterion 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.

Tigard Staff Response

This is not applicable; the subject properties are designated Industrial Area, not Regionally Significant Industrial Area.

Metro Staff Analysis

No portion of the 39-acre site is designated as Regionally Significant Industrial Area.

In conclusion, this criterion does not apply to the proposed Title 4 Map amendment.

ANALYSIS/INFORMATION

Known Opposition [identify known opposition to the proposed legislation]

There is no known opposition.

Legal Antecedents [identify legislation related to the proposed legislation, including federal, state, or local law and Metro Code, using appropriate resolution or ordinance numbers, ballot measure numbers, etc.]

Statewide Planning Goals 2 (Land Use Planning) and 9 (Economic Development); Metro Code section 3.07.450 (Employment and Industrial Areas Map).

ATTACHMENT 2

Anticipated Effects [identify what is expected to occur if the legislation is adopted]

Proposed changes to the City of Tigard zoning map and comprehensive plan map would become effective, allowing additional commercial uses in the Washington Square Regional Center.

Budget Impacts [identify the cost to implement the legislation]

There is no significant budget impact. Implementation would consist of updating the Employment and Industrial Areas Map.

RECOMMENDED ACTION

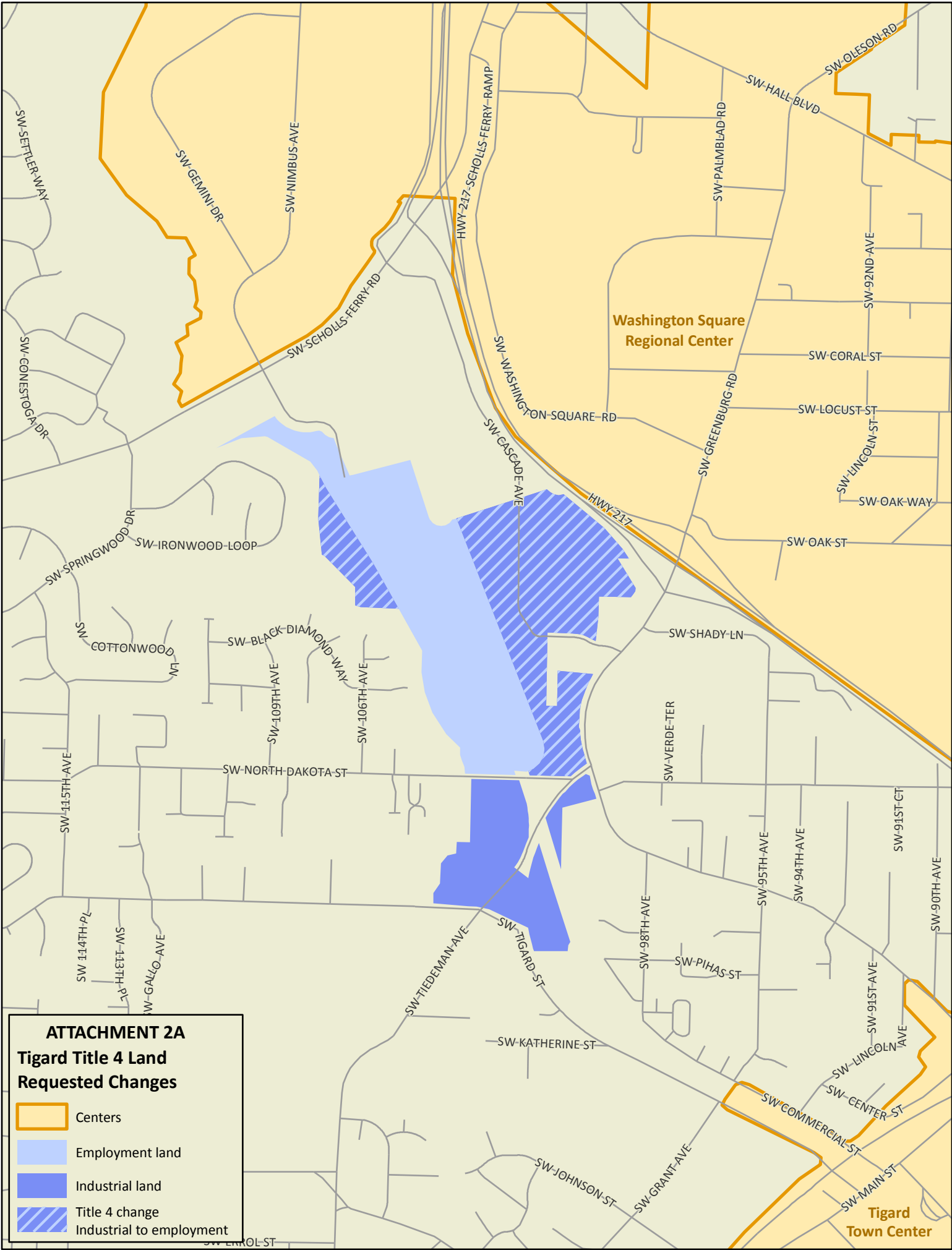
The petitioner requests the amendment of the Title 4 Employment and Industrial Areas Map. Metro Staff believes that the petitioner has provided sufficient evidence to demonstrate that the criteria are satisfied.

Staff recommends, therefore, that the Metro Council approve this ordinance.

ATTACHMENTS

Attachment 2a (map of the proposed Title 4 map amendment)

Attachment 2b (city's application)



Washington Square Regional Center

Tigard Town Center

ATTACHMENT 2A
Tigard Title 4 Land Requested Changes

-  Centers
-  Employment land
-  Industrial land
-  Title 4 change Industrial to employment

City of Tigard, Oregon • 13125 SW Hall Blvd. • Tigard, OR 97223



February 20, 2009

Christina Deffebach, Manager, Long Range Planning
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Ms. Deffebach,

This letter is in regard to the City of Tigard's compliance with Title 4 (Industrial and Other Employment Areas) of Metro's Urban Growth Management Functional Plan. The City has taken a number of steps to comply with Title 4, including adopting two Economic Development policies in its updated Comprehensive Plan stating its intention to implement the Title 4 map designations. However, there is an outstanding issue that the City would like resolved prior to incorporating the Title 4 map and associated restrictions into its Development Code.

We are requesting an Amendment to the Title 4 Employment and Industrial Areas Map under Metro Urban Growth Management Functional Plan section 3.07.450 H. The City is requesting that the designation for a 39-acre area of the Washington Square Regional Center ("Area 1" on Map A) be changed from "Industrial Area" to "Employment Area." City staff believes that this proposed amendment will remove an existing inconsistency that will make the Title 4 Map more accurate. Applying the Industrial Area restrictions to this area would not be in accordance with the envisioned character detailed in the Washington Square Regional Center Plan and implemented in the zoning which has been in place for the past six years.

Please see the attached memo, dated February 18, 2009, for the City's detailed response to the criteria of 3.07.450 H.

Thank you for your attention to this matter. If you have any other questions please call me at 503-718-2443.

Sincerely,

A handwritten signature in black ink that reads "Ron Bunch". The signature is written in a cursive, flowing style.

Ron Bunch
Community Development Director



MEMORANDUM

TO: Ron Bunch, Community Development Director

FROM: Sean Farrelly, Associate Planner

RE: Proposed Amendment to the Title 4 Employment and Industrial Areas Map

DATE: February 18, 2009

Background:

The City of Tigard is requesting an amendment to the Employment and Industrial Areas Map in Title 4 (“Industrial and Other Employment Areas”) of Metro’s Urban Growth Management Functional Plan. The City is requesting that the designation for a 39-acre area of the Washington Square Regional Center (“Area 1” on Map A) be changed from “Industrial Area” to “Employment Area.” Making this change would make the Title 4 Map consistent with the mixed use zoning that has been in place on the properties since 2002.

The 39-acre area in question consists of 15 properties roughly bounded by Highway 217, North Dakota Street, and the Portland & Western Railroad/WES Commuter Rail tracks. The area is almost completely developed with retail and office park uses. One 1.34 acre property and another small portion of a developed property are on the Tigard Buildable Lands Inventory. The 5.77 acre property that lies to the west of the other properties is vacant, however it does not appear on the Tigard Buildable Lands Inventory, because of its wetland status.

Most of the area is zoned Mixed Use Commercial (MUC) with a 5.77 acre area zoned Mixed Use Employment-2 (MUE-2.) This mixed use zoning was adopted to implement the Washington Square Regional Center Plan in 2002.

The zone description of the Mixed Use Commercial (MUC) District in the Tigard Development Code is:

The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per

acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.

The MUC zone, permits some General Retail uses. Sales Oriented and Personal Services are permitted outright, other retail uses are limited to under 60,000 gross leasable area per building.

The zone description of the Mixed Employment Districts in Tigard Development Code is:

The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.

The MUE-2 zone restricts retail uses to under 60,000 gross leasable area per building. Light Industrial, Research and Development, Warehouse/Freight Movement, and Wholesale Sales are permitted as long as all activities associated with these uses, except employee and customer parking, are contained within buildings.

Proposed Title 4 Map Amendment

Section 3.07.430.A of the Urban Growth Management Functional Plan states that for properties designated as Industrial Areas, jurisdictions take 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...”

The City believes that applying such restrictions to this section of the Washington Square Regional Center would not be in accordance with the area’s envisioned character, which is detailed in the Washington Square Regional Center Plan (Attachment A) and not in keeping with the present zoning (adopted in 2002.) “Employment Area” is a more appropriate designation.

Once the Map is amended by designating the properties “Employment Area”, the City will be able to make the Comprehensive Plan and Development Code amendments necessary to adopt the Employment and Industrial Areas Map and its requirements. Tigard’s recently updated Comprehensive Plan contains an Economic Development Policy which signals its intent to do this. Economic Development Policy 9.1.7 states “The City shall limit the development of retail and service land

uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.”

Amendment Review Criteria:

The criteria for an amendment to the Employment and Industrial Areas Map are found in Metro Urban Growth Management Functional Plan section 3.07.450 H. It states that the Metro Council may amend the Employment and Industrial Areas Map by ordinance if the Council concludes the proposed amendment meets certain criteria.

The following is the criteria (in *italics*) from Metro Code 3.07.450.H followed by Tigard staff response.

- 1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;*

Tigard Staff Response

The proposed amendment to the Title 4 Employment and Industrial Areas Map is unlikely to reduce Tigard’s jobs capacity below the number (17,801) shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan. The Washington Square Regional Center Plan was intended to ensure a mix of housing, retail, and employment. The Plan estimated that new development would provide 7,443 new jobs for the portion of the Regional Center within Tigard and the unincorporated Metzger area.

Specifically, the Plan’s Development and Redevelopment Opportunities Report allocated 1455 jobs to an area that roughly corresponds to Area 1. A mix of office, retail, and lodging jobs were specified. Industrial jobs were not included, likely because of their lower job per acre density.

Comprehensive Plan and Development Code amendments were adopted in 2002 to implement the Washington Square Regional Center Plan. The area in question was rezoned from Industrial Park (I-P) to Mixed Use Commercial (MUC) and Mixed Use Employment 2 (MUE-2). These zones, specifically created for the Center, allow a mix of denser employment and housing, as well as retail (subject to some restrictions.)

The job projections of the Washington Square Regional Plan were developed to help meet Tigard’s target growth allocations and the job capacity of Table 3.07-1 of the Urban Growth Management Functional Plan. The City believes that the proposed amendment would not reduce job capacity, but would bring the Title 4 Map into accord with zoning that has already been implemented.

2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

Tigard Staff Response

The Metro 2004 Regional Freight System Map facilities that are located within or border Area 1 include Highway 217 (Main Roadway Route), Scholls Ferry Road (Roadway Connector), and the Portland & Western Railway (Branch Railroad Line and Spur Track.)

The 2004 Regional Transportation Plan presumably reflected the land uses and zoning of the Washington Square Regional Center that were in place as of 2002. The Washington Square Regional Center Plan included suggested transportation upgrades, some of which appear on the on the RTP's Financially Constrained System. The Plan also called for multi-modal transportation improvements, including the recently started Westside Express Service peak-hour commuter rail.

The proposed map amendment is necessary to resolve an inconsistency between the local zone adopted through the implementation of the Washington Square Regional Center Plan and the Title 4 map. This proposed map amendment will not change the uses that are allowed on the site, thus adoption of this map amendment will not allow new uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways.

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;

Tigard Staff Response

The area in question is within the boundaries of the Washington Square Regional Center, one of three designated regional centers in Washington County and one of eight in the region in Metro's 2040 Growth Concept.

After completing the Washington Square Regional Center Plan, in 2002 the City rezoned the area from industrial zoning to Mixed Use Commercial (MUC) and Mixed Use Employment-2 (MUE-2). This zoning permits a wide range of uses and was designed to reinforce and encourage the Washington Square Regional Center's development of concentrated retail, cultural, and civic services to serve its market area. Keeping the Title 4 Industrial Area designation for the area, with its restrictions on retail and professional service uses, could diminish the intended function of the

Regional Center. For this reason the City believes that the Title 4 Map should be amended to change the area’s designation to Employment Area, which is more compatible with a Regional Center.

4. Would not reduce the integrity or viability of a traded sector cluster of industries;

Tigard Staff Response

The 2006 Regional Business Plan identified seven traded sector clusters: (1) high-tech, (2) metals, machinery, and transportation equipment, (3) forest products, (4) food processing, (5) creative services, (6) nursery products, and (7) sporting goods and apparel.

A review of the Tigard Business License data for Area 1 revealed that traded sector clusters are minimally represented in this area. The chart below summarized the types of businesses located in Area 1.

Type of Business	# of businesses
Motor vehicle sales	2
Motor vehicle repair	1
Communications (cable provider)	1
Storage facility	1
Bakery (non retail)	1
Building Supplies	1
Other retail	3
Medical Technology Manufacturer	1
Electrical Goods Manufacturer	1
Church	1
State Government Offices	1

While the seven traded sector clusters are currently minimally represented in the area, the Mixed Use Employment-2 (MUE-2) and Mixed Use Commercial (MUC) zoning classifications would permit many of these kinds of businesses, subject to some restrictions (See Appendix B for more information on zoning.)

The area south of North Dakota Street (Area 2 on Map A) is zoned Industrial Park (I-P). According to Tigard Business License data there appears to be at least one identified traded sector company located in Area 2. The City believes that the “Industrial Area” designation is appropriate for these properties, which are outside the Washington Square Regional Center boundaries.

Traded sector clusters appear to be minimally represented in the area in question. As stated previously the proposal is unlikely to affect the freight routes that serve traded

sector clusters in the region. Staff believes the proposed amendment will 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.

Tigard Staff Response

The City of Tigard as a whole has a job/household ratio of 2.03 (about 2 jobs for every household) compared to a ratio of 1.22 for Washington County as a whole (2004 data.)

While this is a healthy jobs/household ratio, the City recognizes that many employees must commute into Tigard and many residents must commute to jobs outside of the City.

One intention of the Washington Square Regional Center Plan was to improve the balance between jobs and housing in the South Washington County market. The Plan estimated 7,443 new jobs and 1,871 residential units for the portion of the Regional Center within Tigard (and a section of the unincorporated Metzger area.) The mixed use zoning allows high density housing in proximity to the major regional retail center of Washington Square Mall, and office complexes at Lincoln Center and the Nimbus area. The MUC zone has a minimum density of 50 units/acre and no maximum density, and MUE-2 has a minimum density of 25 units/acre and a maximum of 50 units/acre. While only a limited number of housing units have been built to date in the Regional Center, the capacity for housing exists. The zoning provides the Center the potential to develop into a place where people can “live, work, and play.”

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.

Tigard Staff Response

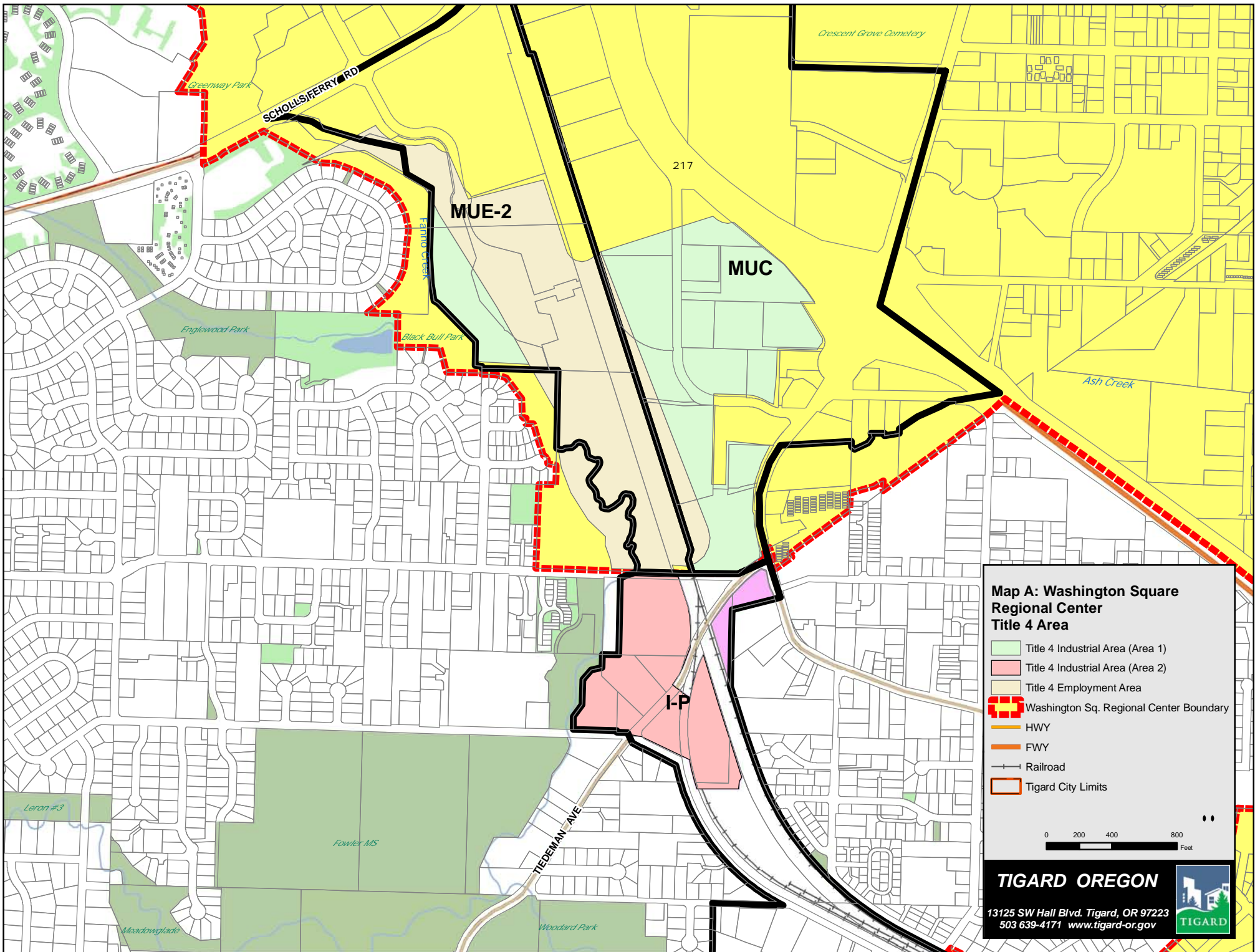
This is not applicable; the subject properties are designated Industrial Area, not Regionally Significant Industrial Area.

Conclusion:

City staff believes that this proposed amendment will remove an existing inconsistency that will make the Title 4 Map more accurate. Applying the Industrial Area restrictions to this area would not be in accordance with the envisioned character detailed in the Washington Square Regional Center Plan and implemented in the zoning which has been in place for the past six years.

Attachment 2b

Employment Area is a more appropriate designation for the 39-acre area in question (Area 1). The area directly borders a 21.4 acre designated Employment Area (Area 3 on Map A.) The designation as part of a Regional Center, its current zoning, and the existing development in Area 1 is more in line with an Employment Area than an Industrial Area.



Attachment 3

Staff Report for the Beavercreek concept plan area Title 4 Map change

Prepared by: Gerry Uba (503) 797-1737

BACKGROUND INFORMATION

Petitioner: Metro

Proposal: Metro intends to amend the Employment and Industrial Areas Map to authorize a mix of uses in the city of Oregon City's Beavercreek concept Plan area.

The proposed amendment would apply to the 308 gross acres of land (245 acres in 2002 and 63 acres in 2004) that the urban growth boundary (UGB) was expanded into (Ordinance No. 02-969B and Ordinance No. 04-1040B) and an additional 151 gross acres already in the UGB before these expansions. The expansion and additional areas are part of the Beavercreek Concept Plan area completed and adopted by the City of Oregon City Council on September 17, 2008.

Location: The 459 gross acres site consists of 57 tax lots or properties (based on Metro's 2010 Regional Land Information System).

Application Review Criteria

The criteria for amendments to the Employment and Industrial Areas Map is contained in Metro Urban Growth Management Functional Plan, section 3.07.450 G. It states that:

"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."

Metro Staff Analysis

As a background, Metro's 2002-2022 Urban Growth Report: Employment Land Need Analysis identified a demand for 4,285 net acres of industrial land, and Metro Council's December 2002 regional capacity decision included roughly half of the industrial land need (818 net acres of industrial land and 1,499 net acres of Regionally Significant Industrial Land). Thus, within the 2002 UGB expansion there was 1,968 net acres of industrial land need. In 2004, adjustments were made on the commercial refill rate, Cities of Wilsonville and Oregon City industrial zones, and City of Gresham's Springwater industrial land, and the result was the reduction of industrial land need to 1,180 net acres. The Metro Council expanded the UGB in 2004 by adding 1,047 gross acres of land to satisfy the need for industrial land over the next 20 years. The Council completed the fulfillment of employment capacity by adding 876 gross acres of industrial land by Ordinance No. 05-1070A in 2005.

Metro's broad expectation for urbanization of these areas was set in Title 11 of the Urban Growth Management Functional Plan. The purpose of this title is to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities, and to provide interim protection of the new areas until the city and county likely to provide governance or urban service for the area amends their land use regulations to allow urbanization become applicable to the areas. Title 11 requires city and county, in conjunction with Metro and appropriate service districts,

Attachment 3

to develop and adopt a concept plan for the area. The concept planning process created an opportunity for the city to provide governance or urban service for the area and comply with the requirements of Metro's Title 11.

Beavercreek Concept Plan

Oregon City initiated the Beavercreek Concept Plan process in spring of 2006 to ensure that the 308 gross acres brought into the UGB (245 acres in 2002 and 63 acres in 2004) provide needed employment capacity, are urbanized efficiently in a way that reasonably provides public facilities and services, offers transportation and housing choices, supports economic development and protects natural resources. The total land area included in the concept plan area was 459 gross acres. Attachment 3a shows the Title 4 map of the area before the Beavercreek Concept Plan process was started.

The Concept Plan was developed by a Citizen Advisory Committee and Technical Advisory Committee that met between June 2006 and July 2007. Metro participated in the concept planning process, including membership on the Technical Advisory Committee. In addition, the city conducted study area tours, market focus group, sustainability focus group, public open houses, and community design workshop.

The concept plan provided explanation of the existing condition of the area, including the detailed natural resources, infrastructure, transportation system, buildable land, demographics, market, employment and industrial land analysis that formed the factual basis for determining trends in the area and developing future land use policies and strategies for the area. In addition, the concept plan provided land for the need identified with the various rigorous analyses conducted for the area, including the need to provide for mix of uses that will contribute to family-wage jobs and general economic welfare of the city and improve the region's economic conditions. The city's planning commission report stated that the final product "is a reflection of the needs, desires, attitudes and conditions of the community and represents the vision, direction and improvements that are necessary to accommodate the changing demographics and economics of the community."

Metro staff reviewed the proposed Beavercreek Concept Plan comprehensive plan amendment and Metro compliance findings, and sent comment to Mayor Alice Norris on March 19, 2008 (Attachment 3b), after concluding that the proposal, if adopted by the city council, would comply with the requirements of Title 11 of the Urban Growth Management Functional Plan. On September 17, 2008, the Oregon City Council adopted the Beavercreek Concept Plan as an ancillary document to the city's Comprehensive Plan with the provision that the ancillary document would become effective until February 1, 2009 or upon adoption of zoning regulations implementing the plan amendments, whichever comes first. Attachment 3c shows the Title 4 map of the area after the Beavercreek Concept Plan was adopted.

Changes to Employment and Industrial land inside the Beavercreek Concept Plan Area

Proposed changes to the employment and industrial area inside the Beavercreek Concept Plan area is regulated by Title 4 of the Urban Growth Management Functional Plan, under section 3.07.450 G, which states that the Council may amend the Employment and Industrial Areas Map "...at any time to make corrections in order to better achieve the policies of the Regional Framework Plan."

The basis of the proposed change is two-fold: a) the community's proposal for how the area should be developed in order to achieve the local and regional goals; and b) the findings of the 2009 Urban Growth Report (Employment).

Attachment 3

During the Beavercreek concept planning process, the city addressed economic opportunities and activities vital for the city and the region, and worked with consultant EcoNorthwest to inventory and analyze local and regional market conditions within and adjacent to the area. The inventory included profile of industrial, commercial and office land supply and local employment, and the potential for industrial and commercial development within the area. The consultant analysis concluded “that under the right conditions it is not unreasonable to expect 150 net acres of industrial and business park development to build out on the site over a 20-year period. Thus, the Beavercreek Concept Plan provided 53% (156 net acres) of total net acreage of the area (292 net acres) for employment and industrial land. Attachment 3d shows the proposed changes to the Title 4 map, indicating that 151 gross acres of industrial land is still available in the concept plan area. The 151 gross acres will supply approximately 121 net acres which was Metro’s expectation, as stated in a letter that Metro Council President sent to the Board of Directors for the Hamlet of Beavercreek and the City on May 14, 2007 (Attachment 3e).

Reflecting changes in employment needs and demands between the 2002 UGR (Employment) and the 2009 UGR (Employment, Metro’s 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. This proposed change to the Title 4 Employment and Industrial Areas map will conform the map to the updated information about employment needs in the 2009 UGR (Employment). The change will also respond to the identification of a need for residential capacity in the 2009 UGR (Residential) by increasing the residential capacity of the Beavercreek planning area by 36 dwelling units above the level expected at the time the Metro Council added the areas to the UGB.

ANALYSIS/INFORMATION

Known Opposition

There is no known opposition. However, it is important to state here that a city resident, Elizabeth Grazer-Lindsey, challenged the consistency of the Beavercreek Concept Plan with Metro’s regional planning goals for the area that the Metro Council included in the UGB in 2002 and 2004, and appealed to the Oregon Land Use Board of Appeals.

Legal Antecedents

Statewide Planning Goal 2 (Land Use Planning); Metro Code section 3.07.450 (Employment and Industrial Areas Map).

Anticipated Effects

Proposed changes to the Title 4 map area in the City of Oregon City will make it possible for the area to be urbanized efficiently and contribute the livability in the city, county and the region, consistent with local

Attachment 3

aspirations. The change will also increase residential capacity by shifting some unneeded employment capacity to needed residential capacity, as determined by the 2009 UGR.

Budget Impacts

There is no significant budget impact. Implementation would consist of updating the Employment and Industrial Areas Map.

RECOMMENDED ACTION

Metro Staff believes that the changes to the Title 4 map area will not have any impact on the supply of industrial land. Staff recommends, therefore, that the Metro Council approve this ordinance.

ATTACHMENTS

Attachment 3a (map of the area before the Beavercreek Concept Plan was started)

Attachment 3b (Metro staff (Ray Valone) letter to Mayor Alice Norris and City Commissioners)

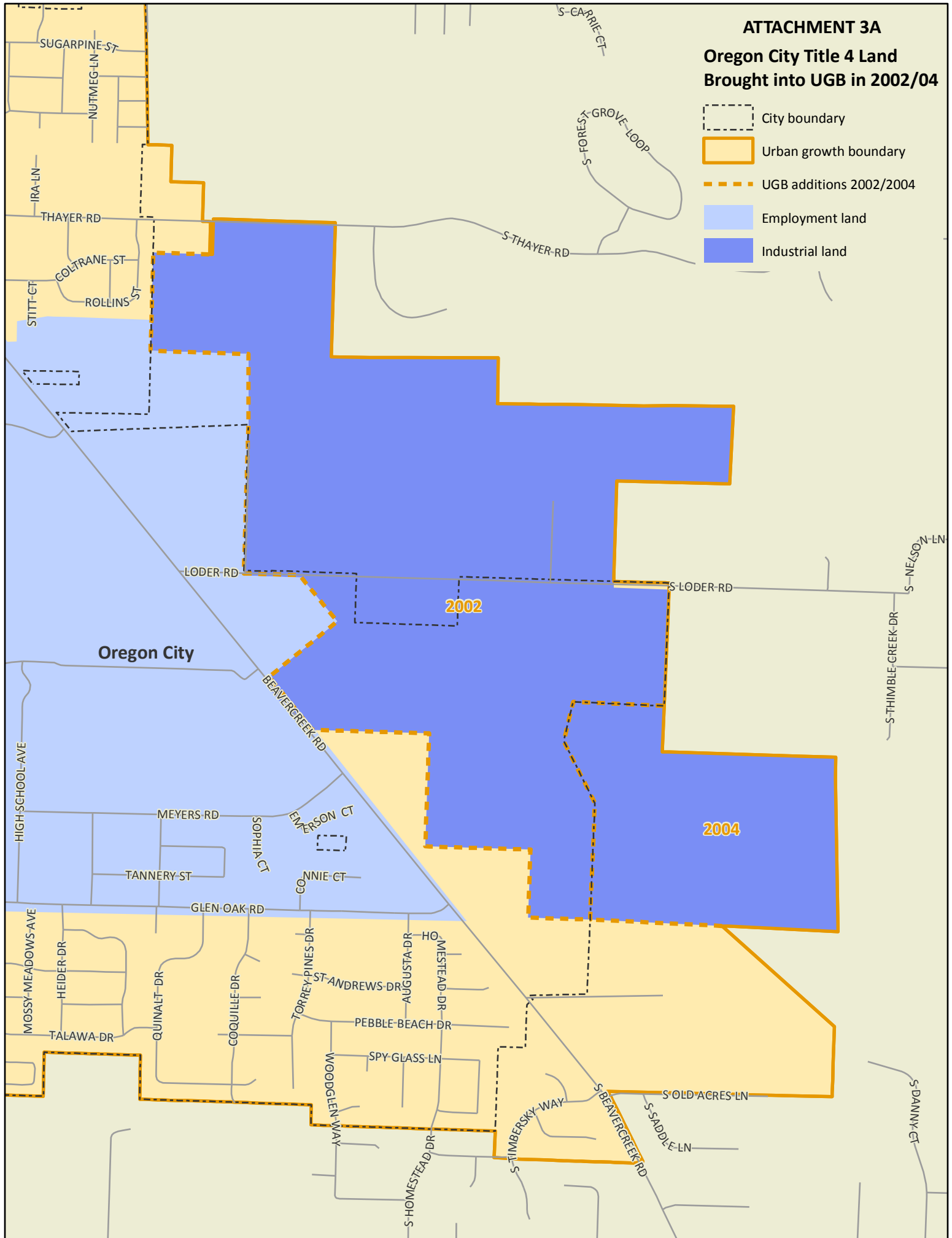
Attachment 3c (map of the Beavercreek Concept Plan area)

Attachment 3d (map of the area after the Beavercreek Concept Plan was completed)

Attachment 3e (Metro Council President (David Bragdon) letter to the Board of Directors for the Hamlet of Beavercreek and the City)

ATTACHMENT 3A
Oregon City Title 4 Land
Brought into UGB in 2002/04

-  City boundary
-  Urban growth boundary
-  UGB additions 2002/2004
-  Employment land
-  Industrial land



Oregon City

2002

2004

ATTACHMENT 3B



METRO

March 19, 2008

Mayor Alice Norris and City Commissioners
City of Oregon City
320 Warner-Milne Road
Oregon City, OR 97045

RE: File L 07-02, Beaver Creek Road Concept Plan

Dear Mayor Norris and Commissioners:

Thank you for the opportunity to review and comment on the proposed Beaver Creek Road Concept Plan comprehensive plan amendment that will begin the process leading to urbanization of the expansion area brought into the UGB in 2002 and 2004. Please enter this letter into the hearing record.

After review of the final recommended concept plan and Metro compliance findings, as detailed by Tony Konkol in his March 8, 2008, memo to the Commission, Metro staff concludes that the proposal, if adopted, would comply with the intent of Metro Ordinance No. 02-969B, Ordinance No. 04-1040B and the Urban Growth Management Functional Plan. As you know, the two Metro ordinances brought the Beaver Creek Road site into the UGB in December 2002 and June 2004, respectively. Title 11 of the Functional Plan requires the City to consider and adopt certain provisions to guide urbanization of new urban areas.

The adoption of the recommended concept plan by the City at this time sets the context for urbanizing the Beaver Creek Road site. The plan and accompanying language seem consistent with Metro policies and regulations. Metro reserves the right, however, to review the future implementation measures, as they come before the Commission, before determining compliance with the two ordinances and Title 11.

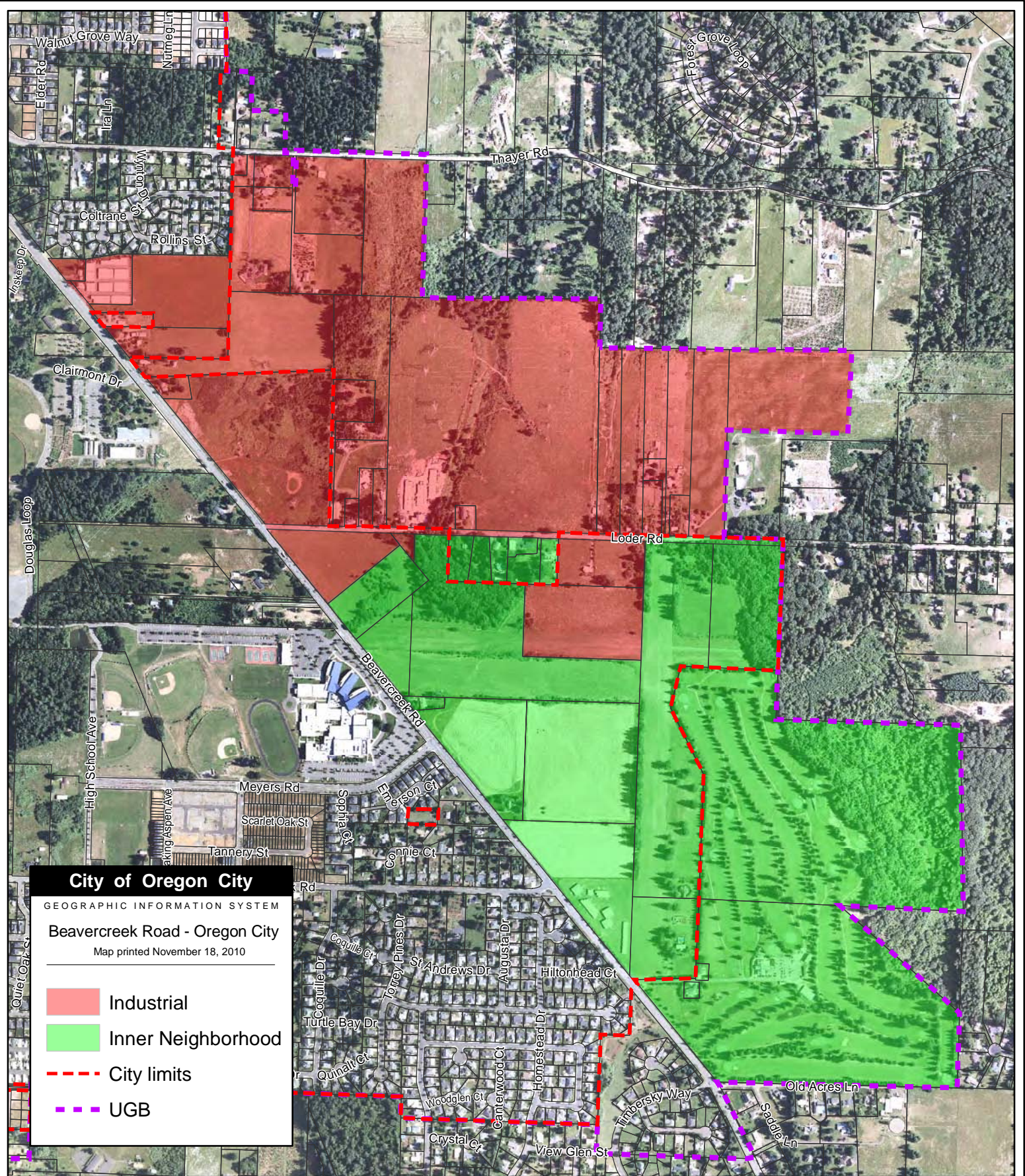
As a participant on the Beaver Creek Road Technical Advisory Committee and attendee of the public open houses during the development of the concept plan, I commend City staff and the consultant team for conducting a thorough process in working with the Citizen Advisory Committee and other stakeholders. While the 2002 and 2004 UGB area was originally designated for job use to support the City's needs, Metro realizes that modifications during local government planning are part of the refinement process. We also appreciate the flexibility shown by all parties in achieving a compromise plan that includes housing and retail services along with a substantial job base.

Sincerely,

Handwritten signature of Ray Valone in black ink.

Ray Valone
Principal Planner

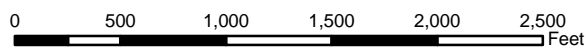
cc: Dan Drentlaw
Tony Konkol
Darren Nichols, DLCD
David Bragdon, Metro Council President
Carlotta Collette, Metro Council District #2
Michael Jordan, Metro COO



City of Oregon City
 GEOGRAPHIC INFORMATION SYSTEM
Beaver Creek Road - Oregon City
 Map printed November 18, 2010

- Industrial
- Inner Neighborhood
- City limits
- UGB

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.









ATTACHMENT 3C

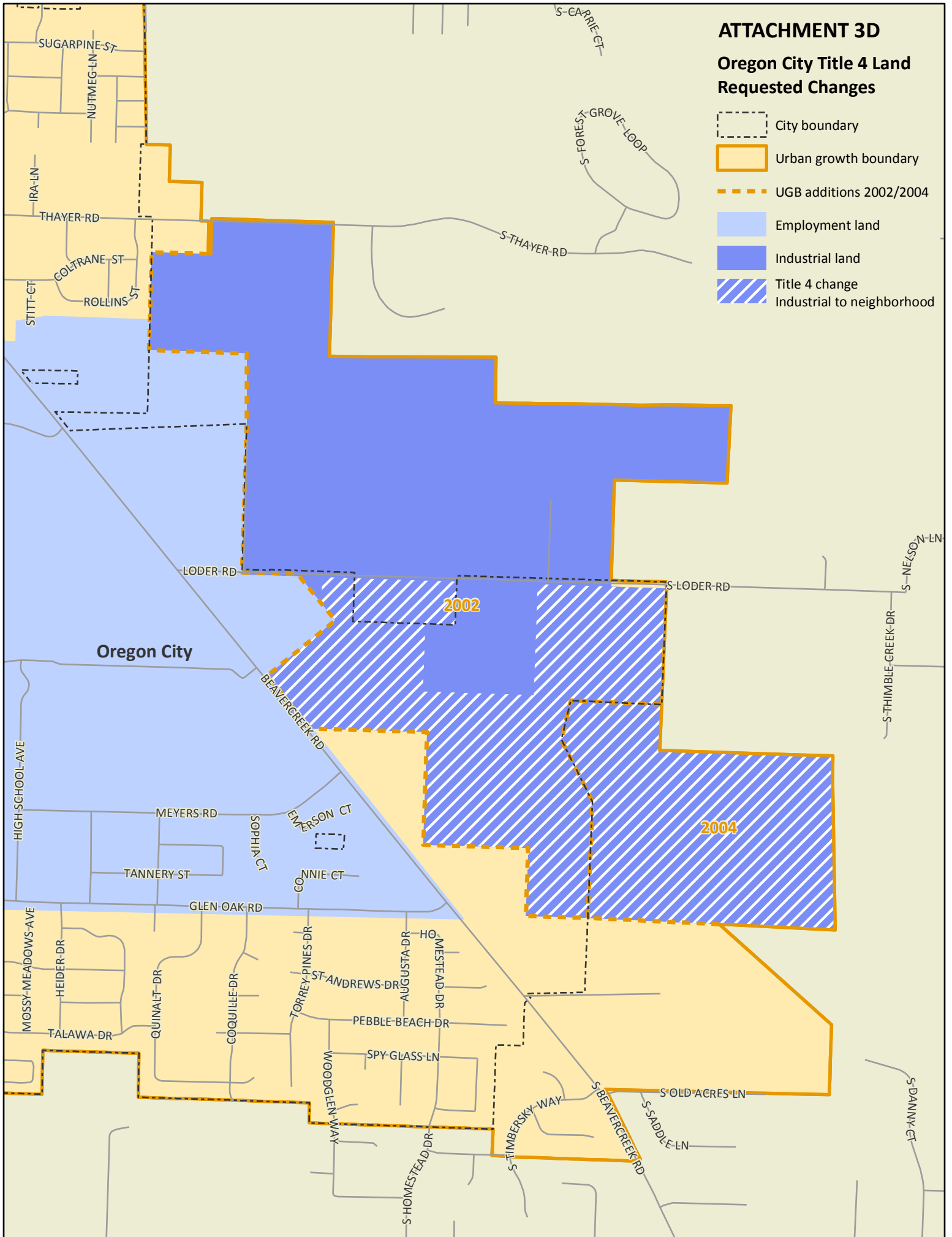
City of Oregon City
 P.O. Box 3040
 625 Center St
 Oregon City, OR 97045
 503-657-0891 phone
 503-657-6629 fax
 www.orcity.org



ATTACHMENT 3D

Oregon City Title 4 Land Requested Changes

-  City boundary
-  Urban growth boundary
-  UGB additions 2002/2004
-  Employment land
-  Industrial land
-  Title 4 change Industrial to neighborhood





METRO

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1889 | FAX 503 797 1793

COUNCIL PRESIDENT DAVID BRAGDON

May 14, 2007

Bill Merchant
Chair, Board of Directors for the Hamlet of Beaver Creek

Elizabeth Graser-Lindsey
Speaker and Corresponding Secretary, Board of Directors for the Hamlet of Beaver Creek
The Hamlet of Beaver Creek
PO BOX 587
Beaver Creek, OR 97004

Dear Mr. Merchant and Ms. Graser-Linsey:

Thank you for your recent letter outlining your concerns about the planning and future development of the 300 acres of property along Beaver Creek Road that were included in the 2002 and 2004 urban growth boundary expansions. The Metro Council had targeted 120 net acres of industrial job land for the 300 acres. It is my understanding that the latest proposed plan meets this requirement.

I have forwarded a courtesy copy of your letter to the City of Oregon City, and it is my understanding that Dan Drentlaw, Director of Community Development has also responded to your letter.

Metro staff Ray Valone serves as Metro's representative on the technical advisory committee for this project and can be reached at 503-797-1808 or valoner@metro.dst.or.us if you have further questions regarding the Metro Council's industrial land targets and the concept and comprehensive planning process.

Sincerely,

A handwritten signature in cursive script, appearing to read 'David Bragdon'.

David L. Bragdon
Metro Council President

Cc: Mayor Alice Norris, City of Oregon City
Dan Drentlaw, Director of Community Development, City of Oregon City
Michael Jordan, Chief Operating Officer, Metro
Ray Valone, Principal Planner, Metro