

A G E N D A

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METRO

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MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: July 13, 2005

DAY: Wednesday, 5:00-7:00 p.m.

PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Hoffman		
1	SELF INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON- AGENDA ITEMS			3 min.
3	CONSENT AGENDA <ul style="list-style-type: none">June 8, 2005 meeting minutes	Hoffman	Decision	2 min.
4	COUNCIL UPDATE	Hosticka		5 min.
5	REGIONAL FRAMEWORK PLAN	Cotugno/Oeser	Introduction	10 min.
6	CASE STUDIES NATURE IN NEIGHBORHOODS DESIGN	Ketcham	Information	30 min.
7	ORDINANCE 05-1077 FISH AND WILDLIFE TECHNICAL AMENDMENTS TO MODEL ORDINANCE	Deffebach/Wilkinson	Recommendation	30 min.
8	COMMENTS ON THE TRANSPORTATION PLANNING RULE (TPR)	Cotugno	Approve	15 min.
9	AUGUST 10 TH URBAN PLACES SYMPOSIUM	Hoffman/Webb	Introduction	10 min.
10	UPDATES <ul style="list-style-type: none">Measure 37	Liberty	Information	5 min.

UPCOMING MEETINGS:

July 27, 2005 & August 10, 2005

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us

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METRO POLICY ADVISORY COMMITTEE MEETING RECORD

June 8, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Rob Drake, Dave Fuller, John Hartsock, Jack Hoffman, Laura Hudson, Richard Kidd, Charlotte Lehan, Deanna Mueller-Crispin, Alice Norris, Wilda Parks, Tom Potter, Ted Wheeler

Alternates Present: Larry Cooper, Norm King, Diane Linn

Also Present: Hal Bergsma, City of Beaverton; Ron Burch, City of Gresham; Bob Clay, City of Portland; Danielle Cowan, City of Wilsonville; Brent Curtis, Washington County; Kay Durtschi, MTAC; Stephan Lashbrook, City of Lake Oswego; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Michael Sykes, Forest Grove City Manager; David Zagel, TriMet

Metro Elected Officials Present: Liaisons –Robert Liberty, Council District 6 others: Brian Newman, District 2; Rod Park, District 1; David Bragdon, Council President

Metro Staff Present: Kim Bardes, Dick Benner, Chris Deffebach, Tim O'Brien

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Chair Jack Hoffman, MPAC Chair, called the meeting to order 5:07 p.m.

Chair Hoffman asked those present to introduce themselves and to give updates or announcements as pertained to their jurisdiction.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

Meeting Summary for April 13 & 27, 2005 and May 11 & 25, 2005, and MTAC Appointment:

Motion:	Wilda Parks, Clackamas County Citizen Representative, with a second from Richard Kidd, Mayor of Forest Grove, moved to adopt the consent agendas with one revision to the April 27 th minutes regarding a minor change in a phrase.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Councilor Robert Liberty did not have anything significant to report.

Chair Hoffman said he had made appointments with all the jurisdictions to discuss Nature in Neighborhoods and Measure 36 notices. He said he would be taking a Metro staff person on those visits. He said that there was a committee that was working on the model ordinance for Nature in Neighborhoods and that issue would be coming back to MPAC when it was ready for review.

5. TGM GRANT CORRIDOR/CENTERS RESEARCH RESULTS

Tim O'Brien, Metro Planning, introduced the two consultants from ECONorthwest and reviewed the TGM Corridor study/design type.

Terry Moore and Becky Steckler, ECONorthwest, gave a brief presentation of the TGM Grant Corridor/Centers Research results and reviewed a handout, which is attached and forms part of the record. Mr. Moore said that the purpose of project was to look at Metro corridors. He said that the centers had been the focus of Metro policy. He also noted that there were many similarities between corridors and centers.

Mayor Rob Drake said that one of the impediments to redeveloping a corridor was a difficulty in assembling property or pulling properties together. He wondered if there was a legal issue blocking the ability to pull properties together for development or if it was simply that owners did not want to sell to large developers?

Mr. Moore said that their conclusion was that there wasn't a legal impediment, but that there was something wrong with the process. Corridors developed out of thinking from 1960's and 1970's. Many of the buildings were still from that era and were run down. There were relatively low value corridors with buildings that look like they should redevelop – but they were not redeveloping. Part of the reason that was happening was because developers knew about their retail entitlements, which were worth a lot of money. Therefore, when an owner was approached, they would hold out for higher land value in the future. He said that if there was a change in entitlements, which firmed them up, there would be a more clear direction where retail would go. Changing entitlements would, however, be a hard process to sell.

Councilor Liberty asked Mr. Moore if ECONorthwest was to put a priority on what to do as a region – what would they suggest? If they had to pick a certain kind of corridor, what would they recommend?

Mr. Moore said that in the United States retail was a very cutthroat business whereas residential building was more lasting and less competitive. The retail business kept up with trends in order to stay competitive. He said he did not think there was a good argument that somehow the Portland Metropolitan region was under-retailed and that people could not buy the business services they needed at competitive prices, which would be a measure of being under-retailed. The demand for retail land was driven by market competition where people knew that if they built new stuff it would take away a market share from other businesses and that was how it had always been. He said that land prices were generally lower along corridors, and in some cases there were bigger parcels, and that traffic was comparable to centers and parking was often better along the corridors. All those things make those sites attractive and drive the market in that direction. He said that the study also looked at the corridors strong for development now and the ones that might be ripe for redevelopment in the near future. He said that ECONorthwest thought that Beaverton might have a corridor that was ripe for redevelopment. They would look at places with a high volume of traffic, the need for some type of transportation improvement, and then try to leverage that ODOT roadbed improvement into a streetscape improvement in order to show a different design type in that corridor. Demonstrating what that looks like creates excitement, which leads to development.

John Hartsock, Clackamas County Special Districts, asked how the designation would play out for Foster Road in Damascus.

Mr. Moore said that there was a lot of land in the corridors that had the Metro designation – some of it had some type of commercial designation and was ripe for development. He said that when ECONorthwest talked to the developers they would say it was too hard to assemble a marketable site, that a site might not have the right configuration, the traffic system might be wrong, etc. The developers end up looking at a relatively small number of sites that might be appropriate.

Mr. Hartsock wondered if that meant that only those types of corridors could be built.

Mr. Moore said that there were 400 miles of corridors and ECONorthwest's conclusion was that it was ambitious to expect all those corridor miles to be completely high density and pedestrian friendly – especially without funding. He said he didn't see the market converting all those areas to the kind of sections shown in their report – it would require public money to make that happen and there wasn't enough money to go around to all the corridors.

Ted Wheeler, Multnomah County Citizen, said that development for the last 15 years had been spontaneous and had included a lot of “mom & pop” retail. He said that the spontaneous development over time had produced a positive impact on property values, housing trends, and had driven demographics for those areas. He expressed concern that if development had been squashed 25 years ago it would not have produced the jobs it did, and he wondered if there should be more input from small retail about the future of the corridors.

Mr. Moore said that they had found nothing that was prescriptive for the corridors and that it would not necessarily be wise to operate under the assumption that they would want more density along corridors. He said that the regulations pertaining to corridors had not yet done much to bind people to density sizes along the corridor and they were still wide open.

Ms. Steckler said that there was a difference between inner Portland locations and the outer rim. She said that the retail proponents were very vocal and that they had concerns about restrictions.

Chair Hoffman said that the challenge was to leverage the public investment/infrastructure to allow the marketplace to respond.

Charlotte Lehan said that she would echo the concern that retail might be missing in the study.

Mr. O'Brien said that there had been some focus groups on the case study. He said that they had walked up and down streets banging on doors trying to get property owners involved. They spoke with the chamber of commerce, but the chamber didn't send a representative to the focus groups. He said it was difficult to get everyone interested in the process – perhaps ECONorthwest and Metro needed to find another way to engage them.

Chair Hoffman asked if they had talked to any mixed-use developers.

Mr. O'Brien said that they spoke with mixed-use developers as well as others. He said that part of the difficulty was the need to assemble the parcels. He said that some of the developers expressed concern over who would want to live on the corridors, especially in their present condition, in some cases.

Ms. Steckler said that public involvement was important. She said it was important to work with people who work and live along a corridor and make them part of the solution. Developers recognized that the streetscape would have to change.

Mayor Drake brought up the issue of competing interest in areas regarding putting in sidewalks and bike lanes for public use versus having immediate street access and parking for businesses. He said that many times the work done did not take into consideration expanding bikeways because it incurred a huge future liability for local landowners who have to keep the area in front of their businesses or houses in good shape. The difficulty was that they didn't receive additional funds to keep up the new roadways/sidewalks.

Mr. Moore said that the ECONorthwest report addressed his question but did not resolve it.

Chair Hoffman said that Lake Oswego was having difficulty with that issue as well – businesses so close to the road they liked having no bike lanes or sidewalks while residents wanted sidewalks.

Diane Linn, Multnomah County Commission, said that many times what was planned did not work well or did not come to fruition during execution.

Mr. O'Brien said they would present the report to the Metro Council on the following day. He said that there were still policy questions and issues that Metro would have to work through.

Councilor Liberty talked about resources in centers and that there were things happening in centers that they hadn't expected and on a scale that they hadn't expected. He said the situation lead to practical questions of where they wanted to put money and their relationship with ODOT.

Mr. Moore said that ECONorthwest had met with a lot of people regarding issues with ODOT and that ODOT understood the issues and were even sympathetic with some of them, but they had their mandates that they had to follow through on. He said that the region or a jurisdiction would have to make some kind of decision on if they should have corridor policies. He said they would need to consider whether to leave the corridor development there and do nothing or decide if they were ready to have corridors do more. He said that what would probably end up happening with corridors was that a jurisdiction would care enough about developing an area that they would work out a deal with ODOT for a developed or planned corridor which would then create a model for other jurisdictions to emulate, if they chose.

6. WOOD VILLAGE SALES TAX

Dave Fuller, Mayor of Wood Village, gave a Power Point presentation on public safety and revenue options from Wood Village. A copy of that presentation is attached and forms part of the record.

Mayor Fuller said that the City of Wood Village was continuing to talk with people. He said that the results of a proposed sales tax were just as they had expected, with opposition and support. He said that another interesting outcome was that businesses had approached the city with a suggestion to investigate a gross receipts tax. He admitted that when they started discussion of a sales tax, he had been dead set against it, but since most other states have sales tax, they were either a lot dumber than Oregon, or a lot smarter. He said that Wood Village could have a problem down the road because they would be an island.

Rob Drake commended Mayor Fuller on undertaking the tax.

7. NATURE IN NEIGHBORHOODS MODEL ORDINANCE COMMITTEE UPDATE

Chris Deffebach, Metro Long Range Policy Planning Manager, gave an update on what the committee for the Nature in Neighborhoods model ordinance was doing. She said that the committee would be back to the Metro Council on July 14, 2005 and back to MPAC prior to that. The ordinance was still scheduled for the final public hearing and action on September 22, 2005. Measure 56 notices would go out around the first of August 2005.

Chair Hoffman said that July 13, 2005 would be an important meeting to talk about the technical amendments to the ordinance and to review some samples on how it would operate in reality.

8. UPDATES

8.1 Measure 37

Councilor Liberty gave a brief report on the status in the region and at the legislature regarding Measure 37. A copy of that report is attached and forms part of the record.

8.2 Legislative

Councilor Liberty gave a brief report on the status of Metro related legislation. A copy of that report is attached and forms part of the record.

8.3 Affordable Housing

Councilor Liberty gave a brief report on the status of Metro related legislation. A copy of that report is attached and forms part of the record.

Councilor Rod Park asked for a few minutes to speak to the members: he referred to Resolution 05-3580 that was before the Metro Council on the following day. That resolution is attached and forms part of the record. He asked the members to take a look at it and if they had any interest he suggested that they should attend the meeting. He briefly reviewed what the resolution entailed. He said that there would be public comment on the resolution at the meeting.

There being no further business, Chair Hoffman adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR JUNE 8, 2005

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
# 5 TGM Grant Study	June 2005	Notes for Tim O'Brien regarding the TGM Grant study.	060805-MPAC-01
# 5 TGM Grant Study	June 2005	Metro Corridors Project handout	060805-MPAC-02
#6 Wood Village Sales Tax	June 2005	PowerPoint presentation by Wood Village regarding Public Safety Costs and Revenue Options	060805-MPAC-03
#8 Updates	June 3, 2005	Weekly Legislative Report: June 3, 2005 (Week 21)	060805-MPAC-04
#8 Updates	June 2005	Resolution 05-3580A Transferring \$1,250,000 from the Balance of the FY 2004-05 Recovery Rate Stabilization Reserve to a General Fund Reserve for Nature in Neighborhoods Restoration Projects	060805-MPAC-05

M E M O R A N D U M

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July 7, 2005

TO: MPAC

FROM: Sherry Oeser, Planning Department

RE: Regional Framework Plan Update

The Regional Framework Plan (RFP) was originally adopted in 1997 to establish policies for the region on those matters outlined in Metro's Charter and other issues for which the Oregon Legislature has given Metro responsibility. The original version included significant amounts of background material that are now outdated and misleading. In an effort to make the RFP more usable to policymakers and citizens, that outdated material is being removed. The format of the RFP is also being revised to make it consistent throughout the document without changing policies of the plan.

Attached is a revised version of the RFP which you will be discussing at the next MPAC meeting.



METRO

PEOPLE PLACES
OPEN SPACES

REGIONAL FRAMEWORK PLAN

REGIONAL FRAMEWORK PLAN INDEX

Chapter	Title
	Introduction
	Summary of the 2040 Growth Concept
1	Land Use
2	Transportation
3	Parks and Open Spaces
4	Water Management
5	Natural Hazards
6	Clark County
7	Management
8	Implementation

**REGIONAL FRAMEWORK PLAN
INTRODUCTION**

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Introduction

In 1992, the region's voters adopted a Charter for Metro which gave Metro jurisdiction over matters of metropolitan concern and required the adoption of a Regional Framework Plan. The Regional Framework Plan unites all of Metro's adopted land use planning policies and requirements. The Charter directs Metro to address the following subjects in the Plan:

- Management and amendment of the Urban Growth Boundary
- Protection of lands outside the Urban Growth Boundary for natural resource use and conservation, future urban expansion or other uses
- Urban design and settlement patterns
- Housing densities
- Transportation and mass transit systems
- Parks, open spaces and recreational facilities
- Water sources and storage
- Coordination with Clark County, Washington
- Planning responsibilities mandated by state law
- Other issues of metropolitan concern

This document brings together these elements as well as previous regional policies including the Regional Urban Growth Goals and Objectives, 2040 Growth Concept, Metropolitan Greenspaces Master Plan and Regional Transportation Plan, to create a coordinated, integrated Regional Framework Plan.

State law provides that the Regional Framework Plan must comply with statewide land use planning goals. The Oregon Land Conservation and Development Commission acknowledged the Regional Framework Plan and its implementing ordinances on December 8, 2000.

Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with Metro's adopted Urban Growth Management Functional Plans and the Regional Framework Plan.

The Charter also required adoption of a Future Vision. The relationship between the Future Vision and the Regional Framework Plan is that:

- The Future Vision statement provides a beginning point from which policy debate and analysis can begin.
- The Future Vision brings a broad, inclusive perspective to the Regional Framework Plan.
- The Future Vision establishes the approach that all of the issues and problems addressed in the Regional Framework Plan will require an ongoing process of monitoring, analysis and reform in order to meet the needs and expectations of this and future generations.

Regional Framework Plan Structure

Each chapter of this Plan contains an introduction followed by a list of relevant Fundamentals. Fundamentals are eight value statements adopted by the Metro Council that synthesize the 2040 Growth Concept and regional policies and are listed below:

- Fundamental 1:** Encourage a strong local economy by providing an orderly and efficient use of land, balancing economic growth around the region and supporting high quality education.
- Fundamental 2:** Encourage the efficient use of land within the UGB including buildable industrial and commercial land and focus development in 2040 mixed use centers and corridors.
- Fundamental 3:** Protect and restore the natural environment including fish and wildlife habitat, streams and wetlands, surface and ground water quality and quantity, and air quality.
- Fundamental 4:** Provide a balanced transportation system including safe, attractive facilities for bicycling, walking and transit as well as for motor vehicles and freight.
- Fundamental 5:** Maintain separation between the Metro UGB and neighboring cities by working actively with these cities and their respective counties.
- Fundamental 6:** Enable communities inside the Metro UGB to enhance their physical sense of place by using among other tools, greenways, natural areas, and built environment elements.
- Fundamental 7:** Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable homes in every jurisdiction.
- Fundamental 8:** Create a vibrant place to live and work by providing sufficient and accessible parks and natural areas, improving access to community resources such as schools, community centers and libraries as well as by balancing the distribution of high quality jobs throughout the region, and providing attractive facilities for cultural and artistic performances and supporting arts and cultural organizations.

These Fundamentals are followed by policies of the Metro Council. Chapters 1 through 6 address substantive planning policies. Chapter 7 addresses how Metro will manage the plan and amendments to the plan. Chapter 8 addresses how the plan policies are to be implemented. Related documents and background information are contained in Appendices.

Summary of 2040 Growth Concept

**REGIONAL FRAMEWORK PLAN
SUMMARY OF 2040 GROWTH CONCEPT**

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Summary of 2040 Growth Concept

This section describes the 2040 Growth Concept, the unifying concept around which this Regional Framework Plan is based. This Growth Concept contains refinements to the original Growth Concept that was adopted in 1995. This Plan anticipates that the Growth Concept and the provisions of this Plan will continue to evolve.

The Growth Concept states the preferred form of regional growth and development and includes the Growth Concept map. The preferred form is to contain growth within a carefully managed Urban Growth Boundary (UGB). Growth occurs inside the UGB in the form of infill and redevelopment with higher density developed in areas where it is appropriate. Expansions of the UGB are done carefully to allow for the need for additional land. This concept is adopted for the long-term growth management of the region including a general approach to approximately where and how much the UGB should be ultimately expanded, what ranges of density are estimated to accommodate projected growth within the boundary, and which areas should be protected as open space.

The basic philosophy of the Growth Concept is to preserve our access to nature and build better communities for the people who live here today and who will live here in the future. The Growth Concept is an integrated set of objectives, which guide all Regional Framework Plan policies.

The Growth Concept sets the direction for development of implementing policies in Metro's existing functional plans and the Charter-required Regional Framework Plan. This direction will be refined, as well as implemented, in subsequent functional plan amendments and framework plan components. Additional planning will be done to test the Growth Concept and to determine implementation actions. Amendments to the Growth Concept and some Regional Framework Plan policies may be needed to reflect the results of additional planning to maintain the consistency of implementation actions with the stated policies.

Fundamental to the Growth Concept are:

- A hierarchy of mixed-use, pedestrian friendly centers that are well connected by high capacity transit and corridors
- A multi-modal transportation system that ensures continued mobility of more people and goods throughout the region, consistent with transportation policies
- Coordination of land uses and the transportation system, to embrace the region's existing locational advantage as a relatively uncongested hub for trade
- A jobs-housing balance in centers and a jobs-housing balance by regional sub areas to account for the housing and employment outside of the Centers
- An urban to rural transition to reduce sprawl, keeping a clear distinction between urban and rural lands and balancing re-development
- Separation of urbanizable land from rural land by the UGB for the region's 20-year projected need for urban land
- Rural reserves that are intended to assure that Metro and neighboring cities remain separate

The result is a compact urban form for the region coordinated with nearby cities to retain the region's sense of place.

There are a number of components that make up the building blocks of the Growth Concept. These building blocks are discussed below.

Centers

Mixed-use urban centers inside the UGB are one key to the Growth Concept. Creating higher density centers of employment and housing and transit service with compact development, retail, cultural and recreational activities in a walkable environment is intended to provide efficient access to goods and services, enhance multi-modal transportation and create vital, attractive neighborhoods and communities. The Growth Concept uses interrelated types of centers:

- The central city is the largest market area, the region's employment and cultural hub and accessible to millions of people.
- Regional centers serve large market areas outside the central city, connected to it by high-capacity transit and highways and are accessible by hundreds of thousands of people.
- Connected to each regional center, by road and transit, are smaller town centers with local shopping and employment opportunities within a local market area and accessible to tens of thousands of people.

Planning for all of these centers will seek a balance between jobs, housing and unique blends of urban amenities so that more transportation trips are likely to remain local and become more multi-modal.

Creating higher density centers of employment and housing provides many advantages to communities. These centers provide citizens with access to a variety of goods and services in a relatively small geographic area, creating an intense business climate. Having centers also makes sense from a transportation perspective, since most centers have an accessibility level that is conducive to transit, bicycling and walking. Centers also act as social gathering places and community centers, where people would find the cultural and recreational activities and "small-town atmosphere" they cherish.

The major benefits of centers in the marketplace are accessibility and the ability to concentrate goods and services in a relatively small area. The problem in developing centers, however, is that most of the existing centers are already developed and any increase in the density must be made through redeveloping existing land and buildings. Emphasizing redevelopment in centers over development of new areas of undeveloped land is a key strategy in the Growth Concept.

The Central City

Downtown Portland serves as the major regional center and functions well as an employment and cultural hub for the metropolitan area. It provides accessibility to the many businesses that require access to a large market area and also serves as the location for cultural and social functions that draw the region together. It is the center for local, regional, state and federal governments, financial institutions, commerce, the center for arts and culture, and for visitors to the region. In addition, downtown Portland

has a high percentage of travel other than by car - three times higher than the next most successful area. Jobs and housing are readily available there, without the need for a car. Maintaining and improving upon the strengths of the regional downtown shall remain a high priority.

Improvements to the transit system network, development of a multi-modal street system and maintenance of regional through routes (the highway system) would provide additional mobility to and from the city center.

Regional Centers

There are seven regional centers, serving four market areas (outside of the central city market area). Hillsboro serves the western portion of the region and Gresham the eastern. Gateway serves most of the Portland area outside the central city as a regional center. Downtown Beaverton and Washington Square serve the east Washington County area, and downtown Oregon City, Clackamas Town Center together serve Clackamas County and portions of outer southeast Portland.

These regional centers are the focus of compact development, redevelopment and high-quality transit service, multi-modal street networks and act as major nodes along regional through-routes.

Transit improvements will include light-rail connecting all regional centers to the central city. A dense network of multi-modal arterial and collector streets tie regional centers to surrounding neighborhoods and other centers. Regional through-routes are designed to connect regional centers and ensure that these centers are attractive places to conduct business. The relatively small number of centers reflects not only the limited market for new development at this density but also the limited transportation funding for the high-quality transit and roadway improvements envisioned in these areas.

Town Centers

Smaller than regional centers and serving populations of tens of thousands of people, town centers are the third type of center with compact development and transit service. Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum and vary greatly in character. Some will become traditional town centers, such as Lake Oswego, and Forest Grove, while others will change from an auto-oriented development into a more complete community, such as Hillsdale. Many also have regional specialties, such as office centers envisioned for the Cedar Mill town center. Several new town centers are designated, such as in Happy Valley and Damascus, to accommodate the retail and service needs of a growing population while reducing auto travel.

Main Streets and Neighborhood Centers

During the early decades of this century, main streets served by transit and characterized by a strong business and civic community were a major land-use pattern throughout the region. Examples remain in Hillsboro, Milwaukie, Oregon City and Gresham as well as the Westmoreland neighborhood and Hawthorne Boulevard. Today, these areas are undergoing a revival and provide an efficient and effective land-use and transportation alternative.

Main streets typically serve neighborhoods and may develop a regional specialization - such as antiques, fine dining, entertainment or specialty clothing - that draws people from other parts of the region.

Station Communities

Station communities are nodes of development centered around a light-rail or high-capacity transit station that feature a high-quality pedestrian environment. They provide for the highest density outside centers. Station communities encompass an area approximately one-half mile from a station stop.

Corridors

Corridors are not as dense as centers, but are located along good quality transit lines. They provide a place for increased densities and feature a high-quality pedestrian environment and convenient access to transit. Typical developments along corridors include rowhouses, duplexes and one- to three-story office and retail buildings. While some corridors may be continuous, narrow bands of higher intensity development along arterial roads, others may be more nodal, that is, a series of smaller centers at major intersections or other locations along the arterial that have high quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as increased densities and a range of uses are allowed and encouraged along the corridor, many different development patterns - nodal or linear - may meet the corridor objective.

Regionally Significant Industrial Areas, Industrial Areas and Employment Areas

The Portland metropolitan area economy is heavily dependent upon wholesale trade and the flow of commodities to national and international markets. The high quality of the freight transportation system and, in particular, the inter-modal freight facilities is essential to continued growth in trade. The inter-modal facilities (air and marine terminals, freight rail yards and common carrier truck terminals) are areas of regional concern, and a functional plan will identify and protect lands needed to meet their current and projected space requirements.

Regionally Significant Industrial Areas and Industrial areas are set aside primarily for industrial activities. Supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses. These areas include land-intensive employers, such as those around the Portland International Airport, the Hillsboro Airport and some areas along Highway 212/224. Areas of high agglomerative economic potential, such as the Sunset Corridor for electronics products and the Northwest industrial sanctuary for metal products, are supported with transportation planning and infrastructure development designed to meet their needs. Other employment centers are designated as employment areas, mixing various types of employment and including some residential development as well. These areas include limited retail commercial uses primarily to serve the needs of the people working or living in the immediate area.

Neighborhoods

Residential neighborhoods remain a key component of the Growth Concept and fall into two basic categories. Inner neighborhoods include areas such as Portland, Beaverton, Milwaukie and Lake Oswego, and include primarily residential areas that are accessible to employment. Lot sizes are smaller and provide better access to jobs and shopping.

Outer neighborhoods are farther away from large employment centers and have larger lot sizes and lower densities. Examples include cities such as Forest Grove, Sherwood and Oregon City, and some additions to the UGB.

Transportation Facilities

Adoption of the 2040 Growth Concept established a new direction for planning in the region by linking urban form to transportation. This new direction reflects a commitment to develop a regional form that is based on efficient use of land and a safe, efficient and cost-effective transportation system that supports the land uses in the 2040 Growth Concept and accommodates all forms of travel.

In this new relationship, the 2040 Growth Concept provides the desired urban form for the Regional Transportation Plan to support. The 2040 Growth Concept Map identifies one possible regional transportation system. Therefore, the 2040 Growth Concept Map does not prescribe or limit what the adopted regional transportation system will include. The Concept map shows some transportation facilities to illustrate new concepts, such as “green corridors,” and how land-use areas, such as centers, may be served based on agreements with affected agencies and jurisdictions. Neither the current regional system nor final alignment choices for future facilities are intended to be represented on the Concept map.

Open Spaces and Trail Corridors

Recognition and protection of open spaces both inside the UGB and in rural reserves are reflected in the Growth Concept. The areas designated open space on the Concept map are parks, stream and trail corridors, wetlands and floodplains, largely undeveloped upland areas and areas of compatible very low-density residential development. Many of these natural features already have significant land set aside as open space. The Tualatin Mountains, for example, contain major parks such as Forest Park and Tryon Creek State Park and numerous smaller parks such as Gabriel Park in Portland and Wilderness Park in West Linn. Other areas are oriented toward wetlands and streams.

Designating these areas as open spaces has several effects. First, it generally removes these lands from the category of urban land that is available for development. The capacity of the UGB then has to be calculated without these areas, and plans to accommodate housing and employment have to be made without them. Second, these natural areas, along with key rural reserve areas, receive a high priority for purchase as parks and open space, through programs such as Metro’s Open Spaces Acquisition program. Finally, regulations should be developed, to protect critical natural areas that would not conflict with housing and economic goals. This will provide protection of critical creek areas, compatible low-density development of sensitive areas and transfer of development rights from protected natural areas to other lands better suited for development.

Neighbor Cities

The Growth Concept recognizes that neighboring cities outside Metro’s boundaries are likely to grow rapidly. There are several such cities proximate to the Metro region. Metro will pursue discussion of cooperative efforts with neighboring cities. Neighbor city coordination will be achieved with the completion of intergovernmental agreements concerning key concepts. Communities such as Sandy, Canby and Newberg will be

affected by Metro, city and county decisions about managing growth within Metro. A significant number of people may be accommodated in these neighboring cities, and cooperation between Metro and these communities is necessary to coordinate planning to address common transportation and land-use issues.

Cooperative planning between a city outside the region and Metro could also be initiated on a more limited basis. These cooperative efforts could be completed to minimize the impact of growth on surrounding agriculture and natural resource lands, maintain a separation between a city and the Metro UGB, minimize the impact on state transportation facilities, match population growth to rural resource job and local urban job growth and coordinate land-use policies. Communities such as North Plains and other communities adjacent to the region such as Estacada and Scappoose may find this more limited approach suitable to their local situation.

Rural Reserves

Some rural lands adjacent to and nearby the regional UGB may be designated as rural reserves. This designation is intended as a policy statement by Metro to not extend the UGB into these areas and to support neighboring cities' efforts not to expand their urban growth boundaries into these areas in order to keep adjacent urban areas separate.

Rural reserves may be designated in areas that are most threatened by new development, in areas that separate communities, or in areas that exist as special resource areas. Rural reserves may also separate cities within the Metro boundary. Cornelius, Hillsboro, Tualatin, Sherwood and Wilsonville all have existing areas of rural land that provide a break in urban patterns. The objectives for rural land planning in the region are to:

- Maintain the rural character of the landscape.
- Support and maintain our agricultural economy.
- Avoid or eliminate conflicts with farm and forest practices.
- Help meet regional needs for open space and wildlife habitat.
- Help to clearly separate urban from rural land.

Rural reserves are further protected from development pressures by the rural zoning of the counties. New rural commercial or industrial development is restricted.

The reserves may include some purchase of natural areas adjacent to rivers, streams and lakes to ensure that water quality is protected and wildlife habitat enhanced. Large natural features, such as hills and buttes, may be included as rural reserves because they buffer developed areas and are poor candidates for compact urban development.

The primary means of achieving rural reserves would be through the Regional Framework Plan for areas within the Metro boundary, and voluntary agreements among Metro, the counties, neighboring cities and the state for those areas outside the Metro boundary. Metro will seek agreements, which would prohibit extending urban growth into the rural reserves, and require that state agency actions be consistent with the rural reserve designation.



2040 Growth Concept

The Region 2040 Growth Concept was adopted on December 14, 1995 in Ordinance No. 95-625-A and amended in the following:

Ordinance No. 96-655-E	March 6, 1997
Ordinance No. 97-690-A	July 10, 1997
Ordinance No. 97-706-A	October 2, 1997
Ordinance No. 98-744-B	July 23, 1998
Ordinance No. 98-779-D	December 17, 1998
Ordinance No. 98-981-D	December 17, 1998
Ordinance No. 98-982-C	December 17, 1998
Ordinance No. 98-986-C	December 17, 1998
Ordinance No. 98-788-C	December 17, 1998
Ordinance No. 99-609	June 4, 1999
Ordinance No. 99-812-A*	December 16, 1999
Ordinance No. 99-834	December 16, 1999
Ordinance No. 00-943	March 2, 2000
Ordinance No. 00-872-A	September 14, 2000
Ordinance No. 01-892-A	April 12, 2001
Ordinance No. 01-893	April 12, 2001
Ordinance No. 02-981-A	November 14, 2002
Ordinance No. 02-986	November 14, 2002
Ordinance No. 02-989-B	December 5, 2002
Ordinance No. 02-983-B	December 5, 2002
Ordinance No. 02-984-A	December 5, 2002
Ordinance No. 02-985-A	December 12, 2002
Ordinance No. 02-986-A	December 12, 2002
Ordinance No. 02-987-A	December 12, 2002
Ordinance No. 02-990-A	December 12, 2002
Ordinance No. 03-1014	October 15, 2003
Ordinance No. 04-1040-B	June 24, 2004

* Areas brought into the Urban Growth Boundary under Ordinance Nos. 98-782-C and 99-812-A have been remanded to Metro by the Land Use Board of Appeals and affirmed by the Court of Appeals. These areas have been removed from the map.



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LEGEND

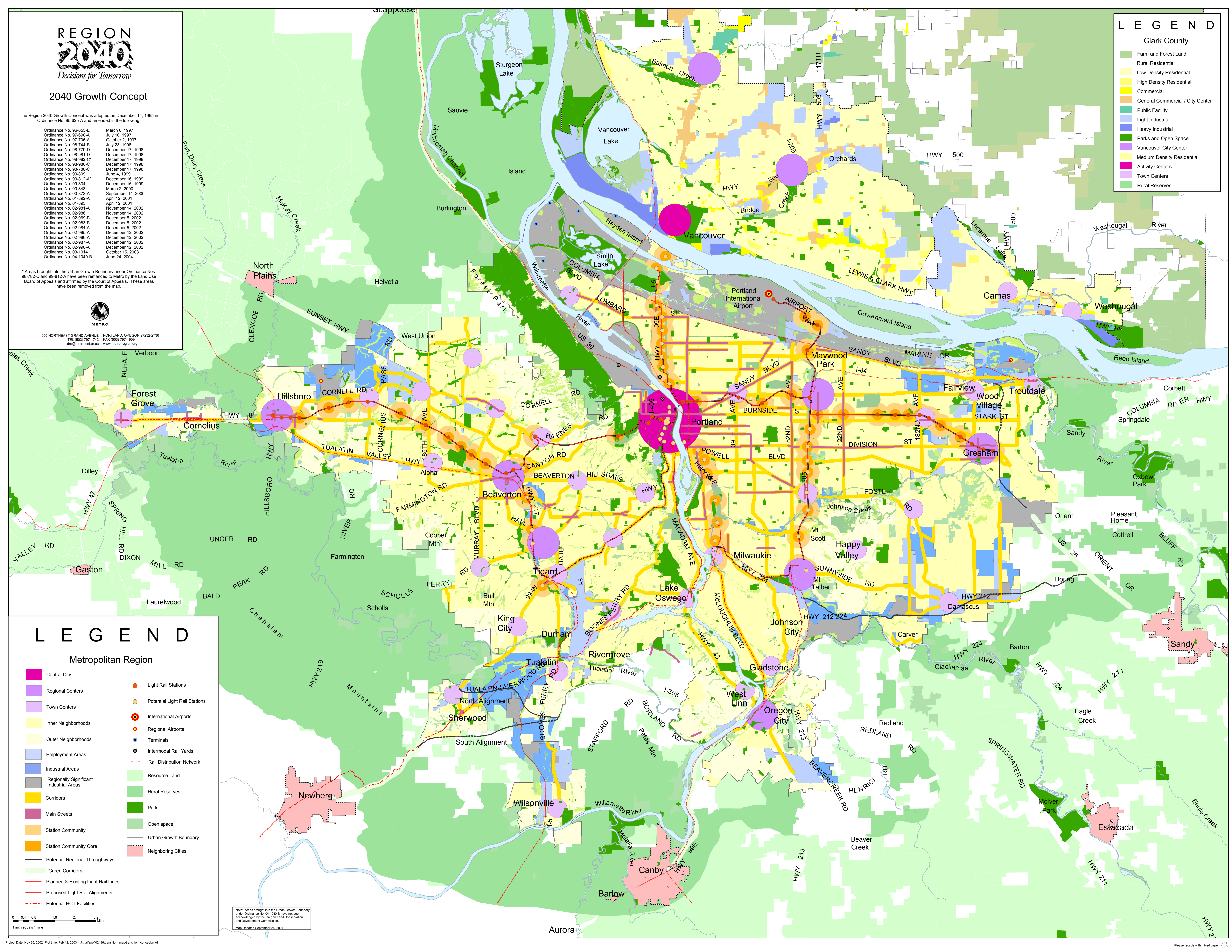
Metropolitan Region

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

LEGEND

Clark County

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



Note: Areas brought into the Urban Growth Boundary under Ordinance No. 04-1040-B have not been administered by the Oregon Land Conservation and Development Commission.
Map Updated September 24, 2004

Chapter 1

Land Use

**REGIONAL FRAMEWORK PLAN
CHAPTER 1 LAND USE**

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Chapter 1 Land Use

Introduction

The Metro Charter requires that Metro address growth management and land use planning matters of metropolitan concern. This chapter contains the policies that guide Metro in urban design and settlement patterns; housing densities; management and amendment of the Urban Growth Boundary (UGB) and protection of lands outside the UGB for natural resources, future urban or other uses.

This chapter also addresses land use planning matters that the Metro Council, with the consultation and advice of the Metro Policy Advisory Committee (MPAC), determines will benefit from regional planning, such as affordable housing.

A livable region is an economically strong region. This chapter contains policies that supports a strong economic climate through encouraging the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region.

This chapter begins with the Fundamentals followed by specific policies adopted to guide Metro in future growth management land use planning decisions. This chapter refers to specific legal requirements for cities and counties as well as for Metro that are set forth in Chapter 8 of the RFP. These provisions are implemented in Metro Code Chapter 3.01 and in Chapter 3.07, the Urban Growth Management Functional Plan.

The Metro Code provisions, the Urban Growth Management Functional Plan, a background discussion and policy analysis for this chapter are included in the Appendices of this plan.

Fundamentals

- Fundamental 1:** Encourage a strong local economy by providing an orderly and efficient use of land, balancing economic growth around the region and supporting high quality education.
- Fundamental 2:** Encourage the efficient use of land within the UGB including buildable industrial and commercial land and focus development in 2040 mixed use centers and corridors.
- Fundamental 5:** Maintain separation between the Metro UGB and neighboring cities by working actively with these cities and their respective counties.
- Fundamental 7:** Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable homes in every jurisdiction.

Policies

The following section contains the policies for land use. It should be noted that implementation of these policies is through the Urban Growth Management Functional Plan and Chapter 3.01 of the Metro Code (Urban Growth Boundary), Metro's functional plans that include recommendations and requirements for cities and counties of the region.

1.1 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 easy 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. Targeting public investments to reinforce a compact urban form.

1.2 Built Environment

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:

- a. Taking a regional "fair-share" approach to meeting the housing needs of the urban population.
- b. Providing infrastructure and critical public services concurrent with the pace of urban growth and that support the 2040 Growth Concept.
- c. 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.
- d. Coordinating public investment with local comprehensive and regional functional plans.
- e. 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.

1.3 Housing and Affordable Housing

It is the policy of the Metro Council to:

- 1.3.1 Encourage affordable housing opportunities in the region by:
 - a. Offering a diverse range of housing types, available within the region, and within cities and counties inside Metro's Urban Growth Boundary.
 - b. Being available to households of all income levels that live or have a member working in each jurisdiction and subregion.
 - c. Providing an appropriate balance of jobs and housing of all types within subregions.
 - d. Addressing current and future need for and supply of affordable housing production goals.
 - e. Minimizing any concentration of poverty.
- 1.3.2 Include in the Urban Growth Management Functional Plan voluntary affordable housing production goals to be adopted by local jurisdictions in the region as well as land use and non-land use affordable housing tools and strategies.
- 1.3.3 Require local governments in the region to report progress towards increasing the supply of affordable housing.
- 1.3.4 Acknowledge that there is a need to create a housing fund available region wide in order to leverage other affordable housing resources, and that, if the region is to be successful in increasing the amount of affordable housing, such a housing fund would need the support of a wide range of interests including local government, state and business groups.

(RFP Policy 1.3 updated 9/10/98, Metro Ord. 98-769; Policies 1.3, 1.3.1 through 1.3.7. updated, Metro Ord. 00-882C; RFP Policies 1.3.1 through 1.3.4, updated 2/05.)

1.4 Economic 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, 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.

(RFP Policy 1.4 updated 10/26/00, Metro Ord. 00-879A; and Policies 1.4.1 and 1.4.2 added 12/05/02, Metro Ord. 02-969B-06; Policies 1.4.1 through 1.4.2 updated and 1.4.3 and 1.4.4 added 2/05)

1.5 Economic Vitality

It is the policy of the Metro Council to:

- 1.5.1 Include all parts of the region in the region's economic development, including areas and neighborhoods which have been experiencing increasing poverty and social needs, even during periods of a booming regional economy.
- 1.5.2 Recognize that to allow the kinds of social and economic decay in older suburbs and the central city that has occurred in other larger and older metro regions is a threat to our quality of life and the health of the regional economy.
- 1.5.3 Ensure that all neighborhoods and all people have access to opportunity and share the benefits, as well as the burdens, of economic and population growth in the region.
- 1.5.4 Support economic vitality throughout the entire region, by undertaking the following steps:
 - a. Monitoring regional and subregional indicators of economic vitality, such as the balance of jobs, job compensation and housing availability.
 - b. Facilitating collaborative regional approaches which better support economic vitality for all parts of the region if monitoring finds that existing efforts to promote and support economic vitality in all parts of the region are inadequate.
- 1.5.5 Promote, in cooperation with local governments and community residents, revitalization of existing city and neighborhood centers that have experienced disinvestment and/or are currently underutilized and/or populated by a disproportionately high percentage of people living at or below 80 percent of the region's median income.

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.

(RFP Policy 1.6 updated 10/26/00, Metro Ord. 00-879A; RFP Policy 1.6 updated 2/05.)

1.7 Urban/Rural Transition

It is the policy of the Metro Council to:

- 1.7.1 Ensure that there is a clear transition between urban and rural land that makes best use of natural and built landscape features and that recognizes the likely long-term prospects for regional urban growth.
- 1.7.2 Locate the Metro UGB using natural and built features, including roads, rivers, creeks, streams, drainage basin boundaries, floodplains, power lines, major topographic features and historic patterns of land use or settlement.
- 1.7.3 Identify historic, cultural, topographic and biological features of the regional landscape that contribute significantly to this region's identity and "sense of place."
- 1.7.4 Manage the total urban land supply in a manner that supports the preservation of those features identified in 1.7.3, when designated, as growth occurs.
- 1.7.5 Designate "urban reserve areas," consistent with state law.
- 1.7.6 Designate urban reserve areas consistent with RFP policies and review the urban reserves at least every 15 years after adoption.
- 1.7.7 Base the priority for inclusion of land within an urban reserve area generally upon the locational factors of Statewide Planning Goal 14.

(RFP Policy 1.7 updated 10/26/00, Metro Ord. 00-879A, RFP Policy 1.7 updated 2/05.)

1.8 Developed Urban Land

It is the policy of the Metro Council to:

- 1.8.1 Identify and actively address opportunities for and obstacles to the continued development and redevelopment of existing urban land using a combination of regulations and incentives to ensure that the prospect of living, working and doing business in those locations remains attractive to a wide range of households and employers.

- 1.8.2 Encourage, in coordination with affected agencies, the redevelopment and reuse of lands used in the past or already used for commercial or industrial purposes wherever economically viable and environmentally sound.
- 1.8.3 Assess redevelopment and infill potential in the region when Metro examines whether additional urban land is needed within the UGB, and include the potential for redevelopment and infill on existing urban land as an element when calculating the buildable land supply in the region, where it can be demonstrated that the infill and redevelopment can be reasonably expected to occur during the next 20 years.
- 1.8.4 Work with jurisdictions in the region to determine the extent to which redevelopment and infill can be relied on to meet the identified need for additional urban land.
- 1.8.5 Initiate an amendment to the UGB, after the analysis and review in 1.8.3, to meet that portion of the identified need for land not met through commitments for redevelopment and infill.

(RFP Policy 1.8 updated 2/05.)

1.9 Urban Growth Boundary

It is the policy of the Metro Council to:

- 1.9.1 Ensure that expansions of the UGB help achieve the objectives of the 2040 Growth Concept.
- 1.9.2 Determine when the UGB is expanded, whether the expansion will enhance the roles of Centers and, to the extent practicable, ensure that it does.
- 1.9.3 Use the regional UGB, a long-term planning tool, to separate urbanizable from rural land, based in aggregate on the region's 20-year projected need for urban land.
- 1.9.4 Locate the UGB consistent with statewide planning goals and this plan and adopted Metro Council procedures for UGB amendment.
- 1.9.5 Improve the functional value of the UGB in the location, amendment and management of the regional UGB, as described in policies 1.9.6, 1.9.7, 1.9.8, 1.9.9.
- 1.9.6 Expand the UGB first within any adopted urban reserves, upon demonstrating a need for additional urban land, to the extent consistent with ORS 197.298 and Metro's acknowledged urban growth amendment process.
- 1.9.7 Adopt criteria for amending the UGB based on applicable state planning goals and relevant policies of the this Plan:
 - a. Major Amendments: Amendments of the UGB may be made through a quasi-judicial or a legislative process. Metro will initiate the legislative

amendment process when it determines there is need to add land to the UGB following the analysis of buildable land supply required every five years by ORS 197.299(1). The process involves local governments, special districts, citizens and other interests. A local government, a special district or a property owner may initiate a quasi-judicial amendment process to add land to the UGB for public facilities, public schools, natural areas and those nonhousing needs that (a) were not accommodated in the most recent analysis of land supply conducted pursuant to state law and (b) must be addressed prior to the next analysis.

- b. Minor Adjustments: Minor adjustments of the UGB may be brought to Metro by a local government, a special district or a property owner for siting public facility lines and roads, for land trades and to make the UGB coterminous with nearby property lines or natural or built features in order to make the UGB function more efficiently and effectively.
- 1.9.8 Require cities and counties to adopt conceptual land use plans and concept maps coordinated among affected jurisdictions for all areas added to the UGB as Major or Legislative amendments.
- 1.9.9 Establish criteria for concept plans and implementing ordinances.
- 1.9.10 Prepare a report on the effect of the proposed amendment on existing residential neighborhoods prior to approving any amendment or amendments of the urban growth boundary in excess of 100 acres.
- 1.9.11 Provide copies of the completed report to all households located within one mile of the proposed urban growth boundary amendment area and to all cities and counties within the district. The report shall address:
- a. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality.
 - b. 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.
 - c. The cost impacts on existing residents of providing needed public services and public infrastructure to the area to be added.

(RFP Policy Nos. 1.9.1 thru 1.9.4 updated to 1.9.1 thru 1.9.3, 10/26/00, Metro Ord. 00-879A; RFP Policy 1.9.3 regarding Measure 26-29 updated 5/15/03, Metro Ord. 03-1003; RFP Policies 1.9 through 1.9.3 updated 2/05 and RFP Policies 1.94 through 1.9.11 added 2/05.)

1.10 Urban Design

It is the policy of the Metro Council to:

- 1.10.1 Support the identity and functioning of communities in the region through:

- a. Recognizing and protecting critical open space features in the region.
 - b. Developing public policies that encourage diversity and excellence in the design and development of settlement patterns, landscapes and structures.
 - c. Ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that:
 - i) Links any public incentives to a commensurate public benefit received or expected and evidence of private needs.
 - ii) Is pedestrian “friendly,” encourages transit use and reduces auto dependence.
 - iii) Provides access to neighborhood and community parks, trails and walkways, and other recreation and cultural areas and public facilities.
 - iv) Reinforces nodal, mixed-use, neighborhood-oriented design.
 - v) Includes concentrated, high-density, mixed-use urban centers developed in relation to the region’s transit system;
 - vi) Is responsive to needs for privacy, community, sense of place and personal safety in an urban setting.
 - vii) Facilitates the development and preservation of affordable mixed-income neighborhoods.
- 1.10.2 Encourage pedestrian- and transit-supportive building patterns in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.

1.11 Neighbor Cities

It is the policy of the Metro Council to:

- 1.11 Coordinate growth in cities outside the UGB, occurring in conjunction with the overall population and employment growth in the region, with Metro’s growth management activities through cooperative agreements which provide for:
 - a. Separating communities within the Metro UGB, in neighbor cities and in the rural areas in between to benefit these places as growth occurs.
 - b. Pursuing coordination between neighboring cities, counties and Metro about the location of rural reserves and policies to maintain separation.
 - c. Pursuing the minimization of the generation of new automobile trips, a balance of sufficient number of jobs at wages consistent with housing

prices in communities both within the Metro UGB and in neighboring cities.

- d. Using “green corridors” as transportation facilities through a rural reserve that serves as a link between the Metro Area and a neighbor city but also limits access to the farms and forests of the rural reserve in order to keep urban to urban accessibility high, but limit any adverse effect on the surrounding rural areas.

(RFP Policy 1.11.3 updated 10/26/00, Metro Ord. 00-879A; RFP Policy 1.9 updated 2/05.)

1.12 Protection of Agriculture and Forest Resource Lands

It is the policy of the Metro Council to:

- 1.12.1 Agricultural and forest resource lands outside the UGB shall be protected from urbanization, and accounted for in regional economic and development plans, consistent with this Plan. However, Metro recognizes that all the statewide goals, including Statewide Planning Goal 10 Housing and Goal 14 Urbanization, are of equal importance to Goal 3 Agricultural Lands and Goal 4 Forest Lands which protect agriculture and forest resource lands. These goals represent competing and, some times, conflicting policy interests which need to be balanced.
- 1.12.2 When the Metro Council must choose among agricultural lands of the same soil classification for addition to the UGB, the Metro Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region.
- 1.12.3 Metro shall enter into agreements with neighboring cities and counties to carry out Council policy on protection of agricultural and forest resource policy through the designation of Rural Reserves and other measures.
- 1.12.4 Metro shall work with neighboring counties to provide a high degree of certainty for investment in agriculture and forestry and to reduce conflicts between urbanization and agricultural and forest practices.

(RFP Policies 1.12.1 through 1.12.4 updated 9/22/04, Metro Ord. 04-1040B-01; RFP Policy 1.12 updated 2/05.)

1.13 Participation of Citizens

It is the policy of the Metro Council to:

- 1.13.1 Encourage public participation in Metro land use planning.
- 1.13.2 Follow and promote the citizen participation values inherent in the RFP and the Metro Citizen Involvement Principles.

- 1.13.3 Encourage Local governments to provide opportunities for public involvement in land use planning and delivery of recreational facilities and services.

1.14 School and Local Government Plan and Policy Coordination

It is the policy of the Metro Council to:

- 1.14.1 Coordinate plans among local governments, including cities, counties, special districts and school districts for adequate school facilities for already developed and urbanizing areas.
- 1.14.2 Consider school facilities to be “public facilities”, in the review of city and county comprehensive plans for compliance with the Regional Framework Plan.
- 1.14.3 Work with local governments and school districts on school facility plans to ensure that the Urban Growth Boundary contains a sufficient supply of land for school facility needs.
- 1.14.4 Use the appropriate means, including, but not limited to, public forums, open houses, symposiums, dialogues with state and local government officials, school district representatives, and the general public in order to identify funding sources necessary to acquire future school sites and commensurate capital construction to accommodate anticipated growth in school populations.
- 1.14.5 prepare a school siting and facilities functional plan with the advice of MPAC to implement the policies of this Plan.

(RFP Policy 1.14.2 updated 11/24/98, Metro Ord. 98-789; RFP Policy 1.14.2 updated 12/13/01, Metro Ord. 01-929A; RFP Policy 1.14 updated 2/05.)

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.

(RFP Policy 1.15 added 12/05/02, Metro Ord. 02-969B-06; RFP Policy 1.15 updated 2/05.)

1.16 Residential Neighborhoods

It is the policy of the Metro Council to:

- 1.16.1 Recognize that the livability of existing residential neighborhoods is essential to the success of the 2040 Growth Concept.
- 1.16.2 Take measures, in order to protect and improve the region's existing residential neighborhoods, by:
- a. Protecting residential neighborhoods from air and water pollution, noise and crime.
 - b. Making community services accessible to residents of neighborhoods by walking, bicycle and transit, where possible.
 - c. Facilitating the provision of affordable government utilities and services to residential neighborhoods.
- 1.16.3 Not require local governments to increase the density of existing single-family neighborhoods identified solely as Inner or Outer Neighborhoods.

(RFP Policy 1.16 added 12/05/02, Metro Ord. 02-969B-06, pursuant to Measure 26-29, enacted by the Metro Area voters on 5/21/02.)

Chapter 2 Transportation

**REGIONAL FRAMEWORK PLAN
CHAPTER 2 TRANSPORTATION**

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Chapter 2 Transportation

Introduction

In 1992, the region's voters approved a charter for Metro that formally gave responsibility for regional land use planning to the agency, and requires adoption of a Regional Framework Plan that integrates land use, transportation and other regional planning mandates. The combined policies of this framework plan establish a new framework for planning in the region by linking land use and transportation plans. Fundamental to this plan is a transportation system that integrates goods and people movement with the surrounding land uses.

This chapter of the Regional Framework Plan presents the overall policy framework for the specific transportation goals, objectives and actions contained in the Regional Transportation Plan (RTP). It also sets a direction for future transportation planning and decision-making by the Metro Council and the implementing agencies, counties and cities.

The policies are grouped into seven (7) subject areas:

1. Public process
2. Connecting land use
3. Equal access and safety
4. Protecting the environment
5. Designing the transportation system
6. Managing the transportation system
7. Implementing the transportation system

The policies aim to implement the 2040 Growth Concept and:

- Protect the economic health and livability of the region.
- Improve the safety of the transportation system.
- Provide a transportation system that is efficient and cost-effective, investing our limited resources wisely.
- Provide access to more and better choices for travel in this region and serve special access needs for all people, including youth, elderly and disabled.
- Provide adequate levels of mobility for people and goods within the region.
- Protect air and water quality and promote energy conservation.
- Provide transportation facilities that support a balance of jobs and housing.
- Limit dependence on any single mode of travel and increase the use of transit, bicycling, walking and carpooling and vanpooling.

- Provide for the movement of people and goods through an interconnected system of highway, air, marine and rail systems, including passenger and freight intermodal facilities and air and water terminals.
- Integrate land use, automobile, bicycle, pedestrian, freight and public transportation needs in regional and local street designs.
- Use transportation demand management and system management strategies.
- Limit the impact of urban travel on rural land through use of green corridors.

Fundamentals

Fundamental 4: Provide a balanced transportation system including safe, attractive facilities for bicycling, walking and transit as well as for motor vehicles and freight

Policies

The following section contains the policies for regional transportation. It should be noted that implementation of these policies is through the Regional Transportation Plan, a Metro functional plan that includes both recommendations and requirements for cities and counties of the region.

2.1 Public Involvement

It is the policy of the Metro Council to:

- 2.1.1 Provide complete information, timely public notice, full public access to key decisions and support broad-based, early and continuing involvement of the public in all aspects of the transportation planning process that is consistent with Metro's adopted local public involvement policy for transportation planning. This includes involving those traditionally under-served by the existing system, those traditionally under-represented in the transportation process, the general public, and local, regional and state jurisdictions that own and operate the region's transportation system.

2.2 Intergovernmental Coordination

It is the policy of the Metro Council to:

- 2.2.1 Coordinate among the local, regional and state jurisdictions that own and operate the region's transportation system to better provide for state and regional transportation needs.

2.3 Urban Form

It is the policy of the Metro Council to:

- 2.3.1 Facilitate implementation of the 2040 Growth Concept with specific strategies that address mobility and accessibility needs and use transportation investments to leverage the 2040 Growth Concept.

2.4 Consistency Between Land Use and Transportation Planning

It is the policy of the Metro Council to:

- 2.4.1 Ensure the identified function, capacity and level of service of transportation facilities are consistent with applicable regional land use and transportation policies as well as the adjacent land use patterns.

2.5 Barrier-Free Transportation

It is the policy of the Metro Council to:

- 2.5.1 Provide access to more and better transportation choices for travel throughout the region and serve special access needs for all people, including youth, elderly and disabled.

2.6 Interim Job Access and Reverse Commute Policy

It is the policy of the Metro Council to:

- 2.6.1 Serve the transit and transportation needs of the economically disadvantaged in the region by connecting low-income populations with employment areas and related social services.

2.7 Transportation Safety and Education

It is the policy of the Metro Council to:

- 2.7.1 Improve the safety of the transportation system. Encourage bicyclists, motorists and pedestrians to share the road safely.

2.8 The Natural Environment

It is the policy of the Metro Council to:

- 2.8.1 Protect the region's natural environment.

2.9 Water Quality

It is the policy of the Metro Council to:

- 2.9.1 Protect the region's water quality.

2.10 Clean Air

It is the policy of the Metro Council to:

- 2.10.1 Protect and enhance air quality so that as growth occurs, human health and visibility of the Cascades and the Coast Range from within the region is maintained.

2.11 Energy Efficiency

It is the policy of the Metro Council to:

- 2.11.1 Plan transportation systems that promote efficient use of energy.

2.12 Regional Street Design

It is the policy of the Metro Council to:

- 2.12.1 Plan regional streets with a modal orientation that reflects the function and character of surrounding land uses, consistent with regional street design concepts.

2.13 Local Street Design

It is the policy of the Metro Council to:

- 2.13.1 Plan local street systems to complement planned land uses and to reduce dependence on major streets for local circulation, consistent with Section 6.4.5 in Chapter 6 of this plan.

2.14 Regional Motor Vehicle System

It is the policy of the Metro Council to:

- 2.14.1 Plan for a regional motor vehicle system of arterials and collectors that connect the central city, regional centers, industrial areas and intermodal facilities, and other regional destinations, and provide mobility within and through the region.

2.15 Regional Public Transportation System

It is the policy of the Metro Council to:

- 2.15.1 Plan for an appropriate level, quality and range of public transportation options to serve this region and support implementation of the 2040 Growth Concept.

2.16 Public Transportation Awareness and Education

It is the policy of the Metro Council to:

- 2.16.1 Expand the amount of information available about public transportation to allow more people to use the system.

2.17 Public Transportation Safety and Environmental Impacts

It is the policy of the Metro Council to:

- 2.17.1 Continue efforts to make public transportation an environmentally friendly and safe form of motorized transportation.

2.18 Regional Public Transportation Performance

It is the policy of the Metro Council to:

- 2.18.1 Plan for transit service that is fast, reliable and has competitive travel times compared to the automobile.

2.19 Special Needs Public Transportation

It is the policy of the Metro Council to:

- 2.19.1 Provide an appropriate level, quality and range of public transportation options to serve the variety of special needs individuals in this region and support the implementation of the 2040 Growth Concept.
- 2.19.2 Provide a seamless and coordinated public transportation system for the special needs population.
- 2.19.3 Encourage the location of elderly and disabled facilities in areas with existing transportation services and pedestrian amenities.

2.20 Regional Freight System

It is the policy of the Metro Council to:

- 2.20.1 Plan for efficient, cost-effective and safe movement of freight in and through the region.

2.21 Regional Freight System Investments

It is the policy of the Metro Council to:

- 2.21.1 Protect and enhance public and private investments in the freight network.

2.22 Regional Bicycle System Connectivity

It is the policy of the Metro Council to:

- 2.22.1 Plan for a continuous regional network of safe and convenient bikeways connected to other transportation modes and local bikeway systems, consistent with regional street design guidelines.

2.23 Regional Bicycle System Mode Share and Accessibility

It is the policy of the Metro Council to:

- 2.23.1 Increase the bicycle mode share throughout the region and improve bicycle access to the region's public transportation system.

2.24 Regional Pedestrian System

It is the policy of the Metro Council to:

- 2.24.1 Plan the pedestrian environment to be safe, direct, convenient, attractive and accessible for all users.

2.25 Regional Pedestrian Mode Share

It is the policy of the Metro Council to:

- 2.25.1 Increase walking for short trips and improve pedestrian access to the region's public transportation system through pedestrian improvements and changes in land use patterns, designs and densities.

2.26 Regional Pedestrian Access and Connectivity

It is the policy of the Metro Council to:

- 2.26.1 Plan for direct pedestrian access, appropriate to existing and planned land uses, street design classification and public transportation, as a part of all transportation projects.

2.27 Transportation System Management

It is the policy of the Metro Council to:

- 2.27.1 Use transportation system management techniques to optimize performance of the region's transportation systems. Mobility will be emphasized on corridor segments between 2040 Growth Concept primary land-use components. Access and livability will be emphasized within such designations. Selection of appropriate transportation system techniques will be according to the functional classification of corridor segments.

2.28 Regional Transportation Demand Management

It is the policy of the Metro Council to:

- 2.28.1 Enhance mobility and support the use of alternative transportation modes by improving regional accessibility to public transportation, carpooling, telecommuting, bicycling and walking options.

2.29 Regional Parking Management

It is the policy of the Metro Council to:

- 2.29.1 Manage and optimize the efficient use of public and commercial parking in the central city, regional centers, town centers, main streets and employment centers to support the 2040 Growth Concept and related RTP policies and objectives.

2.30 Peak Period Pricing

It is the policy of the Metro Council to:

- 2.30.1 Manage and optimize the use of highways in the region to reduce congestion, improve mobility and maintain accessibility within limited financial resources.

2.31 Transportation Funding

It is the policy of the Metro Council to:

- 2.31.1 Ensure that the allocation of fiscal resources is driven by both land use and transportation benefits.

2.32 2040 Growth Concept Implementation

It is the policy of the Metro Council to:

- 2.32.1 Implement a regional transportation system that supports the 2040 Growth Concept through the selection of complementary transportation projects and programs.

2.33 Transportation System Maintenance and Preservation

It is the policy of the Metro Council to:

- 2.33.1 Emphasize the maintenance, preservation and effective use of transportation infrastructure in the selection of the RTP projects and programs.

2.34 Transportation Safety

It is the policy of the Metro Council to:

- 2.34.1 Anticipate and address system deficiencies that threaten the safety of the traveling public in the implementation of the RTP.

Legal Antecedents – Ordinances Updating RFP Policies - By Adoption Date

Ordinance No.	Adoption Date	Effective Date	Acknowledgement Date	Title
97-715B-04	12/11/97	90 Days		FOR THE PURPOSE OF ADOPTING THE REGIONAL FRAMEWORK PLAN
00-869A-01	08/10/00	90 Days		FOR THE PURPOSE OF ADOPTING THE 2000 REGIONAL TRANSPORTATION PLAN; AMENDING ORDINANCE NO. 96-647C AND ORDINANCE NO. 97-715B
02-946A	06/27/02	90 Days		FOR THE PURPOSE OF ADOPTING THE POST-ACKNOWLEDGMENT AMENDMENTS TO THE 2000 REGIONAL TRANSPORTATION PLAN (RTP). Policy updates to: RFP Policy No. 7 The Natural Environmental RFP Policy No. 8 Water Quality RFP Policy No. 11 Regional Street Design
03-1007A	06/19/03	90 Days		FOR THE PURPOSE OF AMENDING THE REGIONAL TRANSPORTATION PLAN TO INCLUDE THE TWO PHASES OF THE SOUTH CORRIDOR STUDY CONSISTING OF THE I-205 LIGHT RAIL TRANSIT ("LRT") PROJECT FROM GATEWAY TO CLACKAMAS REGIONAL CENTER WITH PORTLAND TRANSIT MALL LRT, EXPANSION OF LRT FROM DOWNTOWN PORTLAND TO MILWAUKIE AND DELETION OF PLANS TO EXTEND LRT FROM MILWAUKIE TO CLACKAMAS REGIONAL CENTER

Ordinance No.	Adoption Date	Effective Date	Acknowledgement Date	Title
04-1045A	07/08/04	10/06/04		FOR THE PURPOSE OF AMENDING THE 2000 REGIONAL TRANSPORTATION PLAN (RTP) FOR CONSISTENCY WITH THE INTERIM FEDERAL 2004 RTP AND STATEWIDE PLANNING GOALS

Legal Antecedents – Resolutions Updating RTP Amendments - By Adoption Date

Resolution No.	Adoption Date	Title
02-3186B	06/20/2002	FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO INCLUDE STATE BOND FUNDS; PROGRAMMING PRELIMINARY ENGINEERING FUNDS FOR US 26 WIDENING, AND APPROVING A CONFORMITY DETERMINATION FOR THESE ACTIONS AND THOSE OF ORDINANCE NO. 02-945 THAT AMENDS THE REGIONAL TRANSPORTATION PLAN
03-3351	08/14/2003	FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO INCLUDE THE REVISED SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT AND DEMONSTRATING CONFORMITY OF THE PROJECT, THE AMENDED REGIONAL TRANSPORTATION PLAN AND AMENDED METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM WITH THE STATE IMPLEMENTATION PLAN
03-3380A	12/11/2003	FOR THE PURPOSE OF DESIGNATION OF THE 2004 REGIONAL TRANSPORTATION PLAN AS THE FEDERAL METROPOLITAN TRANSPORTATION PLAN TO MEET FEDERAL PLANNING REQUIREMENTS

Chapter 3

Parks, Natural Areas, Open Spaces, Trails and Recreational Facilities

**REGIONAL FRAMEWORK PLAN
CHAPTER 3 PARKS, NATURAL AREAS, OPEN SPACES
TRAILS AND RECREATIONAL FACILITIES**

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Chapter 3 Parks, Natural Areas, Open Spaces, Trails and Recreational Facilities

Introduction

The Metro Charter, approved by the region's voters in 1992, authorizes Metro to acquire, develop, maintain, and operate a system of parks, open space, and recreational facilities of metropolitan concern. This chapter of the Regional Framework Plan outlines the policies that guide Metro in providing these services and outlines Metro's roles and responsibilities. These policies include the inventory, protection, management and use of these resources at the regional and local levels. The policies have been derived from the Greenspaces Master Plan, the Regional Urban Growth Goals and Objectives (RUGGOs), the Future Vision Report, recommendations from the Metropolitan Policy Advisory Committee, the Greenspaces Technical Advisory Committee, and from citizens of the region.

The importance of the region's natural landscape and its recreation facilities cannot be understated. They support the air we breathe, the water we drink and define the look and feel of our communities. They ensure that natural resources and habitats are protected and that citizens have recreational opportunities close to where they work and live.

Citizens throughout the region have demonstrated the importance of parks, natural areas, trails and recreation services through their support of funding measures, participation in recreational activities and volunteer community service and from what they have said in public opinion surveys. Metro recognizes the desire of citizens to have high-quality natural areas, trails and parks close to home. Metro is working with federal, state, and local governments, non-profit organizations and citizens to address and meet the park and recreation needs of the Portland metropolitan area.

Fundamentals

- Fundamental 3:** Protect and restore the natural environment including fish and wildlife habitat, streams and wetlands, surface and ground water quality and quantity, and air quality.
- Fundamental 6:** Enable communities inside the Metro UGB to enhance their physical sense of place by using among other tools, greenways, natural areas, and built environment elements.
- Fundamental 8:** Create a vibrant place to live and work by providing sufficient and accessible parks and natural areas, improving access to community resources such as schools, community centers and libraries as well as by balancing the distribution of high quality jobs throughout the region, and providing attractive facilities for cultural

and artistic performances and supporting arts and cultural organizations.

Policies

3.1 Inventory of Park Facilities and Identification and Inventory of Regionally Significant Parks, Natural Areas, Open Spaces, Trails and Greenways

It is the policy of the Metro Council to:

- 3.1.1 Ensure coordinated protection and enhancement of natural functions such as water quality and wildlife habitat across jurisdictional boundaries by inventorying and identifying regionally significant parks, natural areas, open spaces, vacant lands, trails and greenways at the watershed level using topographical, geologic and biologic functions and features, i.e., "landscape ecology."
- 3.1.2 Identify natural corridors that connect regionally significant parks, natural areas, open spaces, trails and greenways. River and stream corridors, utility corridors, abandoned roads, and railroad rights-of-way will provide primary linkages.
- 3.1.3 Inventory lands outside the Urban Growth Boundary and Metro's jurisdictional boundary and identify them as prospective components of the Regional System when protection of these lands is determined to be of direct benefit to the region.
- 3.1.4 Identify urban areas which are deficient in natural areas and identify opportunities for acquisition and restoration.
- 3.1.5 Update the parks inventory (first completed in 1988) every five (5) years, including acreage, facilities, environmental education programs, cultural resources, existing school sites and other information as determined by Metro.
- 3.1.6 Inventory the urban forestry canopy, using appropriate landscape level techniques, such as remote sensing or aerial photo interpretation, on a periodic basis and provide inventory information to local jurisdictions.

3.2 Protection of Regionally Significant Parks, Natural Areas, Open Spaces, Trail and Greenways

It is the policy of the Metro Council to:

- 3.2.1 Continue developing a Regional System of Parks, Natural Areas, Open Spaces, Trails, and Greenways (the Regional System) to achieve the following objectives:
 - a. Protect the region's biodiversity;
 - b. Provide citizens opportunities for, primarily, natural resource dependent recreation and education;

- c. Contribute to the protection of air and water quality; and
 - d. Provide natural buffers and connections between communities.
- 3.2.2 Finance and coordinate protection and management of the Regional System across jurisdictional boundaries upon the advice of citizens, and in coordination with local governments and state and federal resource agencies and appropriate non-profit organizations.
 - 3.2.3 Use strategies to protect and manage the Regional System and regional Goal 5 resources including, but not be limited to, acquisition, education, incentives, land use and environmental regulations.
 - 3.2.4 Include lands inside and outside the UGB and Metro's jurisdiction in the Regional System when protection of these lands are determined to be of direct benefit to the region.
 - 3.2.5 Collect and evaluate baseline data related to natural resource values of the regional system to identify trends and to guide management decisions.
 - 3.2.6 Seek to avoid fragmentation and degradation of components of the Regional System caused by new transportation and utility projects. If avoidance is infeasible, impacts shall be minimized and mitigated.
 - 3.2.7 Work with the State of Oregon to update, reinvigorate and implement a Willamette River Greenway Plan for the metropolitan region, in conjunction with affected local governments.
- 3.3 Management of the Publicly-Owned Portion of the Regional System of Parks, Natural Areas, Open Spaces, Trails and Greenways**
- It is the policy of the Metro Council to:
- 3.3.1 Assume management responsibility for elements of the publicly owned portion of the Regional System, as outlined in a functional plan to be developed.
 - 3.3.2 Assume financial responsibility related to those portions of the publicly owned system which are managed by Metro.
 - 3.3.3 Give local governments an opportunity to transfer existing publicly owned components of the Regional System to Metro and to acquire components of the Regional System with local resources.
 - 3.3.4 Manage the publicly owned portion of the Regional System to protect fish, wildlife, and botanic values and to provide, primarily, natural resource dependent recreational and educational opportunities.

- 3.3.5 Acquire portions of the Regional System as financial resources allow by negotiating with willing sellers and using the power of eminent domain only in extraordinary circumstances.
- 3.3.6 Insure that public use is compatible with natural and cultural resource protection for components of the Regional System by creating. Master/Management plans that strive to achieve that objective prior to formal public use.
- 3.3.7 Be responsive to recreation demands and trends identified in the State Comprehensive Outdoor Recreation Plan (SCORP), along with local government cooperators in the Regional System.
- 3.3.8 Develop master planning guidelines to assure consistency in the management of the Regional System.
- 3.3.9 Convene local government park providers to share information, review and analyze issues from time to time or in conjunction with the periodic update of the region-wide parks inventory and, if appropriate, develop recommendations related to:
 - a. Roles and responsibilities
 - b. Funding
 - c. Levels of service
 - d. Information needs
 - e. User trends and preferences
 - f. Technical assistance
 - g. Interagency coordination
 - h. Public involvement
 - i. Other topics as determined by Metro and local park providers
- 3.3.10 Pursue the identification and implementation of a long term, stable funding source to support the planning, acquisition, development, management and maintenance of the Regional System in cooperation with local governments.

3.4 Protection, Establishment and Management of a Regional Trails System

It is the policy of the Metro Council to:

- 3.4.1 Identify a Regional Trails System which shall be included in the Regional Transportation Plan.
- 3.4.2 Provide access to publicly owned parks, natural areas, open spaces, and greenways, where appropriate via the Regional Trail System.
- 3.4.3 Coordinate planning for the Regional Trail System with local governments, federal and state agencies, utility providers, and appropriate non-profit organizations.
- 3.4.4 Cooperate with citizens and other trail providers to identify and secure funding for development and operation of the Regional Trails System.
- 3.4.5 Encourage local governments to integrate local and neighborhood trail systems with the Regional Trail System.

3.5 Provision of Community and Neighborhood Parks, Open Spaces, Natural Areas, Trails and Recreation Programs

It is the policy of the Metro Council to:

- 3.5.1 Recognize that local governments remain responsible for the planning and provision of community and neighborhood parks, local open spaces, natural areas, sports fields, recreational centers, trails, and associated programs within their jurisdictions.
- 3.5.2 Encourage local governments to (i) adopt level of service standards for provision of parks, natural areas, trails, and recreational facilities in their local comprehensive plans and (ii) locate and orient such parks, open spaces, natural areas, trails, etc., to the extent practical, in a manner which promotes non-vehicular access.
- 3.5.3 Encourage local governments to be responsive to recreation demand trends identified in the State Comprehensive Outdoor Recreation Plan (SCORP).
- 3.5.4 Encourage local governments to develop, adopt and implement Master Plans for local parks and trail systems, natural areas, and recreational programs.
- 3.5.5 Work in cooperation with local governments, state government, and private industry to establish a supplemental funding source for parks and open space acquisition, operations and maintenance.
- 3.5.6 Encourage local governments to identify opportunities for cooperation and cost efficiencies with non-profit organizations, other governmental entities, and local school districts.

- 3.5.7 Require that no urban reserve areas be brought into the UGB unless the Urban Reserve master plans demonstrate that planning requirements for the acquisition and protection of adequate land to meet or exceed locally adopted levels of service standards for the provision of public parks, natural areas, trails, and recreational facilities, be adopted in the local comprehensive plans.
- 3.5.8 Develop a functional plan in cooperation with local governments establishing the criteria which local governments address in adopting a locally determined "level of service standard," establishing region-wide goals for the provision of parks and open space in various urban design types identified in the 2040 regional growth concept and applying this to the portion of the region within the UGB and the urban reserves within Metro's jurisdiction when urban reserve conceptual plans are approved.
- 3.5.9 Work with local governments to promote a broader understanding of the importance of open space to the success of the 2040 Growth Concept and develop tools to assess open space on a parity with jobs, housing, and transportation targets in the Regional Framework Plan.

3.6 Participation of Citizens in Environmental Education, Planning, Stewardship Activities, and Recreational Services.

It is the policy of the Metro Council to:

- 3.6.1 Encourage public participation in natural, cultural and recreation resource management decisions related to the Regional System.
- 3.6.2 Provide educational opportunities to enhance understanding, enjoyment and informed use of natural, cultural, and recreational resources.
- 3.6.3 Provide and promote opportunities for the public to engage in stewardship activities on publicly owned natural resource lands and encourage cooperative efforts between Metro and private non-profit groups, community groups, schools and other public agencies.
- 3.6.4 Provide opportunities for technical assistance to private landowners for stewardship of components of the Regional System.
- 3.6.5 Work together with local governments with state, federal, non-profit and private partners to facilitate stewardship and educational opportunities on publicly owned natural resource lands.
- 3.6.6 Encourage local governments to provide opportunities for public involvement in the planning and delivery of recreational facilities and services.
- 3.6.7 Follow and promote the citizen participation values inherent in RUGGO Goal 1, Objective 1 and the Metro Citizen Involvement Principles.

Chapter 4

Water Management

**REGIONAL FRAMEWORK PLAN
CHAPTER 4 WATER MANAGEMENT**

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Chapter 4 Water Management

Introduction

Watershed management and clean water are essential for healthy communities, a sound economy and habitat for fish and wildlife. They are also keys to a region's livability and future growth, as well as the quality of drinking water. The interconnected web of rivers and streams, which have played an important role in the region's history and economic success, are also important to the commerce, agriculture and economic vitality of the region.

This chapter contains policies related to maintaining watershed health to benefit people, fish and wildlife, focused in the following areas:

- **Water Supply.** Clean and sufficient quantities of water are essential to the people of the region, as well as their commerce, agriculture and economic viability. It is not only important to have adequate supply, but that supply must reach people throughout the region. How water is supplied can impact fish and wildlife habitats by reducing the amount of water in streams and rivers. This highlights the important linkage between growth management and water supply planning. The Metro Council has communicated to the region's water providers that its main interests in water supply planning and implementation are water conservation and the link between land use and water supply. Metro has not assumed any function related to transmission, storage and distribution of drinking water.
- **Water Quality.** Tremendous advances have been made in the last 25 years to improve regional water quality and protect natural resources and open space. Future growth and development, however, will place increasing demands on the region's natural resources and affect water quality. Metro recognizes this inherent conflict and strives to implement policies that protect natural resources and water quality while the region grows.
- **Watershed Management.** Watershed management is a planning tool that recognizes the dynamic connectivity between different components of a watershed. It identifies land use and management activities that protect the functions of natural systems while achieving desired land use patterns. Metro recognizes that citizens are concerned about protecting resources and maintaining open space to enhance the region's livability.
- **Stormwater Management.** Management of stormwater as the region grows is crucial to the protection of urban water resources. Stormwater is both a valuable resource and a management problem. As a resource, it is potentially beneficial to critical fish and wildlife habitat, recharges groundwater, and may contribute to cooler water to urban waterways during hotter, low flow summer months. As a management challenge, it can add to flooding, destroy fish and wildlife habitat, and pollute groundwater and surface waters.

These policies strive to address the inherent conflict between the function of natural systems and the effects of growth and development in the region. In order to meet the

challenge of formulating policy in coordination with local jurisdictions and citizens, it is essential to acknowledge the dynamic process whereby such policies will continue to be developed and refined.

This chapter includes the specific policies adopted to guide Metro in future planning for watershed health, including water supply, water quality, and fish and wildlife habitat.

Fundamentals

Fundamental 2: Protect and restore the natural environment through actions such as protecting and restoring streams and wetlands, improving surface and ground water quality, and reducing air emissions.

Fundamental 5: Enable communities inside the Metro urban growth boundary to preserve their physical sense of place by using, among other tools, greenways, natural areas, and built environment elements.

Policies

4.1 Water Supply

It is the policy of the Metro Council to:

- 4.1.1 Promote and achieve regional water conservation and demand management goals as defined in the Regional Water Supply Plan.
- 4.1.2 Promote the coordination between regional growth management programs and water supply planning.
- 4.1.3 Promote the coordination between land use planning and achieving the goals of the Regional Water Supply Plan.
- 4.1.4 Set benchmarks and evaluate achievement of the targets and goals established in the Regional Water Supply Plan in coordination with the region's water providers.
- 4.1.5 Evaluate Metro's role in encouraging conservation on a regional basis to promote the efficient use of water resources and develop any necessary regional plans/programs to address Metro's role in coordination with the region's water providers.

4.2 Overall Watershed Management

It is the policy of the Metro Council to:

- 4.2.1 Develop a long-term regional strategy for comprehensive water resource management, created in partnership with the jurisdictions and agencies charged

with planning and managing groundwater resources and terrestrial and aquatic habitats by:

- a. Managing watersheds to protect, restore and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical and social values;
- b. Complying with state and federal water quality requirements;
- c. Protecting designated beneficial water uses;
- d. Promoting multi-objective management of the region's watershed to the maximum extent practicable; and
- e. Encouraging the use of techniques relying on natural processes to address flood control, stormwater management, abnormally high winter and low summer stream flows and nonpoint pollution reduction.

4.3 Water Quality

It is the policy of the Metro Council to:

4.3.1 Protect, enhance, and restore the water quality of the region by:

- a. Implementing watershed-wide planning.
- b. Promoting the protection of natural areas along waterways and encouraging continuous improvement of water quantity and quality through liaison with agencies that influence changes along streams, rivers and wetlands in the Metro region.
- c. Establishing vegetative corridors along streams.
- d. Encouraging urban development practices that minimize soil erosion.
- e. Implementing best management practices (BMPs).
- f. Maintaining vegetated buffers along riparian areas.
- g. Protecting wetlands values with sufficient buffers to maintain their water quality and hydrologic function.

4.4 Stormwater Management

It is the policy of the Metro Council to:

4.4.1 Encourage the following regional policies for stormwater management by:

- a. Ensuring that as development and redevelopment occur increases in stormwater runoff are avoided to the maximum extent practicable.
- b. Managing stormwater so that runoff is retained as close as practicable to the site at which development or redevelopment occurs, in a manner that avoids negative quality and quantity impacts on adjacent streams, wetlands, groundwater and other water bodies.
- c. Ensuring that, to the maximum extent practicable, the quality of stormwater leaving a site after development is equal to or better than before development.
- d. Ensuring that, to the maximum extent practicable, the quantity of stormwater leaving a site after development is equal to or less than before development.
- e. Ensuring that stormwater quantity and quality issues are addressed during design of transportation facilities.

4.5 Urban Planning and Natural Systems

It is the policy of the Metro Council to:

- 4.5.1 Promote the incorporation of natural watershed systems into future planning and design processes and balance their contributions to environmental improvement with recreational and other uses.
- 4.5.2 Address the interrelatedness of greenspace protection, land use, transportation and water resources management issues.

4.6 Fish and Wildlife Habitat Conservation

It is the policy of the Metro Council to:

- 4.6.1 Establish standards to conserve, protect, and enhance fish and wildlife habitat by:
 - a. Identifying regionally significant fish and wildlife habitat.
 - b. Determining performance standards for habitat protection.
 - c. Promoting coordination of regional watershed planning.

Chapter 5

Regional Natural Hazards

**REGIONAL FRAMEWORK PLAN
CHAPTER 5 NATURAL HAZARDS**

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Chapter 5 Regional Natural Hazards

Introduction

Natural hazards provide a “reality check” to growth in any region, a yardstick against which we can ask, “Has the region’s future been built on solid ground?” This chapter includes policies concerning hazard mitigation, emergency preparedness, disaster response, and recovery.

Natural hazards that could potentially pose a risk in the Metro region include earthquakes, floods, landslides, volcanic events, wildfires, severe weather, and biological hazards. The risk of loss or damage from an earthquake depends on both the presence of seismically hazardous land (land subject to failure or strong effects from an earthquake) and the types of land uses occurring in those areas. Natural disasters such as a major earthquake will cause significant loss of life, injury and property damage. While vulnerability to hazards cannot be eliminated, implementation of the hazard mitigation policies described in this chapter will reduce human misery and property loss following a natural disaster. Metro has played an important role in assisting local emergency management agencies with disaster planning related to regional functions, such as disaster debris management and emergency transportation route designation.

This chapter includes the specific policies adopted to guide Metro in future planning for natural hazards. It addresses known regional natural hazards, and offers policy guidance for a comprehensive planning process that will help minimize the risks associated with such hazards to communities.

Fundamentals

Fundamental 2: Protect and restore the natural environment through actions such as protecting and restoring streams and wetlands, improving surface and ground water quality, and reducing air emissions.

Fundamental 8: Encourage a strong local economy by providing an orderly and efficient use of land, balancing economic growth around the region and supporting high quality education

Policies

5.1 Earthquake Hazard Mitigation Measures

It is the policy of the Metro Council to:

5.1.1 Utilize the relative earthquake hazard maps for a variety of regional planning purposes, including:

a. Urban Growth Boundary selection.

- b. Public facility plans.
 - c. Transportation planning.
 - d. Solid waste management plans.
 - e. Natural hazard mitigation programs.
 - f. Parks and greenspaces planning.
- 5.1.2 Encourage local governments to utilize the relative earthquake hazard maps in developed and undeveloped areas as they undertake planning actions, including:
- a. Comprehensive land use plans updates.
 - b. Redevelopment plans updates.
 - c. Subdivision reviews.
 - d. Zoning.
 - e. Infrastructure plans updates.
 - f. Siting of new public facilities.
 - g. Siting of new public and private utility facilities.
 - h. Public and private facility emergency plan updates.
 - i. Developing retrofit and other mitigation programs.
 - j. Emergency response planning.
- 5.1.3 Encourage local governments to set requirements for where site-specific seismic hazard evaluation is needed.

5.2 Flood Hazard Mitigation Measures

It is the policy of the Metro Council to:

- 5.2.1 Protect the function of floodplains to safely convey floodwaters in the region by:

- a. Collaborating with federal agencies and local governments to use the February 1996 flood elevation and other relevant data to update the existing 100-year floodplain map.
 - b. Requiring local governments to maintain or increase the flood storage and conveyance capacity of floodplains through such measures as balancing fill in the floodplain with an equal or greater amount of soil material removal.
- 5.2.2 Encourage local governments to implement approaches for mitigating flood hazards such as:
- a. Acquisition, relocation or flood proofing of vulnerable facilities.
 - b. Changing local development ordinances related to height requirement above base flood elevation.
 - c. Allowing cluster or planned unit development that keep buildings out of floodplains.
 - d. Overlay zoning that sets public health, safety or welfare requirements.
 - e. Subdivision development requirements for locating public utilities and facilities (such as sewer and water systems) to minimize flood damage.
 - f. Construction of levees and floodwalls to mitigate flood hazards, particularly in densely developed urban areas, but should only be utilized when potential upstream and downstream damage is expected to be minimal.
 - g. Plans to leverage federal, state and local disaster assistance and hazard mitigation funds that may become available following a flood event.
 - h. Long-term capital improvement plans should be prepared and include provisions to elevate above the floodplain essential buildings for public health, safety and welfare services.
 - i. Flood threat recognition and/or warning systems should be investigated for cost-effectiveness.
- 5.2.3 Encourage the avoidance of floodplain development and other non-structural flood mitigation measures instead of using levee and dike construction and other structural flood mitigation techniques.

5.3 Landslide Hazard Mitigation Measures

It is the policy of the Metro Council to:

5.3.1 Encourage local governments to adopt landslide mitigation measures including:

- a. Logging regulations on steep slopes.
- b. Landscape requirements.
- c. Drainage controls.
- d. Pre-development geotechnical studies.

5.3.2 Encourage local governments to limit development in the areas of greatest landslide hazard, except where development contributes to mitigation of the hazard. Such development should include appropriate safeguards and facilitate disaster response in the event it becomes necessary.

5.3.3 Encourage local governments to investigate and take part in Federal Emergency Management Agency “mudslide” and “mudflow” insurance programs through the National Flood Insurance Program.

5.4 Volcanic Hazard Mitigation Measures

It is the policy of the Metro Council to:

5.4.1 Collaborate with federal, state and local agencies to evaluate the regional risks of pyroclastic events, and encourage local governments to adopt appropriate hazard mitigation measures.

5.5 Wildland-Urban Interface Fire Mitigation Measures

It is the policy of the Metro Council to:

5.5.1 Collaborate with federal, state and local agencies to evaluate the regional risks of wildland-urban interface fires, and encourage state and local governments to adopt appropriate hazard mitigation measures which may include:

- a. Collecting data related to fuel load and mapping vulnerable areas.
- b. Identifying areas of steep slopes with limited year-around water availability.
- c. Regulating highly flammable material on structures, for example wooden roof shingles.

- d. Adequate roadway requirements to assure response by fire protection agencies.
- e. Adequate placement of fire suppression water hydrants.
- f. Landscaping regulation to improve fire resistance.

5.6 Severe Weather Hazard Mitigation Measures

It is the policy of the Metro Council to:

5.6.1 Collaborate with federal, state and local agencies to evaluate the regional risks of severe weather events, and encourage local governments and private organizations to adopt appropriate hazard mitigation measures which may include:

- a. Encouraging replanting with wind-resistant trees near power lines and other sensitive facilities.
- b. Incentives to retain larger stands of trees in newly developed areas, rather than preserve widely separated trees which are more vulnerable to wind fall.
- c. Incentives for drought-resistant landscaping.
- d. Improving public understanding of severe weather warnings and improving implementation of protective actions by governments, businesses and individuals.
- e. Encouraging vegetation management programs by utilities and local jurisdictions to reduce potential damages from the effects of severe weather events.

5.7 Biological Hazard Mitigation Measures

It is the policy of the Metro Council to:

5.7.1 Collaborate with federal, state and local agencies to evaluate the regional risks of biological hazards, and encourage local governments to adopt appropriate hazard mitigation measures which may include:

- a. Support for existing insect and vector control programs to reduce the population of mosquitoes, flies, rats, etc., for disease prevention.
- b. Regulatory structure to create or preserve habitat for appropriate urban wildlife, while discouraging inappropriate urban wildlife such as large predators.

5.8 Other Hazard Mitigation Measures

It is the policy of the Metro Council to:

- 5.8.1 Collaborate with federal, state and local agencies to evaluate the regional risks of other natural hazards, and encourage local governments to adopt appropriate hazard mitigation measures.

5.9 Natural Disaster Response Coordination

It is the policy of the Metro Council to:

- 5.9.1 Provide leadership and support to the Regional Emergency Management Group (REMG) and encourage local governments to participate in the existing intergovernmental agreement and to provide the resources required to develop a regional disaster response plan.
- 5.9.2 Collaborate with federal, state and local agencies, businesses and individuals to utilize the resources of Metro's Regional Land Information System and Natural Hazards Program data in developing a region-wide emergency management information system to improve disaster response coordination.

Chapter 6

Clark County, Washington

**REGIONAL FRAMEWORK PLAN
CHAPTER 6 CLARK COUNTY, WASHINGTON**

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Chapter 6 Clark County

Introduction

The Metro Charter, adopted by the voters within the Metro boundary, requires that the Regional Framework Plan address:

" . . . coordination, to the extent feasible, of Metro growth management and land use planning policies with those of Clark County, Washington . . ."

The Future Vision Commission recognized that decisions made in the Metro area could have a much wider impact. The Future Vision Commission concluded that:

"The bi-state metropolitan area has effects on, and is affected by, a much bigger region than the land inside Metro's boundaries. Our ecologic and economic region stretches from the Cascades to the Coastal Range, from Longview to Salem."

Established frameworks for planning coordination exist between Clark County jurisdictions and the Metro region. Representatives from the County and Vancouver, Washington are members of several Metro policy advisory committees including the Metro Policy Advisory Committee (MPAC) and the Joint Policy Advisory Committee on Transportation (JPACT) as well as two technical committees (Transportation Policy Alternatives Committee (TPAC) and Metro Technical Advisory Committee (MTAC). The Future Vision Commission, required by the Metro Charter to complete a broad vision statement about the region, also included the past Chair of the Clark County Commissioners. Metro and representatives of the City of Vancouver and Clark County serve on the Bi-State Coordination Committee, which makes recommendations to local governments in the larger region on land use, economic development, transportation and environmental justice. Representatives from Metro and ODOT are also full voting members on the Southwest Washington Regional Transportation Council (RTC) and Regional Transportation Advisory Committee (RTAC).

This chapter documents policies and coordination efforts addressing bi-state issues. Only after review and discussion with representatives from Clark County can new actions, if any, be considered.

Fundamentals:

Fundamental 1: Encourage a strong local economy by providing an orderly and efficient use of land, balancing economic growth around the region and supporting high quality education.

Fundamental 5: Maintain separation between the Metro UGB and neighboring cities by working actively with these cities and their respective counties.

Policies

6.1 Coordination with Clark County

It is the policy of the Metro Council to:

- 6.1.1 Communicate on a regular basis with Clark County and its cities to ensure coordination regarding growth management issues.
- 6.1.2 Work with Clark County governments and agencies to involve citizen groups and promote public outreach and education with respect to regional growth management.
- 6.1.3 Include Clark County and its cities parks departments and citizen groups in an ongoing parks forum to develop a regional bi-state natural areas system.
- 6.1.4 Continue and strengthen coordination and cooperation in regional transportation planning.
- 6.1.5 Encourage cooperative efforts to promote business location throughout the region, including Clark County, in order to improve the job/housing balance in the metropolitan area.
- 6.1.6 Include Clark County and its cities in all emergency preparedness planning and coordination strategies for the region.

Chapter 7 Management

REGIONAL FRAMEWORK PLAN
CHAPTER 5 NATURAL HAZARDS

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Chapter 7 Management

Introduction

Any plan put into effect is only a set of policies or actions based on what is known at the time. Actual conditions can and do change. Accordingly, any plan which is intended to be useful over a period of time must include ways of addressing new circumstances. To this end, this chapter includes policies and processes that will be used to keep the Regional Framework Plan (Plan) abreast of current conditions and a forward thinking document.

In addition, this Plan includes disparate subjects, ones that, while interconnected, at times suggest conflicting policy actions. This chapter describes the ways in which such conflicts can be resolved.

The policies included in Chapters 1-6 of this Plan are regional goals and objectives consistent with ORS 268.380(1). Many of these policies were originally adopted and acknowledged as the Regional Urban Growth Goals and Objectives and have been superseded by the policies of this Plan. The specific policies included in this Plan are neither a comprehensive plan under ORS 197.015(5), nor a functional plan under ORS 268.390(2).

Policies

7.1 Citizen Participation

It is the policy of the Metro Council to:

- 7.1.1 Develop and implement an ongoing program for citizen participation in all aspects of the regional planning effort.
- 7.1.2 Coordinate such a program with local programs to support citizen involvement in planning processes and avoid duplicating the local programs.
- 7.1.3 Establish a Metro Committee for Citizen Involvement to assist with the development, implementation and evaluation of its citizen involvement program and to advise the Metro Council regarding ways to best involve citizens in regional planning activities.
- 7.1.4 Develop programs for public notification, especially for, but not limited to, proposed legislative actions that ensure a high level of awareness of potential consequences as well as opportunities for involvement on the part of affected citizens, both inside and outside of Metro's boundaries.

7.2 Metro Policy Advisory Committee and Joint Policy Advisory Committee on Transportation

It is the policy of the Metro Council to:

- 7.2.1 Work with the Metro Policy Advisory Committee (MPAC), consistent with the Metro Charter.
- 7.2.2 Choose the composition of MPAC according to the Metro Charter and according to any changes approved by majorities of MPAC and the Metro Council.
- 7.2.3 Ensure that the composition of MPAC reflects the partnership that must exist among implementing jurisdictions in order to effectively address areas and activities of metropolitan concern and includes elected and appointed officials and citizens of Metro, cities, counties, school districts and states consistent with Section 27 of the Metro Charter.
- 7.2.4 Appoint technical advisory committees as the Metro Council or MPAC determines a need for such bodies, consistent with MPAC By-laws.
- 7.2.5 Perform, with the Joint Policy Advisory Committee on Transportation (JPACT), the functions of the designated Metropolitan Planning Organization as required by federal transportation planning regulations.
- 7.2.6 Develop a coordinated process for JPACT and MPAC, to assure that regional land use and transportation planning remains consistent with these goals and objectives and with each other.

7.3 Applicability of Regional Framework Plan Policies

It is the policy of the Metro Council to:

- 7.3.1 Ensure that all functional plans adopted by the Metro Council are consistent with the policies of this Plan.
- 7.3.2 Guide Metro's management of the UGB through standards and procedures that are consistent with policies in Chapters 1-6 of this Plan. These policies do not apply directly to site-specific land use actions, such as amendments of the UGB.
- 7.3.3 Apply the policies in Chapters 1-6 of this Plan to adopted and acknowledged comprehensive land use plans as follows:
 - a. Components of this Plan that are adopted as functional plans, or other functional plans, shall be consistent with these policies.
 - b. The management and periodic review of Metro's acknowledged UGB Plan, shall be consistent with these policies.
 - c. Metro may, after consultation with MPAC, identify and propose issues of regional concern, related to or derived from these policies, as recommendations but not requirements, for consideration by cities and

counties at the time of periodic review of their adopted and acknowledged comprehensive plans.

7.3.4 Apply the policies of this Plan to Metro land use, transportation and greenspace activities as follows:

- a. The UGB, other functional plans, and other land use activities shall be consistent with these policies.
- b. To the extent that a proposed action may be compatible with some policies and incompatible with others, consistency with this Plan may involve a balancing of applicable goals, sub-goals and objectives by the Metro Council that considers the relative impacts of a particular action on applicable policies.

7.3.5 Adopt a periodic update process of this Plan's policies.

7.3.6 Require MPAC to consider the regular updating of these policies and recommend based on the adopted periodic update process.

7.3.7 Seek acknowledgement of the Plan, consistent with ORS 197.015(16).

7.4 Urban Growth Boundary Management Plan

It is the policy of the Metro Council to:

7.4.1 Manage the UGB consistent with Metro Code 3.01 and the policies of this Plan and in compliance with applicable statewide planning goals and laws.

7.5 Functional Plans

It is the policy of the Metro Council to:

7.5.1 Develop functional plans that are limited purpose plans, consistent with this Plan, which addresses designated areas and activities of metropolitan concern.

7.5.2 Use functional plans as the identified vehicle for requiring changes in city and county comprehensive plans in order to achieve consistence and compliance with this Plan.

7.5.3 Adopt policies of this Plan as functional plans if the policies contain recommendations or requirements for changes in comprehensive plans and to submit the functional plans to LCDC for acknowledgment of their compliance with the statewide planning goals.

7.5.4 Continue to use existing or new functional plans to recommend or require changes in comprehensive plans until these Plan components are adopted.

7.5.5 Continue to develop, amend and implement, with the assistance of cities, counties, special districts and the state, state-required functional plans for air,

water and transportation, as directed by ORS 268.390(1) and for land use planning aspects of solid waste management, as mandated by ORS Ch. 459.

- 7.5.6 Propose new functional plans from one of two sources:
 - a. MPAC may recommend that the Metro Council designate an area or activity of metropolitan concern for which a functional plan should be prepared.
 - b. The Metro Council may propose the preparation of a functional plan to designate an area or activity of metropolitan concern and refer that proposal to MPAC.
- 7.5.7 Use the matters required by the Charter to be addressed in this Plan to constitute sufficient factual reasons for the development of a functional plan under ORS 268.390 and make the adoption of a functional plan subject to the procedures specified above.
- 7.5.8 Ensure the participation of MPAC in the preparation of the functional plan, consistent with the policies of this Plan and the reasons cited by the Metro Council.
- 7.5.9 Require that MPAC review the functional plan and make a recommendation to the Metro Council after preparation of the Plan and broad public and local government consensus, using existing citizen involvement processes established by cities, counties and Metro.
- 7.5.10 Resolve conflicts or problems impeding the development of a new functional plan and complete the functional plan if MPAC is unable to complete its review in a timely manner.
- 7.5.11 Hold a public hearing on the proposed functional plan and afterwards either:
 - a. Adopt the proposed functional plan.
 - b. Refer the proposed functional plan to MPAC in order to consider amendments to the proposed plan prior to adoption.
 - c. Amend and adopt the proposed functional plan.
 - d. Reject the proposed functional plan.
- 7.5.12 Adopt functional plans by ordinance and include findings of consistency with this Plans policies.
- 7.5.13 Ensure that adopted functional plans are regionally coordinated policies, facilities and/or approaches to addressing a designated area or activity of metropolitan concern, to be considered by cities and counties for incorporation in their comprehensive land use plans.

- 7.5.14 Review any apparent inconsistencies if a city or county determines that a functional plan requirement should not or cannot be incorporated into its comprehensive plan, by the following process:
- a. Metro and affected local governments notify each other of apparent or potential comprehensive plan inconsistencies.
 - b. After Metro staff review, MPAC consult the affected jurisdictions and attempt to resolve any apparent or potential inconsistencies.
 - c. MPAC may conduct a public hearing and make a report to the Metro Council regarding instances and reasons why a city or county has not adopted changes consistent with requirements in a regional functional plan.
 - d. The Metro Council review the MPAC report and hold a public hearing on any unresolved issues. The Council may decide either to:
 - i. Amend the adopted regional functional plan.
 - ii. Initiate proceedings to require a comprehensive plan change.
 - iii. Find there is no inconsistency between the comprehensive plan(s) and the functional plan.
 - iv. Grant an exception to the functional plan requirement.

7.6 Periodic Review of Comprehensive Land Use Plans

It is the policy of the Metro Council to:

- 7.6.1 Require MPAC, at the time of LCDC-initiated periodic review of comprehensive plans of cities and counties in the region, to assist Metro with the identification of the Plan elements, functional plan provisions or changes in functional plans adopted since the last periodic review as changes in law to be included in periodic review notices.
- 7.6.2 Encourage MPAC, at the time of LCDC-initiated periodic review of comprehensive plans in the region, to provide comments during the review on issues of regional concern.

7.7 Implementation Roles

It is the policy of the Metro Council to:

- 7.7.1 Recognize the inter-relationships between cities, counties, special districts, Metro, regional agencies and the State, and their unique capabilities and roles in regional planning and the implementation of this Plan.

7.7.2 Recognize the role of the cities to:

- a. Adopt and amend comprehensive plans to conform to functional plans adopted by Metro.
- b. Identify potential areas and activities of metropolitan concern through a broad-based local discussion.
- c. Cooperatively develop strategies for responding to designated areas and activities of metropolitan concern.
- d. Participate in the review and refinement of these goals and objectives.

7.7.3 Recognize the role of counties to:

- a. Adopt and amend comprehensive plans to conform to functional plans adopted by Metro.
- b. Identify potential areas and activities of metropolitan concern through a broad-based local discussion.
- c. Cooperatively develop strategies for responding to designated areas and activities of metropolitan concern.
- d. Participate in the review and refinement of these goals and objectives.

7.7.4 Recognize the role of Special Service Districts to:

- a. Assist Metro, through a broad-based local discussion, with the identification of areas and activities of metropolitan concern and the development of strategies to address them, and participate in the review and refinement of these goals and objectives. Special Service Districts will conduct their operations in conformance with acknowledged comprehensive plans affecting their service territories

7.7.5 Recognize the role of School Districts to:

- a. Advise Metro regarding the identification of areas and activities of school district concern.
- b. Cooperatively develop strategies for responding to designated areas and activities of school district concern.
- c. Participate in the review and refinement of these goals and objectives.

7.7.6 Recognize the role of the State of Oregon to:

- a. Advise Metro regarding the identification of areas and activities of metropolitan concern.

- b. Cooperatively develop strategies for responding to designated areas and activities of metropolitan concern.
- c. Review state plans, regulations, activities and related funding to consider changes in order to enhance implementation of the Plan and functional plans, and employ state agencies and programs to promote and implement these goals and objectives and the Regional Framework Plan.
- d. Participate in the review and refinement of these goals and objectives.

7.7.7 Recognize the role of Metro to:

- a. Identify and designate areas and activities of metropolitan concern.
- b. Provide staff and technical resources to support the activities of MPAC within the constraints established by Metro Council.
- c. Serve as a technical resource for cities, counties, school districts and other jurisdictions and agencies.
- d. Facilitate a broad-based regional discussion to identify appropriate strategies for responding to those issues of metropolitan concern.
- e. Adopt functional plans necessary and appropriate for the implementation of the Regional Framework Plan.
- f. Coordinate the efforts of cities, counties, special districts and the state to implement adopted strategies.
- g. Amend the Future Vision for the region, consistent with Objective 9. (See Ordinance No. 95-604A "For the Purpose of Adopting a Future Vision for the Region," adopted June 15, 1995.)

7.8 Performance Measures

It is the policy of the Metro Council to:

- 7.8.1 Develop performance measures designed for considering the policies of this Plan in consultation with MPAC and the public.
- 7.8.2 Use state benchmarks for performance measures to the extent possible or develop, in consultation with MPAC and the Metro Committee for Citizen Involvement, new performance measures.
- 7.8.3 Measure performance for Chapters 2-6 of this Plan by using several different geographies, including by region, jurisdiction, 2040 design type and market area.

7.8.4 Include the following performance measures for Chapters 2-6 of this Plan:

- a. Vacant land conversion;
- b. Housing development, density, rate and price;
- c. Job creation;
- d. Infill and redevelopment;
- e. Environmentally sensitive lands;
- f. Price of land;
- g. Residential vacancy rates;
- h. Access to open space;
- i. Transportation measures.

7.8.5 Direct these measures to be completed every two years.

7.8.6 Take corrective actions if anticipated progress is found to be lacking or if Metro goals or policies need adjustment in order to allow adjustments soon after any problem arises and so that relatively stable conditions can be maintained.

7.9 Monitoring and Updating

It is the policy of the Metro Council to:

7.9.1 Review this Plan and all functional plans every seven years, or at other times as determined by the Metro Council after consultation with or upon the advice of MPAC.

7.9.2 Involve a broad cross-section of citizen and jurisdictional interests, and MPAC consistent with Policy 7.1 Citizen Participation, of this Plan in any review and amendment process.

7.9.3 Provide for broad public and local government review of proposed amendments prior to final Metro Council action.

7.9.4 Determine whether amendments to adopted this Plan, functional plans or the acknowledged regional UGB are necessary. If amendments prove to be necessary, the Metro Council will:

- a. Act on amendments to applicable functional plans.
- b. Request recommendations from MPAC before taking action.
- c. Include date and method through which proposed amendments will become effective if adopted.

- d. Consider amendments to the UGB under UGB amendment procedures in the Metro Code.
- 7.9.5 Inform, in writing, any affected cities and counties of any amendment to this Plan or a functional plan, including amendments that are advisory in nature, that recommend changes in comprehensive land use plans, and that require changes in plans, and the effective date of amendments.

7.10 Environmental Education

It is the policy of the Metro Council to:

- 7.10.1 Provide education to the community on the principles and foundation of this Plan in order to maintain it as a living document and to ensure that the citizens of the region understand the decision making mechanisms, the principles that guide sound planning and the effect of decisions and changes on the livability of the community.
- 7.10.2 Provide an unbiased source of environmental education that does not advocate for one viewpoint, that invites and involves diverse viewpoints and that gives everyone opportunities to participate in all aspects of the learning process.
- 7.10.3 Ensure that education for this Plan is enriched by and relevant to all points of view.
- 7.10.4 Develop and implement an ongoing partnership with cultural, environmental and educational organizations to keep abreast of current conditions and maintain this Plan as a forward-looking document.
- 7.10.5 Coordinate with local programs for supporting education that involves citizens in the analysis of critical environmental issues related to regional growth and environmental quality in order to help citizens gain awareness, knowledge and skills to make connections between the issues of regional growth and the creation of livable communities.
- 7.10.6 Provide citizens with the information needed and the opportunity to:
 - a. Analyze critical environmental issues related to regional growth.
 - b. Understand the effects of their choices on the urban and natural systems used to manage growth, natural areas and transportation, process waste and provide water and energy.
 - c. Engage in decisions which affect the livability of their communities.
 - d. Take actions which reflect the region's plan.
 - e. Cooperatively develop strategies with citizens to provide regional environmental education.

- f. Identify cultural, environmental and educational organizations which currently provide education about issues related to livable communities.
 - g. Identify sites and facilities that currently and potentially provide education about issues related to livable communities.
 - h. Function as a clearinghouse for educational organizations and facilitate educational partnerships in the community.
- 7.10.7 Enable individuals and communities to challenge and discuss the rural and urban systems and policies responsible for creating livable communities in order to achieve the policies of this Plan.

Chapter 8 Implementation

REGIONAL FRAMEWORK PLAN
CHAPTER 8 IMPLEMENTATION

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Chapter 8 Implementation

Introduction

Chapter 8 explains how the Regional Framework Plan and all of its components help achieve the Future Vision and the 2040 Growth Concept. The chapter also sets forth how the policies in the Regional Framework Plan are to be implemented.

Metro is an unusual unit of local government. Its form and functions have changed over the years since its predecessor - the Metropolitan Service District - was established by voters in 1970. Metro's current functions and authorities are set forth in three different laws: the Oregon Constitution; Oregon Revised Statutes chapter 268; and a voter-adopted charter. As a result, Metro did not adopt all the various parts of the Regional Framework Plan at the same time. In fact, Metro adopted some components of the Plan even before the Plan was adopted. So, it is important to describe the various components of the Regional Framework Plan and how they relate to one another.

Metro's voter-approved 1992 Charter directed it to adopt a "Future Vision" that would look ahead 50 years and describe how the region could accommodate expected growth and achieve a desired quality of life. Metro adopted its Future Vision in 1995. A copy of the Vision may be found in Appendix C.

Almost simultaneously with the Future Vision, Metro adopted the 2040 Growth Concept, a 50-year plan for the future of the region that will help achieve the Future Vision. The Growth Concept is described at the beginning of this Plan, and is depicted on a map to help people of the region visualize the Concept (available at www.metro-region.org).

The Future Vision and the 2040 Growth Concept comprise a bold vision for the future of the region. Without more, however, the vision may have remained on a shelf, soon to be forgotten. Not wanting that to happen, the people of the region directed Metro, in the 1992 Charter, to adopt a Regional Framework Plan to make the Future Vision and the 2040 Growth Concept a reality. The Metro Council adopted the Regional Framework Plan in 1997. The Plan sets forth the policies that guide the decisions by the Metro Council toward realization of the Growth Concept.

It takes much more than policies alone to achieve the 2040 Growth Concept. It takes concerted effort by cities and counties, other public entities, businesses, private organizations and the people of the region. So the Regional Framework Plan contains a number components that call for action to carry out the policies of the Plan. One component - the Parks and Greenspaces Master Plan - calls for action by Metro itself to provide regional parks and open space (see Chapter 3 of this Plan). Another component - the Regional Transportation Plan - sets forth a long-range plan for transportation in the region and calls for local, regional, state and federal investments to make the necessary improvements (see Chapter 2 of this Plan). Two other components - the Open Spaces Bond Measure of 1995 and the biennial Metropolitan Transportation Improvement Program - make the investments that help "build" the outstanding systems of regional parks, greenspaces and transportation facilities the region enjoys.

One kind of component of the Regional Framework Plan is called a “functional plan.” These plans, described in Metro’s statute (ORS chapter 268), address particular matters of significance in the region that require action by cities and counties of the region in order to implement the policies of the Regional Framework Plan. The Metro Council has adopted three functional plans.

The Urban Growth Boundary is the most well-known functional plan. The boundary separates the urban part of the region from the rural part. The boundary, the 2040 Growth Concept Map which depicts the boundary, and a set of criteria that govern how the boundary is changed (Metro Code chapter 301) comprise the Urban Growth Boundary Functional Plan. A copy of the urban growth boundary criteria may be found in Appendix B.

The Urban Growth Management Functional Plan implements those policies in the Framework Plan that address the use of land inside the urban growth boundary. It prescribes how cities and counties of the region accommodate housing and employment of the future and provides basic standards for protection of natural resources, for example. The 2040 Growth Concept Map, which designates all land inside the urban growth boundary for general kinds of uses (mixed-use Centers and Light Rail Station Communities, residential areas and employment areas), is part of the Urban Growth Management Functional Plan. A copy of the Urban Growth Management Functional Plan may be found in Appendix A.

The Regional Transportation Functional Plan is the part of the Regional Transportation Plan that is carried out by cities and counties of the region. The functional plan establishes criteria and standards for streets, roads and other transportation facilities and calls upon cities and counties to provide for all modes of transportation: auto, pedestrian, bicycle and transit.

The diagram on page 7 shows how these various components of the Regional Framework Plan fit together. A chart at the end of this chapter shows which functional plan provisions implement specific policies of the Regional Framework Plan.

8.1 Implementation

It is the policy of the Metro Council to:

- 8.1.1 Enforce implementation procedures for those provisions of this Plan that are identified as functional plans as follows:
 - a. The effective date section of the ordinance adopting this Plan requires city and county comprehensive plans and land use regulations to comply with this Plan within two years after adoption and compliance acknowledgment of this Plan by the Land Conservation and Development Commission.
 - b. The Metro Council shall adopt provisions to adjudicate and determine the consistency of local plans with other functional plans as necessary.
 - c. The effective date section of the ordinance adopting this Plan requires each city and county within the jurisdiction of Metro to begin making its

land use decisions consistent with this Plan one year after compliance acknowledgment of this Plan by the Land Conservation and Development Commission until its comprehensive plan has been determined to be consistent with this Plan.

8.2 Regional Funding and Fiscal Policy

It is the Policy of the Metro Council to:

- 8.2.1 Adopt a Regional Funding and Fiscal section to be included in Chapter 8 (Implementation) of this Plan with the consultation and advice of the Metro Policy Advisory Committee (MPAC). In formulating and adopting the Regional Funding and Fiscal Policies, the following should be considered:
- a. General regional funding and fiscal policies which support implementation of this Plan and related functional plans including but not limited to a policy requiring Metro, in approving or commenting on the expenditure of regional, state, and federal monies in the metropolitan area, to give priority to programs, projects, and expenditures that support implementation of this Plan and related functional plans unless there are compelling reasons to do otherwise.
 - b. Development of a regional systems capital investment plan for the regional systems needed to implement this Plan and related functional plans.
 - c. Regular periodic reports comparing the overall rates of property taxes, and business and development fees and charges assessed in each city and county in the region, the extent of fiscal disparities in the region, and the likely effects of these factors on implementation of this Plan and related functional plans.
 - d. Review of pricing of infrastructure and its likely effect on implementation of this Plan and related functional plans.
 - e. Regular periodic reports identifying state and federal funding and fiscal statutes, regulations, policies, programs, and decisions that significantly support or significantly undermine implementation of this Plan and related functional plans.
 - f. Other policies, plans, and actions relating to funding and fiscal factors which the Metro Council, with the consultation and advice of the MPAC, determines are of metropolitan concern and will support implementation of this Plan and related functional plans.

8.3 Schools

It is the policy of the Metro Council to:

- 8.3.1 Create a standing Advisory Committee on School Facility Planning Coordination to advise Metro on implementation of this Plan's School Facilities policies in

order to prepare and implement an action plan for establishing Local School Facilities Site Planning Committees for school districts in the region serving 5,000 or more students made up of local school board, local government and local business representatives to advise their local governments on whether local comprehensive plans provide for adequate school facilities.

- 8.3.2 Provide to local governments a forecast of population by subarea to be used by local governments and school districts as a basis for their facilities planning.
- 8.3.3 Encourage park providers and school districts, in preparing capital improvement plans and land acquisitions, to the maximum extent feasible, to coordinate their site selections and facility plans with one another and to encourage that, wherever feasible, contiguous park/school sites be obtained by means of shared purchase or options, land exchange or other means.
- 8.3.4 Establish a region-wide acquisition fund using a variety of sources in order to assure that school sites exist within our communities that encourage walking or biking for elementary and middle school students and connect to public transit whenever possible for high school and middle school students to be distributed to actual need and utilize specific criteria.
- 8.3.5 Base any allocation of funds to sites which reflect regional and local policies for urban design and school sites that meet more of the following desired criteria may receive greater funding:
 - a. Require less land area than standard practice due to multi-story construction, mixed uses in building and shared use of playing fields with local park providers.
 - b. Located sufficiently close to concentrations of population in the school's attendance area so as to minimize the need for school bus transportation or private auto transportation.
 - c. Well connected by the local street system and by established or planned pedestrian and bicycle ways.
 - d. High school sites that are well served by established or planned transit routes (need to include a Tri-Met coordination requirement).
 - e. Multi-school district collaborative projects.
- 8.3.6 Include discussions with the local school district to ensure that sufficient schools are provided for the children generated by large-scale development or redevelopment in local jurisdictions.
- 8.3.7 Encourage local jurisdictions to prioritize development applications and streamline processes for public agencies, including schools, to ensure that public needs are met without jeopardizing opportunities for citizen input or oversight for health and safety or environmental protection.

- 8.3.8 Encourage local jurisdictions to partner (including funding) with school districts to jointly use school sites for the public good (such as combined libraries, parks, connections with local services such as police, neighborhood centers, senior centers, etc.)
- 8.3.9 Require to prioritize their transportation spending to ensure bicycle and pedestrian connections are provided and the local road and land use plans encourage Tri-Met service in order to help ensure transportation connections with public buildings, local governments
- 8.3.10 Recognize efforts described in 8.4.9 as it allocates federal transportation dollars.
- 8.3.11 Require local jurisdictions to engage local school districts and inform them of any density increases which may affect school populations as a part of compliance with the Urban Growth Management Functional Planning effort.
- 8.3.12 Require local governments and school districts to review codes related to the construction of schools.
- 8.3.13 Establish performance measures, after consultation with the school districts, related to the school policies of this Plan to help determine whether state goals are met. Measures may include:
 - a. Number of elementary and middle school children who walk or bike to school.
 - b. Number of high school students who take public transit.
 - c. Amount of land used for new schools.

8.4 Administration

It is the policy of the Metro Council to:

- 8.4.1 Adopt implementing ordinances to administer this Plan as follows:
 - a. Establish a procedure for each city and county to make land use decisions which apply this Plan beginning one year after this Plan is acknowledged.
 - b. Establish a process to assure that local plans and regulations comply with this Plan within two years of acknowledgment by LCDC.

8.5 Enforcement

It is the policy of the Metro Council to:

- 8.5.1 Adopt implementing ordinances to enforce this Plan as follows:
 - a. Establish a process for Metro to adjudicate and determine consistency of local comprehensive plans and implementing ordinances with this Plan.

- b. Establish a process for Metro to determine whether changes in local land use standards and procedures are necessary to remedy patterns and practices of decision-making inconsistent with this Plan.

Diagram of Various Components of the Regional Framework Plan
[Placeholder]

Implementation Method for the Regional Framework Plan

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Land Use	
1.1 Urban Form	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan (UGMFP) Titles 1, 2, 6 and 11 • MTIP program • TOD program
1.2 Built Environment	<ul style="list-style-type: none"> • Metro Code 3.07, UGMFP • Titles 1 through 7, 11, and 12 • Regional Transportation Plan
1.3 Housing and Affordable Housing	<ul style="list-style-type: none"> • Metro Code 3.01, Urban Growth Boundary and Urban Reserve Procedures • Metro Code 3.07, UGMFP Titles 1, 7 and 11
1.4 Economic Opportunity	<ul style="list-style-type: none"> • Metro Code 3.07, UGMFP • Titles 1 and 4
1.5 Economic Vitality	Title 1 of the UGMFP Metro Code 3.07
1.6 Growth Management	<ul style="list-style-type: none"> • Metro Code 3.01 UGB Amendment Procedures • 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria • Metro Code 3.06 Policy & Purpose: Designating Functional Planning Areas • Metro Code 3.07, Urban Growth Management Functional Plan: Titles 1 to 7, 11 and 12
1.7 Urban/Rural Transition	<ul style="list-style-type: none"> • Metro Code Chapter 3.01, UGB Amendment Procedures • 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria • Metro Code 3.06 Policy & Purpose: Designating Functional Planning Areas • Metro Code 3.07, Urban Growth Management Functional Plan • Title 5

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Land Use	
1.8 Developed Urban Land	<ul style="list-style-type: none"> • Metro Code 3.01, UGB Amendment Procedures • 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria • Metro Code 3.06, Policy & Purpose: Designating Functional Planning Areas • Metro Code 3.07, Urban Growth Management Functional Plan • Titles 1 to 7
1.9 Urban Growth Boundary	<ul style="list-style-type: none"> • Metro Code 3.01, UGB Amendment Procedures • 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria
1.10 Urban Design	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan • Title 1
1.11 Neighbor Cities	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan • Title 5 • Signed Intergovernmental Agreements
1.12 Protection of Agriculture	<ul style="list-style-type: none"> • Metro Code Chapter 3.01 UGB Amendment Procedures • 3.01.005 • 3.01.020 Legislative Amendment Criteria
1.13 Participation of Citizens	<ul style="list-style-type: none"> • Resolution No. 97-2433 • Metro Code 2.12 Office of Citizen Involvement
1.14 School and Local Government Plan and Policy Coordination	<ul style="list-style-type: none"> • Metro Code 3.01.005.c(4), 3.01.030.a, UGB Amendment Procedures • Metro Code 3.07, Urban Growth Management Functional Plan, Title 11
1.15 Centers	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan • Title 6
1.16 Residential Neighborhoods	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan • Title 12

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Transportation	
2.1 Public Involvement	<ul style="list-style-type: none"> • Transportation Planning Public Involvement Policy • Metro Code 2.12.010, Office of Citizen Involvement: Creation and Purpose Regional Transportation Plan Policy 1.0
2.2 Intergovernmental Coordination	<ul style="list-style-type: none"> • Regional Transportation Plan Policy 2.0 • Metro Code, 3.07, Title 5
2.3 Urban Form	Regional Transportation Plan Policy 3.0
2.4 Consistency between Land Use and Transportation Planning	Regional Transportation Plan Policy 4.0
2.5 Barrier-Free Transportation	Regional Transportation Plan Policy 5.0
2.6 Interim Job Access and Reverse Commute Policy	Regional Transportation Plan Policy 5.1
2.7 Transportation Safety and Education	Regional Transportation Plan Policy 6.0
2.8 Natural Environment	Regional Transportation Plan Policy 7.0
2.9 Water Quality	<ul style="list-style-type: none"> • Regional Transportation Plan Policy 8.0 • Metro Code, 3.07, Title 3
2.10 Clean Air	Regional Transportation Plan Policy 9.0
2.11 Energy Efficiency	Regional Transportation Plan Policy 10.0
2.12 Regional Street Design	Regional Transportation Plan Policy 11.0
2.13 Local Street Design	Regional Transportation Plan Policy 12.0
2.14 Regional Motor Vehicle System	Regional Transportation Plan Policy 13.0
2.15 Regional Public Transportation System	Regional Transportation Plan Policy 14.05
2.16 Public Transportation Awareness and Education	Regional Transportation Plan Policy 14.2
2.17 Public Transportation Safety and Environmental Impacts	Regional Transportation Plan Policy 14.2
2.18 Regional Public Transportation Performance	Regional Transportation Plan Policy 14.3

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Transportation	
2.19 Special Needs Public Transportation	Regional Transportation Plan Policies 14.4, 14.5 and 14.6
2.20 Regional Freight System	Regional Transportation Plan Policy 15.0
2.21 Regional Freight System Investments	Regional Transportation Plan Policy 15.1
2.22 Regional Bicycle System Connectivity	Regional Transportation Plan Policy 16.0
2.23 Regional Bicycle System Mode Share and Accessibility	Regional Transportation Plan Policy 16.1
2.24 Regional Pedestrian System	Regional Transportation Plan Policy 17.0
2.25 Regional Pedestrian Mode Share	Regional Transportation Plan Policy 17.1
2.26 Regional Pedestrian Mode Share	Regional Transportation Plan Policy 17.2
2.27 Transportation System Management	Regional Transportation Plan Policy 18.0
2.28 Regional Transportation Demand Management	Regional Transportation Plan Policy 19.0
2.29 Regional Parking Management	<ul style="list-style-type: none"> • Regional Transportation Plan Policy 19.1 • Metro Code, 3.07, Title 2 Regional Parking Policy
2.30 Peak Period Parking	Regional Transportation Plan Policy 19.2
2.31 Transportation Funding	Regional Transportation Plan Policy 20.0
2.32 2040 Growth Concept Implementation	Regional Transportation Plan Policy 20.1
2.33 Transportation System Maintenance and Preservation	Regional Transportation Plan Policy 20.2
2.34 Transportation Safety	Regional Transportation Plan Policy 20.3

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Parks and Open Spaces	
3.1 Inventory of Park Facilities and Identification and Inventory of Regionally Significant Parks, Natural Areas, Open Spaces, Trails and Greenways	<ul style="list-style-type: none"> • Parks Inventory completed, 1998, 2004 • Natural Areas Inventory conducted, 1997
3.2 Protection of Regionally Significant Parks, Natural Areas, Open Spaces, Trails and Greenways	Resolution 02-3253, Regional Greenspaces System Concept Map
3.3 Management of the Publicly Owned Portion of the Regional System of Parks, Natural Areas, Open Spaces, Trails and Greenways	
3.4 Protection, Establishment and Management of a Regional Trails System	Resolution 02-3192, Regional Trails Plan
3.5 Provision of Community and Neighborhood Parks, Open Spaces, Natural Areas, Trails and Recreation Programs	MPAC Report to Council, April 2001
3.6 Participation of Citizens in Environmental Education, Planning, Stewardship Activities and Recreational Services	Parks and Greenspaces Annual Volunteer Program Report to Council, 2001, 2002, 2003 and 2004

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Water Management	
4.1 Water Supply	<ul style="list-style-type: none"> • Metro Code, 3.07, Urban Growth Management Functional Plan, Title 3 Water Quality, Flood Management and Fish and Wildlife Conservation • Regional Water Supply Plan: Chapter XII Recommended Final Plan Concept and Implementation Actions
4.2 Overall Watershed Management	Regional Water Supply Plan: Chapter XII Recommended Final Plan Concept and Implementation Actions
4.3 Water Quality	<ul style="list-style-type: none"> • Regional Water Supply Plan: Chapter XII Table XII • Title 3 Water Quality, Flood Management and Fish and Wildlife Habitat
4.4 Stormwater Management	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan, • Title 3 Water Quality, Flood Management and Fish and Wildlife Conservation Regional Water Supply Plan: Chapter XII
4.5 Urban Planning and Natural Systems	Regional Water Supply Plan: Chapter XII
4.6 Fish and Wildlife Habitat Conservation	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan • Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation

Regional Framework Policy	Implementation Recommendation (s) or Requirements
Natural Hazards	
5.1 Earthquake Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.2 Flood Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.3 Landslide Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.4 Volcanic Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.5 Wildland-Urban Interface Fire Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.6 Severe Weather Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.7 Biological Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.8 Other Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.9 Natural Disaster Response Coordination	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Clark County	
6.1 Coordination with Clark County	<ul style="list-style-type: none"> Resolution No. 03-3388, Endorsing a Bi-State Coordination Committee to discuss and make recommendations about Land Use, Economic Development, Transportation and Environmental Justice Issues of Bi-state Significance; Bi-State Coordination Committee Charter and Bylaws Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Management	
7.1 Citizen Participation	<ul style="list-style-type: none"> • Metro Code section 2.12.010 • (Office of Citizen Involvement)
7.2 Metro Policy Advisory Committee and Joint Policy Advisory Committee on Transportation	Metro Charter Section 27, MPAC by-laws
7.3 Applicability of Regional Framework Plan Policies	Metro Charter, Chapter II, Section 5(2), ORS 268.380(1)
7.4 Urban Growth Boundary Management Plan	Metro Code 3.01.005 <i>et seq.</i> , UGB and Urban Reserve Procedures
7.5 Functional Plans	<ul style="list-style-type: none"> • Metro Code 3.06.010 <i>et seq.</i> • Planning Procedure for Designating Functional Planning Areas and Activities • ORS 268.390
7.6 Periodic Review of Comprehensive Land Use Plans	Metro Code 3.01.005 <i>et seq.</i> , UGB and Urban Reserve Procedures
7.7 Implementation Roles	<ul style="list-style-type: none"> • ORS 268.380 • Metro Charter, Chapter II
7.8 Performance Measures	Title 9 of the UGMFP, Metro Code 3.07.910 <i>et seq.</i>
7.9 Monitoring and Updating	
7.10 Environmental Education	

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Implementation	
8.1 Implementation	<ul style="list-style-type: none"> • Metro Charter, Chapter II, Section 5(2)(e) • Metro Code 3.01,UGB and Urban Reserve Procedures and 3.07, UGMFP
8.2 Regional Funding and Fiscal Policy	
8.3 Schools	
8.4 Administration	Title 8 of the UGMFP, Metro Code 3.07.810 <i>et seq.</i>
8.5 Enforcement	Title 8 of the UGMFP, Metro Code 3.07.810 <i>et seq.</i>

M E M O R A N D U M

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METRO

Date: July 6, 2005
To: MPAC
From: Andy Cotugno, Planning Department Director

RE: Revised Title 13 Model Ordinance for Nature in Neighborhoods

When the Council adopted amendments to Ordinance 05-1077 on May 12th, they also directed staff to form a subcommittee of MTAC and WRPAC to review the Title 13 Model Ordinance (Exhibit E of Ordinance 05-1077A) for technical changes to ensure the ordinance would be workable for local jurisdictions. The subcommittee has met weekly since late May and has now completed their review, meeting the July 1st deadline. Key issues addressed by the subcommittee are included in the table on the following page. MTAC discussed the revised Model Ordinance on July 6th, and unanimously voted to recommend that MPAC approve the revisions on July 13th. If the revised Model Ordinance is recommended, there will be some accompanying technical amendments to be made to Title 13 of the Functional Plan. Council is scheduled to consider the revised Model Ordinance on July 14.

MTAC identified the following issues to be forward to MPAC for their consideration:

- ***Fee-in-lieu of mitigation.*** One policy issue arose from the discussion of mitigation, which was the concept of a fee-in-lieu of mitigation planting program. Such an approach would provide more flexibility for developers, especially on industrial sites where land is at a premium. The subcommittee discussed the concept, but it was clearly a policy issue and it appeared unlikely that the group would reach consensus that a fee-in-lieu approach would adequately compensate for lost ecological functions.
- ***Staffing and technical assistance.*** MTAC expressed concern regarding the ability of many cities and counties to maintain staffing levels sufficient to adequately implement aspects of the Title 13 Model Ordinance, particularly the requirement to monitor mitigation plantings for a five-year period. The importance of technical assistance from Metro, especially for smaller cities, to aid in compliance with the Title 13 Functional Plan requirements was also emphasized.
- ***Different implementation concerns than Title 3.*** Many cities and counties implemented the water quality and flood management standards of Title 3 through their surface water management agencies, taking advantage of the funding they have available and not using land use authority to implement the code. Title 13 will most likely be included in a city or county's land use code and not as easily funded through stormwater fees.

The revised version of the Title 13 Model Ordinance is attached as well as a summary of the ordinance that describes the most important elements of each section.

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Title 13 Model Ordinance Key Issues

Issue	Ord. 05-1077A	MTAC Subcommittee recommended change
<i>Applicability:</i> An applicant would have to read several sections of the Model Ordinance to determine if it applied to a specific circumstance.	Applicability is found in several sections of the Model Ordinance (Sections 2, 3, 4...)	A new section 2 provides applicants with an easy reference guide to which sections of the ordinance apply to their proposed development. Section 3 defines all the exempt uses and conditioned activities.
<i>Planting standards:</i> Several parties expressed concern that the planting standards in the clear and objective approach were too high, others were concerned that no requirements were included that defined how vegetation would be planted to ensure survival.	Planting standards for mitigation in Section 6: Development Standards were based on Metro's experience with restoration plantings, and would require 8 trees and 36 shrubs per 500 sq. ft. disturbed; did not include requirements to ensure plant survival or monitoring.	Planting standards for mitigation in Section 6 are enhanced to achieve the goal of forested conditions in riparian corridors. The standards would require 5 trees and 25 shrubs per 500 sq. ft., based on CWS and Pleasant Valley Code. Requirements for site preparation, plant care, 80% survival after 5 years, and monitoring are included.
<i>Process and notification:</i> Concerns were raised that the model ordinance should not define process and notice requirements that are required by state law.	Process and notification requirements for different types of decisions are included.	Most references to process and notification are removed, or else reference is to appropriate state or local requirements. Notification to Metro of certain activities is included in the Model Ordinance. Notification to Watershed Councils is included for more complex map verifications.
<i>MCDD and WHMA Conditioned Activities:</i> Inclusion of these activities in the Discretionary Review section of the Model Ordinance.	Special conditions for activities by Multnomah County Drainage District (MCDD) to manage the altered floodplain and by the Port of Portland to maintain aircraft safety on Port owned properties covered by a Wildlife Hazard Management Area plan were placed in the Discretionary Review section of the Model Ordinance.	These conditioned activities are included in Section 3: Exempt Uses and Conditioned Activities, specific reference is made as to which portions of the ordinance apply.
<i>Land divisions:</i> Concern raised that land partitions could be made that would result in the loss of additional habitat.	No mention of partitions. Subdivisions are required to set aside a portion of the HCA in an unbuildable tract in Section 6.	Preserve treatment of subdivisions, requirements that partitions are created in a way that minimizes disturbance to the HCA.
<i>Discretionary review:</i> Concern was expressed that a full alternatives analysis would be too onerous for some of the less complex proposals that would have to use discretionary review, such as off-site mitigation.	One process included in the Discretionary Review section that required an applicant to include an impact and alternatives analysis for any project that did not meet the standards in Section 6.	Includes streamlined processes in discretionary review section for: partitions that cannot meet the standards in Section 6; off-site mitigation; and varying the size and number of plants for mitigation.
<i>Utilities:</i> Concerns have been raised that new utilities need a clear and objective standard and that the ordinance should not conflict with the requirements of permits complying with the federal Clean Water Act and/or the federal Safe Drinking Water Act.	Section 6 (clear and objective standards) did not include a standard for new underground utility lines. In Section 7, habitat-friendly development practices are included as part of the minimize requirement.	Added a development standard (in Section 6) for new underground utilities that are 25 feet wide or less, provided that the disturbance is completely restored. In Section 7, included reference that habitat-friendly development practices shall be used to minimize unless prohibited by a permit needed to comply with the federal CWA or SDWA.
<i>Map administration:</i> Concern that the process described would be complicated to administer and expensive for the applicant.	Three approaches to map verification, basic, intermediate, and detailed. Substantial notice requirements throughout. Applicant using detailed verification approach would be required to use discretionary review standards.	Two approaches to map verification: basic and detailed. Notice is required only for detailed approach. Applicant can use either approach for map verification, and then choose development standards in Section 6 or 7.
<i>On-site density transfers:</i> Concerns were raised that requiring a city or county to allow a 100% density transfer would not be appropriate in many instances.	Required cities and counties to allow an applicant to transfer 100% of maximum allowable density on-site to avoid or minimize impact to the HCA.	Requires cities and counties to allow an applicant to transfer density on-site to avoid or minimize impact to the HCA; allows cities and counties to establish the appropriate percentage of density to be transferred, provided that it is not less than 50% of the maximum allowable density.

Summary of Revised Title 13 Model Ordinance

7/1/05

Section 1. Intent (page 1)

- To protect and improve ecological functions in urban streamside areas, and upland wildlife habitats in new UGB expansion areas.
- To implement the performance standards of Title 13 of the Urban Growth Management Functional Plan.
- To provide clear and objective development standards and an alternative discretionary development review process.
- To encourage habitat-friendly development
- To provide mitigation standards for ecological functions lost during development within Habitat Conservation areas (HCAs).

Section 2. Applicability (page 1)

- Ordinance applies to all properties with mapped HCA.
- Development 100 feet away from the HCA requires applicants only to provide a construction management plan; development outside the HCA, but within 100 feet of the HCA, requires map verification and a construction management plan.
- Development within the HCA requires compliance with the ordinance's development standards and with map verification, unless the development is an exempt or conditioned activity under Section 3.
- Subdivisions and partitions must comply with subdivision and partition development standards in Section 6 or Section 7, as well as map verification.
- The ordinance applies in addition to other applicable local, state, regional and federal development requirements; except that the review process for Water Quality Resource Areas (WQRA) is included in the discretionary standards of Section 7 (in other words if you follow Section 7, you do not need to follow separate WQRA requirements); and, the ordinance does not impose additional wetlands' mitigation requirements beyond those required by state and federal law.

Section 3. Exempt Uses and Conditioned Activities (page 2)

- Change of ownership.
- Uses allowed without a permit before September 22, 2005; provided residential construction is completed before January 1, 2006.
- Building permits for phased development projects.
- After subdivision is approved, subsequent development is exempt if mitigation has been completed.
- Repair and maintenance of existing structures, rebuilding after a fire or other natural hazards.
- Expansion of existing structures as long as no more than 500 square feet of HCA is disturbed and expansion gets no closer to the WQRA.
- Up to 120 square foot minor encroachments.
- Temporary clearings for site investigations, up to 200 square feet.

- Removal of 10% of vegetative cover (maximum of 20,000 square feet). During subsequent development review, the original mapped HCA will be used to calculate disturbance area.
- Maintenance of existing lawns and gardens, including new irrigation installation.
- Farming practices and farm structures on designated farmlands.
- Forest practices on designated forestlands.
- Maintenance, replacement, and repair of roads and utilities with no additional HCA intrusion.
- Maintenance and repair of existing streets, railroads, shipping terminals and utilities.
- Existing water-dependant uses.
- Manmade water control facilities.
- Approved wetland, stream or habitat restoration, and enhancement projects.
- Low-impact outdoor recreation facilities for public use, such as trails and interpretive facilities, up to 500 square feet.
- Emergency and hazard abatement procedures when there is insufficient time to address the ordinance standards. Subsequent restoration is required.
- Multnomah County Drainage District conditioned uses.
- Wildlife Hazard Management Area conditioned uses.

Section 4. Prohibitions (page 5)

- No planting of invasive non-native or noxious vegetation.
- No outside storage in the HCA, unless existing at time of ordinance adoption or approved by review processes.

Section 5. Construction Management Plans (page 5)

- All applicants provide plans to protect the HCA during construction. The plans include the location of construction equipment access and egress; staging and stockpile areas; erosion and sediment control measures; and protection for vegetation within the HCA.

Section 6. Development Standards (Clear and Objective standards) (page 5)

Application requirements:

- Applicants must verify the mapped HCA.
- Applicants must submit a map of the entire property detailing: the location of High, Moderate, and Low HCA on their property; the outline of the existing disturbance area and adjacent paved areas, stormwater facilities, and utilities; a delineation of any WQRA; a delineation of any floodplain or floodway; and contour line topography.
- Applicants must submit a detailed site plan of the proposed development.
- Applicants must submit the following information about the HCA: For properties less than one acre, the location, size, and species of all trees greater than six inches DBH, and an identification of the specific trees being proposed for removal; for properties one acre or larger, applicants may approximate the number, size and the dominant species of trees.
- Where grading shall occur, a grading plan must be submitted.

Methods for avoiding Habitat Conservation Areas (page 6):

- Building setback flexibility.

- Flexible landscaping requirements, including landscaping ‘credit’ for HCA preservation and the allowance of stormwater infiltration facilities within the HCA, provided they do not disturb the forest canopy.
- Flexible Site Design (On-site Density Transfer)- For residential development on-site density transfer is allowed to accommodate the transfer dimensional standards and lot sizes may be adjusted by no more than 30 percent. For commercial and industrial zones the transfer credit is 10,000 sq. ft per acre of land within the HCA. For mixed-use zones the density transfer can be either the residential or the commercial transfer credit. The remaining HCA must be legally protected through a deed restriction or public dedication.

Site Capacity Incentives:

- A 25% density bonus may be allowed for any development of 4 or more units in a multi-family zone, so long as 75% or more of the HCA is legally protected.
- For properties inside the Metro UGB by January 1, 2002, any area within the HCA that is legally protected from future development may be subtracted from the calculations of net size for the purposes of determining minimum density.

Optional tool that may be adopted by a city or county: Transfer of development off-site in residential zones:

- Properties that contain a minimum of 50 percent HCA may transfer development rights to: 1) Any property within a 2040 Mixed-Use area provided the property does not contain HCA and that the property is not in an undeveloped floodplain; or 2) City or county may identify the receiving sites.
- The receiving property density may not exceed 200 percent of the receiving property’s allowable density and dimensional standards and lot sizes may be adjusted by no more than 30 percent.
- Transfer requires a recorded covenant from the sending property, the sending property must participate in the development application of the receiving property, and the city or county may purchase rights for a development rights bank.

Development within HCAs (page 8):

- Maximum Disturbance Areas within the HCA for single family residential are determined by subtracting the area outside the HCA from the following Total Disturbance Area Limitations: for High HCA, the lesser of 5,000 square feet or 50% of the lot area; for Moderate or Low HCA, the lesser of 6,000 square feet or 65% of the lot area. If a property contains more High HCA the MDA is calculated for High; if it contains more Moderate or Low HCA the MDA is calculated for Moderate/Low. The location of the disturbance area is outside of the HCA, if possible, or within the lowest value HCA, if possible.
- Maximum Disturbance Areas for all other zones, including Industrial, Commercial, and Multi-family zones, are 10 percent of the High HCA on site, 15 percent of the Moderate HCA on site, and 50 percent of the Low HCA on site.

Protection of Habitat during site development:

- Work areas marked.
- HCA trees not used as anchors for construction equipment.

- Conserve native soils on-site.
- Erosion and sediment control plan.
- Compliance with the construction management plan in Section 5.

Utility facility standards:

- Utility facility connections are allowed, up to 10-foot wide disturbance area.
- Upgrade of existing utility facility, up to 15-foot wide disturbance area.
- New underground utility facilities, up to 25 feet wide and disturbance of no more than 200 linear feet of WQRA per 1,000 linear feet of the utility facility.
- Any fill or excavation within the ordinary high water mark must go through the US Army Corps of Engineers permit process.
- All disturbance must be mitigated.

Mitigation requirements for disturbance in HCAs (page 11):

- All plants must be natives.
- There are two mitigation options for disturbance areas less than 1 acre; applicants must use the option that results in more planting:
 - 1) calculated based on the number and size of the trees being removed; or
 - 2) calculated based upon the square footage of the disturbance area, such that every 500 square feet of disturbance area requires the planting of 5, one half inch caliper trees; and 25 one gallon, at least 12 inch tall, shrubs.
- For one acre or larger disturbance areas, every 500 square feet of disturbance area requires the planting of 5, one half inch caliper trees; and 25 one gallon, at least 12 inch tall, shrubs.
- All planting must be on-site, within the HCA or contiguous to the HCA (contiguous planting must be legally protected from future development).
- Invasive vegetation must be removed from the mitigation area, there must be diversity in the species planted, and the plants must be mulched, watered, and protected from weeds.
- Applicants must provide annual reports about the success of their mitigation for a period of five years, and dead plants must be replaced each year.
- At the end of the five years at least 80% of the trees and shrubs must be alive.

Standards for Partitions and Subdivisions (page 13):

Partitions-

- Applicants seeking to partition must verify the mapped HCA and when they divide their property the resultant parcels may contain no more than a 30% percentage point difference in the percentage of the HCA on the parcels; for example, on a property that is 40% covered by HCA, a partition that creates two parcels, one of 55% HCA and one of 25% HCA is acceptable; whereas a partition that creates one parcel with 60% HCA and parcel with 20% HCA is not acceptable.
- Applicants may also partition a property such that at least 90% of the High HCA and 80% of the moderate HCA is on a separate unbuildable lot, protected by a legal instrument.
- Subsequent development on the parcels must comply with the development standards of the ordinance.

Subdivisions-

- Applicants must verify the mapped HCA.
- Applicants only dividing, but not developing, can choose to do all required mitigation, thus freeing the development lots from any further compliance with the ordinance; or, not do any required mitigation, thus requiring the development lots to go through development review, and potential mitigation, under the ordinance.
- Applicants dividing and developing must comply with the ordinance's development standards.
- When a property is divided the new plat must place 90% of the High HCA and 80% of the Moderate HCA in a separate unbuildable tract protected by a restrictive covenant, a public dedication, or, for residential properties, a conservation easement.

Section 7. Discretionary Review Processes (page 14)

A. Streamlined review process for applicants seeking only to partition:

- Applicants must verify the map; submit a map that delineates the High, Moderate, and Low HCA on the property and any WQRA or floodways, and a delineation of the proposed partition.
- Applicants must submit a narrative explanation of why it is not practicable to comply with the clear and objective partition standards and how the plan results in the creation of the least amount of difference between the amounts of HCA placed within the resultant parcels (thus, ensuring the least amount of disturbance area when future development occurs).
- Subsequent development must comply with this ordinance's development standards.

B. Streamlined review process for off-site mitigation (page 15):

- Must occur within the same sub-watershed.
- The number of trees and shrubs planted is the same as under the clear and objective mitigation standards.
- The applicant must plant as many trees on-site as practicable and demonstrate that the off-site mitigation project is legally protected from future development.
- Off-site mitigation is subject to the same planting, monitoring, and 80% survival rate as the on-site clear and objective mitigation.

C. Streamlined review process for applicants seeking to vary the number and size of the trees and shrubs planted (page 16):

- Applicants calculate the number of plants required under clear and objective mitigation and presents documentation that the numbers and sizes of the proposed plantings will achieve, at the end of five years, results comparable to, or better than, those results that would be achieved at the end of five years under the clear and objective standards.
- Plantings are subject to the same planting, monitoring, and 80% survival rate as the clear and objective mitigation standards.

D. Discretionary Review for all other circumstances (page 17):

Types of decisions that may be made under this section include: 1) applications to increase disturbance areas; 2) applications to vary mitigation, for example, a property might contain

impaired ecological functions and therefore it may not be appropriate to do full mitigation, or, an applicant might propose, where appropriate, to restore a meadow habitat rather than forest canopy; or 3) applications to mitigate off-site and outside of the subwatershed.

Application requirements:

- Applicants must provide an Impact Evaluation and Alternatives Analysis identifying the ecological functions of the riparian habitat, and the ecological function of upland wildlife habitat in future urban growth boundary expansion areas; and an evaluation of alternative locations, design modifications, or methods of development to determine which options decrease detrimental impacts on the HCAs.
- Applicants must provide a mitigation plan that either is consistent with the clear and objective mitigation standards, or is an alternative plan that explains how the proposed mitigation compensates for lost ecological functions. The plan must also include a monitoring and reporting plan and a list of responsible parties.
- For off-site mitigation proposals, within the same subwatershed, applicants must submit a map detailing the number and location of plants that can be planted on-site, an explanation of why it is not practicable to plant on-site, and documentation the applicant has the authority to plant and perform plant maintenance at the off-site location, and a mitigation implementation schedule. Off-site mitigation must be protected from future development by a legal instrument, such as a restrictive covenant.
- Off-site mitigation proposals outside the same subwatershed must demonstrate why it is not practicable to mitigate within the same subwatershed and how the proposed mitigation will provide more ecological function value than that which was required within the original subwatershed.

Approval criteria:

- Applicants must first avoid intrusion of development into the HCA, to the extent practicable.
- Where avoidance is not practicable, the applicant shall minimize detrimental effects to the extent practicable.
- A list of habitat-development practices has been included to provide suggestions of how applicants can minimize impacts upon the HCA.
- Mitigation plans must demonstrate that they compensate for detrimental impacts to ecological functions.

Municipal Water Utility Facilities Standards:

- These facilities must minimize detrimental impacts to the HCA and employ a series of listed best management practices to protect the HCA.

Section 8. Variances (page 24)

- Notice provided according to state notice requirements. Metro and local applicable watershed councils also receive notice.
- Hardship variance must be the minimum necessary to allow proposed use or activity.
- Buildable Lot variance is available for applicants who would otherwise be denied all economically viable use of their property.
- Conditions may be imposed on variances in order to limit adverse impacts resulting from the variance.

Section 9. Map Administration and HCA verification (page 25)

Basic Verification Process:

- Basic verification process available for applicants who believe the map is accurate.
- Basic verification process available for obvious misalignment between mapped habitat and property lot lines (local jurisdictions have the option to correct these errors at the time of adoption).
- Basic verification process available for property developed between summer 2002 and the adoption of the regional program.
- The Basic verification approach entails consideration of the applicable HCA map, a detailed property description, an aerial photograph from 2005, and any other objective and factual information, such as maps created by the city /county, or by a utility or watershed organization. If the information confirms the mapped HCA, the HCA is verified.

Detailed Verification Process:

- Detailed verification is available for applicants who believe that the map is inaccurate. However, the detailed approach may not be used to challenge the assumptions underlying the designations of particular HCAs. For example, Metro mapped gravel roads as “open soils,” such areas cannot be challenged as being “not habitat.” However, the mitigation for such areas could be decreased, under discretionary review, because the area provides an “impaired ecological function,” in comparison to actual “open soils.”
- Applicants must submit reports prepared by professional engineers or natural resource professionals.
- Notice shall be provided to neighbors within 100 feet, to the local neighborhood associations, the local watershed council, and to Metro. The Planning Director shall accept written public comments about the map verification.
- The map shall be verified by: 1) Locating the water feature that is the basis for identifying riparian habitat; 2) Verifying the boundaries of inventoried upland habitat in future urban growth boundary expansion areas; 3) Identifying the Urban development value of the property; and 4) Cross-referencing “habitat class” with “urban development value.”

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DRAFT REVISION 7/07/05

**ATTACHMENT NO. 1 TO
AMENDMENTS TO ORDINANCE NO. 05-1077A**

REVISED EXHIBIT E

**METRO CODE CHAPTER 3.07
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

TITLE 13 MODEL ORDINANCE

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Section 1. Intent

The purpose of this ordinance is to comply with Section 4 of Title 13 of Metro's Urban Growth Management Functional Plan.

- A. To protect and improve the following functions and values that contribute to fish and wildlife habitat in urban streamside areas:
 - 1. Microclimate and shade;
 - 2. Stream-flow moderation and water storage;
 - 3. Bank stabilization, sediment and pollution control;
 - 4. Large wood recruitment and retention and channel dynamics; and
 - 5. Organic material sources.
- B. To protect and improve the following functions and values that contribute to upland wildlife habitat in new urban growth boundary expansion areas:
 - 1. Large habitat patches
 - 2. Interior habitat
 - 3. Connectivity and proximity to water; and
 - 4. Connectivity and proximity to other upland habitat areas
- C. To establish High, Moderate, and Low Habitat Conservation Areas (HCA) to implement the performance standards of Title 13 of the Urban Growth Management Functional Plan.
- D. To provide clear and objective standards and a discretionary review process, applicable to development in Habitat Conservation Areas, in accordance with Statewide Land Use Planning Goal 5.
- E. To allow and encourage habitat-friendly development, while minimizing the impact on fish and wildlife habitat functions.
- F. To provide mitigation standards for the replacement of ecological functions and values lost through development in Habitat Conservation Areas.

Section 2. Applicability

- A. This ordinance applies to all properties containing mapped Habitat Conservation Areas (HCA).
- B. All applicants must provide Construction Management Plans, in accordance with Section 5 of this ordinance.

- C. Where applicants are proposing development entirely outside of the HCA, but within 100 feet of its boundary, applicants must verify this boundary through the procedures outlined in Section 9 of this ordinance.
- D. Where applicants are proposing development within the HCA, they must comply with the Development Standards found in Section 6 and Section 7 of this ordinance, and the Map Verification procedures found in Section 9 of this ordinance. Conditioned Uses, and Activities that are exempt from these requirements, may be found in Section 3 of this ordinance.
- E. Applicants proposing to partition or subdivide properties containing HCA must comply with the partition and subdivision standards found in Section 6(F) of this ordinance, or the Discretionary standards in Section 7 of this ordinance; as well as the Map Verification procedure in Section 9 of this ordinance.
- F. The Development Standards found in Sections 6 and 7 of this ordinance do not apply to development that occurs entirely outside of any portion of the HCA.
- G. The requirements of this ordinance apply in addition to other applicable local, state, regional, and federal development requirements, including those for Water Quality Resource Areas and Flood Management Areas; except that:
 - 1. Applicants using the discretionary review process in Section 7 of this ordinance do not need to engage in any additional review process for Water Quality Resource Areas; and
 - 2. This ordinance shall not impose any mitigation requirements for wetlands beyond those required by federal and state law.
- H. “Development,” “Partition,” and “Subdivision” are defined in Section 11 of this ordinance.

Section 3. Exempt Uses and Conditioned Activities

The following uses and activities are exempt from the requirements of this chapter:

- A. Change of ownership.
- B. Where construction of a residence was completed before January 1, 2006, the owners or residents shall not be restricted from engaging in any development that was allowed prior to September 22, 2005; unless such development required obtaining a land use decision, or a building, erosion control, or grading permit.
- C. A building permit for a phased development project for which the applicant has previously met the application requirements, so long as the site for new construction was identified on the original permit and no new portion of the HCA will be disturbed.
- D. Where a property has been subdivided under section 6(F) of this ordinance, and the mitigation requirements of 6(E) have been completed for the subdivision, development on the individual lots may proceed without further review under this ordinance.
- E. Limited types of development, redevelopment, operations, and improvements, including the following:

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1. Maintenance, alteration, expansion, repair and replacement of existing structures, provided that;
 - a. The rebuilding of existing residential and non-residential structures damaged by fire or other natural hazards occurs within the same foundation lines (“building footprint”); and
 - b. The alteration, expansion, or replacement of a structure will not intrude more than 500 sq. ft. into the HCA, and so long as the new intrusion is no closer to the protected water feature than the pre-existing structure or improvement.
2. Minor encroachments not to exceed 120 sq. ft. of impervious surface such as accessory buildings, eave overhangs, exterior building improvements for access and exiting requirements or other similar features.
3. Temporary and minor clearing not to exceed 200 square feet for the purpose of site investigations and pits for preparing soil profiles, provided that such areas are restored to their original condition when the investigation is complete.
4. Up to 10% of vegetative cover within the original mapped HCA on a lot or parcel may be removed, provided that no more than 20,000 square feet is removed; and provided that if more than 10% has been removed at the time of a development application, the review process shall use the original mapped HCA, subject to map verification, as the basis for determining the Maximum Disturbance Area in Section 6(C) of this ordinance and Mitigation standards in Sections 6(E) and 7(B), 7(C), 7(D)(1)(b) and 7(D)(2)(d) of this ordinance.
5. Maintenance of existing gardens, pastures, lawns and landscape perimeters, including the installation of new irrigation systems within existing gardens, pastures, lawns, and landscape perimeters.
6. Removal of plants identified as nuisance or prohibited plants on the *Metro Native Plant List* and the planting or propagation of plants identified as native plants on the *Metro Native Plant List*. Handheld tools must be used to remove nuisance or prohibited plants, and after such removal all open soil areas greater than 25 square feet must be replanted.
7. Farming practices and the construction of farm structures on farm use land situated outside the Metro UGB and within an exclusive farm use zone established under ORS 215.203 or within an area designated as marginal land under ORS 197.247 (1991 Edition). “Farming practice” as used in this subsection shall have the meaning set out in ORS 30.930.
8. Forest practices on forestlands situated outside the Metro UGB, except as provided in ORS 527.722(2), (3), and (4). “Forest practices” and “forestlands” as used in this subsection shall have the meaning set out in ORS 30.930.
9. Maintenance, alteration, repair, and replacement of roads and utilities when no additional incursion into the HCA is proposed.
10. Maintenance and repair of existing streets, railroads, shipping terminals, and utilities within rights-of-way, easements, and access roads.

11. Existing water-dependent uses that can only be carried out on, in, or adjacent to water because they require access to the water for waterborne transportation or recreation.
 12. Operation, maintenance, and repair of manmade water control facilities such as irrigation and drainage ditches, constructed ponds or lakes, wastewater facilities, and stormwater pretreatment facilities.
 13. Projects with the sole purpose of restoring or enhancing wetlands, streams, or fish and wildlife habitat areas, provided that the project is part of an approved local, state, or federal restoration or enhancement plan.
 14. Low-impact outdoor recreation facilities for public use, outside of Water Quality Resource Areas, including, but not limited to, multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture, provided that the facility meets the following requirements:
 - a. It contains less than 500 sq. ft. of new impervious surface; and,
 - b. Its trails shall be constructed using non-hazardous, pervious materials, with a maximum width of four feet.
- F. Emergency procedures or activities undertaken which are necessary to remove or abate hazards and nuisances or for the protection of public health, safety and welfare; provided that such remedial or preventative action must take place within a timeframe too short to allow for compliance with the requirements of this ordinance. After the emergency, the person or agency undertaking the action shall fully restore any impacts to the HCA resulting from the emergency action. Hazards that may be removed or abated include those required to maintain aircraft safety.
- G. Multnomah County Drainage District - Within Habitat Conservation Areas located in Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1, Peninsula Drainage District No. 2, and the area managed by the Sandy Drainage Improvement Company, routine operations, repair, maintenance, reconfiguration, rehabilitation, or replacement of existing drainage and flood control facilities, and existing related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, or other water quality and flood storage projects applicable to existing facilities and required to be undertaken pursuant to ORS chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, shall be allowed, provided that:
1. The project is consistent with all other applicable local, state, and federal laws and regulations;
 2. The project does not encroach closer to a surface stream or river, wetland, or other body of open water than existing operations and development;
 3. Disturbed areas are replanted with vegetation and no bare soils remain after project completion; the planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged; invasive non-native or noxious vegetation shall not be planted; and,

4. Each district submits an annual report, to all local permitting agencies in which the district operates, describing the projects the district completed in the previous year and how those projects complied with all applicable federal and state laws and requirements.
- H. Wildlife Hazard Management Areas - Any activity that is required to implement a Federal Aviation Administration (FAA)-compliant Wildlife Hazard Management Plan (WHMP) on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, shall not have to comply with subsections 6(B-D), 7(D)(1)(a)(3) and (4), or 7(D)(2)(b), (c) and (e) of this ordinance. For disturbance within the HCA on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, the applicant shall choose, at its sole discretion, between complying with subsection 6(E) of this ordinance or complying with subsection 7(C), or (D)(1)(b) and D(2)(d) of this ordinance. Mitigation required pursuant to subsection 6(E) or 7(C), or (D)(1)(b) and D(2)(d) of this ordinance as part of any development within the HCA on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, shall be permitted at any property located:
1. Within the same 6th Field Hydrologic Unit Code subwatershed as delineated by the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) if on-site mitigation would conflict with FAA-compliant WHMP; or
 2. Outside of the same 6th Field Hydrologic Unit Code subwatershed as delineated by the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) only if the applicant follows the discretionary review process in section 7 of this ordinance.

Section 4. Prohibitions

- A. The planting of any invasive non-native or noxious vegetation is prohibited within the HCA.
- B. Outside storage of materials is prohibited within the HCA, unless such storage began before the effective date of this ordinance; or, unless such storage is approved during development review under either Section 6 or Section 7 of this ordinance.

Section 5. Construction Management Plans

In order to ensure that trees and vegetation within HCAs are not damaged during construction, all applicants, even those not developing within an HCA, shall provide a construction management plan that includes the following information:

- A. Location of site access and egress that construction equipment will use;
- B. Equipment and material staging and stockpile areas;
- C. Erosion and sediment control measures; and
- D. Measures to protect trees and other vegetation located within the HCA, but outside of the disturbance area approved under the provisions of section 6 or section 7 of this ordinance.

Section 6. Development Standards

The development standards described in this section apply to all development and redevelopment that occurs entirely, or partially, within Habitat Conservation Areas, unless such development is exempt under Section 3, or, unless the applicant chooses to follow the discretionary process in Section 7 of this ordinance. This section also applies to subdivisions and partitions of properties that contain HCAs.

Application for a land use, building, grading, land division, or other development permit through the clear and objective process may be an administrative decision. *[Insert city/county decision-type here.]*

- A. **Application Requirements.** Applications for a building permit or development permit must provide a development plan and accompanying narrative explanation that includes the following information in addition to any other building permit or development permit requirements. All of the application requirements must be met prior to approval of a building or development permit.
1. Applicants must verify the HCA on their property as described in Section 9 of this ordinance.
 2. For the entire subject property (HCA and non-HCA), applicants must submit a scale map of the property that includes:
 - a. Location of all High, Moderate, and Low HCAs on the property;
 - b. Outline of any existing disturbance area, including the location of existing adjacent streets and paved areas, utilities, culverts, stormwater management facilities, or bridges;
 - c. Location of any wetlands or water bodies on the property, including a delineation of the Water Quality Resource Area;
 - d. Location of 100 year floodplain and floodway boundary as defined by the Federal Emergency Management Agency (FEMA) and the area of the 1996 flood inundation; and
 - e. Topography shown by contour lines of 2-ft. intervals for slopes less than 15% and by 10 ft. intervals for slopes 15% or greater. On properties that are two acres or larger, such a contour map is required only for the portion of the property to be developed.
 3. Detailed site plan of proposed development outlining total disturbance area, including, proposed building footprints, site property improvements, utilities and landscaping.
 4. The following additional information shall be provided about the HCA:
 - a. For properties containing less than one acre of HCA, the location of all trees within the HCA that are greater than six inches diameter at breast height (DBH), shall be identified by size and species. For properties containing one acre or more of HCA, the applicant may approximate the number of trees and the diameter range, and provide a listing of the dominant species;
 - b. For proposed disturbance areas containing less than one acre of HCA, all trees with a diameter of six inches or greater that will be removed shall be specifically identified as to diameter at breast height (DBH) and species. For proposed disturbance areas containing one acre or more of HCA an approximate of the number of trees, their diameters and the dominant species; and

- c. If grading will occur within the HCA, a grading plan showing the proposed alteration of the ground at 1-ft. vertical contours in areas of slopes less than 5%, and 2-ft. vertical contours in areas of slopes 6-15%, and at 5-ft. vertical contours of slopes 15% or greater.

B. Methods for avoiding Habitat Conservation Areas. The following habitat-friendly development practices may be used to avoid or minimize development within HCAs by allowing flexible site design. [*Cities/counties shall allow the following methods to avoid, or minimize, development within HCAs*]:

1. ***Building setback flexibility*** to avoid, or minimize, development within HCAs. The minimum building setback of the base zone may be reduced to any distance between the base zone minimum and zero, unless this reduction conflicts with applicable fire or life safety requirements.
2. ***Flexible landscaping requirements*** to avoid, or minimize, development within HCAs.
 - a. Landscaping requirements, apart from those required for parking lots or street berms, may be met by preserving the HCA.
 - b. Facilities that infiltrate stormwater onsite, including the associated piping, may be placed within the HCA so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strip, and vegetated infiltration basins. Only native vegetation may be planted in these facilities.
3. ***Flexible Site Design*** (On-site Density Transfer) to avoid or minimize development within HCAs.
 - a. ***Residential.*** For residential development proposals on lands with a HCA, a transfer of density within the property site is permitted. [*Cities/counties may establish the appropriate percentage of density that may be transferred, provided that it is not less than 50% of the maximum density that would have been permitted under the applicable zoning code requirements.*]
 - b. In order to accommodate the transferred density, dimensional standards and lot sizes may be adjusted by no more than 30 percent. [*Cities/counties may set the percentage of the adjustment, provided that it is no lower than 20%.*]
 - c. ***Commercial and Industrial Zones.*** For on-site density transfers in Commercial or Industrial zones, the transfer credit is 10,000 sq. ft floor area ratio (FAR) per acre of land within the HCA.
 - d. ***Mixed-Use Zones.*** Within mixed-use zones the density transfer credit can be factored using either 3(a) or 3(b) above, depending on the type of development proposed.
 - e. All remaining HCA shall be permanently restricted from development and maintained for habitat functions, such as by making a public dedication or executing a restrictive covenant.
4. ***Site Capacity Incentives.*** The following site capacity standards provide flexibility in the design of land divisions in order to allow ways to better protect HCAs.

- a. Density bonus if HCA is protected. In multi-family residential zones, a 25 percent density bonus may be allowed for any development of four (4) or more dwelling units if 75 percent or more of the HCA on a site is permanently preserved, such as by making a public dedication or executing a restrictive covenant. The bonus density shall be in addition to the base density allowed in the applicable zoning district.
 - b. All area within a HCA, or any portion of it, may be subtracted from the calculations of net size for purposes of determining minimum density provided that such area is protected, such as by making a public dedication or executing a restrictive covenant. This provision may only be applied to properties that were inside the Metro UGB on January 1, 2002.
5. *[Cities/Counties may allow the following tools for avoiding or minimizing development in HCAs]:*

Transfer of development rights (off-site) in residential zones. Transfer of development rights preserves development opportunities and reduces development pressure on environmentally-sensitive properties. The regulations described below allow development rights to be transferred from properties with HCAs to off-site areas that can accommodate the additional density without environmental conflict. Transfer of development rights between properties is allowed as follows. “Development rights” are the number of potential dwelling units that would be allowed on the property by the base zone.

- a. Sending properties. Properties where at least 50 percent of the property is within a HCA may transfer development rights.
- b. Receiving Properties.

Option 1: All properties in 2040 Mixed-Use areas may receive development rights from sending properties except:

- i. Where any portion of the receiving property is within an HCA; or
- ii. Where any portion of the receiving property is in the undeveloped 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA).

Option 2: City or county may identify receiving properties upon adoption of this ordinance to be selected using the criteria in Option 1. The resulting map or criteria to identify receiving properties may include fewer properties than Option 1.

- a. Maximum density. The density of the receiving property may not exceed 200 percent of the allowable density of the receiving property.
- b. In order to accommodate the transferred density, dimensional standards and lot sizes may be adjusted by no more than 30 percent.
- c. Transfer procedure. Transfer of development rights is allowed as follows:
 - i. Covenant required. The owner of the sending property must execute a covenant with the authorizing authority that reflects the reduced development potential on the sending property. The covenant must be recorded before approval of the final plan. Density

transfers shall be recorded on the title of the sending lot in the HCA and on the title of the transfer (receiving) property.

- ii. Sending property included. The sending property must be a part of the application for development on the receiving property. A copy of the covenant for the sending property must be included with the application.
- iii. City or county may purchase development rights from sending properties to place in a development rights bank for later sale to developers to use on receiving properties.

C. Development within HCAs. The following development standards apply to all development that occurs within the HCA except for exempt uses and conditioned activities addressed in Section 3 of this ordinance and utility facilities addressed in subsection 6(D) of this ordinance. If all development occurs outside of an HCA on a property, these standards do not apply. These standards also do not apply to development that occurs pursuant to the standards established by the alternative discretionary development standards in Section 7 of this ordinance. (Note: Applicants seeking to develop within a Water Quality Resource Area must utilize either the discretionary standards located in Section 7 of this ordinance or the review standards for Metro's Title 3 Water Quality Resource Areas).

1. ***Disturbance area limitations*** to minimize impact to HCA.

- a. *Single-family residential.* The maximum disturbance area (MDA) allowed within HCAs is determined by subtracting the area of the lot or parcel outside of the HCAs from the total disturbance area (TDA) calculated as described in Table 1 below.
(TDA – Area outside the HCA = MDA)

- i. Moderate and Low HCAs are subject to the same disturbance area limitations.
- ii. Calculation of maximum disturbance area. If a lot or parcel includes both High and Moderate/Low HCAs then:
 - (A) If there is more High HCA than Moderate/Low HCA on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High HCA were High, per Table 1 below; or
 - (B) If there is more Moderate/Low HCA than High HCA on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High HCA were Moderate/Low, per Table 1 below.

- iii. Location of MDA. If a lot or parcel includes different types of HCAs, then:

- (A) The amount of development that may occur within the High HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High HCA (TDA – non-High HCA = MDA). If the area of the lot or parcel outside the High HCA is greater than the total disturbance area, then development shall not occur within the High HCA:

(Area outside High HCA > TDA = no development in High HCA);

- (B) The amount of development that may occur within the Moderate HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High and Moderate HCA ($TDA - (Low\ HCA + non-HCA) = MDA$). If the area of the lot or parcel outside the Moderate HCA is greater than the total disturbance area, then development shall not occur within the Moderate HCA:

(Area outside Moderate HCA > TDA = no development in Moderate HCA);

and

- (C) The amount of development that may occur within the Low HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High, Moderate and Low HCA ($TDA - non-HCA = MDA$). If the area of the lot or parcel outside the Low HCA is greater than the total disturbance area, then development shall not occur within the Low HCA:

(Area outside Low HCA > TDA = no development in Low HCA).

Table 1. HCA Total Disturbance Area Limitations for SFR.

HCA type	Total Disturbance Area
High	50 percent of the lot area, up to maximum of 5,000 sq. ft.
Moderate/Low	65 percent of the lot area, up to maximum of 6,000 sq. ft.

- b. *All other zones.* The maximum disturbance area (MDA) allowed by right within Low, Moderate and High HCAs in these zones is found in Table 2 below; this MDA is subject to the mitigation requirements described in subsection 6(E) of this ordinance.

Table 2. HCA Disturbance Area Limitations for all zones other than SFR.

HCA type	Maximum Disturbance Area
High	10 percent of HCA on site
Moderate	15 percent of HCA on site
Low	50 percent of HCA on site

- c. Development within an HCA in accordance with the provisions of this ordinance shall not result in a change of the HCA status of such developed areas on a property. In the case of a later development request seeking to develop within previously undisturbed HCAs on a property where a prior development request was subject to the provisions of this ordinance, the calculation of the MDA allowed on the property shall be based on the location of the HCA, notwithstanding the location of any authorized development within the HCA.
2. ***Protection of habitat during site development.*** During development of any site containing a HCA, the following standards apply:
- f. Work areas shall be marked to reduce potential damage to the HCA.
 - g. Trees in HCAs shall not be used as anchors for stabilizing construction equipment.
 - h. Native soils disturbed during development shall be conserved on the property.

- i. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in the [*locally adopted Title 3 erosion control regulations*];
- j. Prior to construction, the HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed.
- k. All work on the property shall conform to the Construction Management Plan described in Section 5 of this ordinance.

D. Utility facility standards. The following disturbance area limitations apply to new utilities, private connections to existing or new utility lines, and upgrade

- a. The disturbance area for utility facility connections to utility facilities is no greater than 10 feet wide.
- b. The disturbance area for the upgrade of existing utility facilities is no greater than 15 feet wide.
- c. The disturbance area for new underground utility facilities is no greater than 25 feet wide and disturbs no more than 200 linear feet of Water Quality Resource Area, within any 1,000 linear foot stretch of Water Quality Resource Area; provided that this disturbance area shall be restored with the exception of necessary access points to the utility facility.
- d. No fill or excavation is allowed within the ordinary high water mark of a stream, unless a permit is obtained from the US Army Corps of Engineers through the Standard Local Operating Procedures for Endangered Species (SLOPES) process.
- e. Mitigation is required as described in subsection E below.

E. Mitigation requirements for disturbance in HCAs. In order to achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in section 1(A) of this ordinance, tree replacement and vegetation planting are required when development intrudes into a HCA according to the following standards, except for wetlands mitigation requirements imposed by state and federal law.

- 1. ***Required plants and plant densities.*** All trees, shrubs and ground cover must be native plants selected from the *Metro Native Plant List*. An applicant must meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is one acre or more, the applicant shall comply with Mitigation Option 2:
 - a. ***Mitigation Option 1.*** In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site must be replaced as shown in Table 3. Conifers must be replaced with conifers. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Table 3. Tree Replacement

Size of tree to be removed (inches in diameter)	Number of trees and shrubs to be planted
6 to 12	2 trees and 3 shrubs

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13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

- b. **Mitigation Option 2.** In this option, the mitigation requirement is calculated based on the size of the disturbance area within a HCA. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
2. **Plant size.** Replacement trees must be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
 3. **Plant spacing.** Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.
 4. **Plant diversity.** Shrubs must consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.
 5. **Location of mitigation area.** All vegetation must be planted on the applicant's site within the HCA or in an area contiguous to the HCA; provided, however, that if the vegetation is planted outside of the HCA then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. *(Note: an off-site mitigation option is provided in a streamlined discretionary review process).*
 6. **Invasive vegetation.** Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.
 7. **Tree and shrub survival.** A minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation is completed.
 8. **Monitoring and reporting.** Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. For a period of five years, the property owner must submit an annual report to (list appropriate city or county department) documenting the survival of the trees and shrubs on the mitigation site. *[Optional: the city or county may require the property owner to post a performance bond in the amount sufficient to cover costs of plant material and labor associated with site preparation, planting, and maintenance in lieu of the monitoring and reporting requirement.]*
 9. To enhance survival of the mitigation plantings, the following practices are required:

- a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
 - b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.
 - c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.
10. To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:
- a. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.
 - b. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

F. Standards for Partitions and Subdivisions standards. The purpose of this section is to allow for partitions in a manner that limits the total amount of allowable development within HCAs on the partitioned parcels; and to require that new subdivision plats delineate and show the Moderate and High HCAs as a separate unbuildable tract.

1. *Standards for Partitions containing HCAs:*

- a. When partitioning a property into parcels, an applicant shall verify the boundaries of the HCA on the property according to Section 9 of this ordinance.
- b. Applicants who are partitioning, but are not simultaneously developing their property, do not need to comply with Section 5 of this ordinance.
- c. When partitioning a property into parcels there shall be no more than a 30% percentage point difference in the percentage of HCA on the parcels; for example, a partition that produces two parcels, one that is 55% HCA and the other that is 35% HCA is permissible; whereas a partition that produces two parcels, one that is 75% HCA and the other that is 30% HCA is not permissible. However, an applicant may partition a property such that at least 90% of the original property's High HCA and 80% of its moderate HCA is on a separate unbuildable parcel, protected by a restrictive covenant or a public dedication.
- d. Subsequent development on any parcels containing HCAs shall comply with Section 5, and the development standards of either section 6 or section 7 of this ordinance.

2. *Standards for Subdivisions:*

- a. Applicants who are sub-dividing, but not developing, must verify the location of the HCA boundary according to Section 9 of this ordinance, and comply with this subsection 6(F); such applicants do not need to comply with Section 5 of this ordinance. Applicants who are sub-dividing, but not developing, property may:

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- i. Complete the mitigation requirements of section 6(E) and thereby exempt all subsequent development on lots containing HCA from further review under this ordinance; or
- ii. Not complete the mitigation requirements of section 6(E), thus requiring that any subsequent development within an HCA be subject to this ordinance.
- b. Applicants who are sub-dividing and developing properties must comply with Sections 5, 6, and 9 of this ordinance.
- c. When a property containing any HCA is subdivided, this ordinance requires that new subdivision plats delineate and show the Moderate and High HCA as a separate unbuildable tract according to the following process:
 - i. The applicant must place at least 90% of the High HCA and 80% of the Moderate HCA in a separate tract.
 - (A) If over 50% of the HCA on a property is of a High designation, the entire calculation is for High (i.e., 90% of the HCA must be placed within a separate tract).
 - (B) If over 50% of the HCA on a property is of a Moderate designation, the entire calculation is for Moderate (i.e., 80% of the HCA must be placed within a separate tract).
 - ii. If the tract is adjacent to the backyard for residences, the minimum backyard requirement is reduced to 10 ft.
 - iii. The standards for land divisions in Moderate and High HCAs shall apply in addition to the requirements of the city/county land division ordinance and zoning ordinance.
 - iv. Prior to preliminary plat approval, the Moderate and/or High HCA shall be shown as a separate tract, which shall not be a part of any lot used for construction of a dwelling unit.
 - v. Prior to final plat approval, ownership of the HCA tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - (A) Private natural area held by the owner or homeowners association by a restrictive covenant; or
 - (B) For residential land divisions, private natural area subject to an easement conveying storm and surface water management rights to the city/county and preventing the owner of the tract from activities and uses inconsistent with the purpose of this ordinance; or
 - (C) At the owner's option, public natural area where the tract has been dedicated to the city/county or other governmental unit, or a private non-profit with the mission of land conservation.

Section 7. Alternative Discretionary Development Standards

Applicants may choose to use the alternative discretionary development standards provided in this section rather than the development standards provided in section 6 of this ordinance. There are four discretionary review processes provided in this section: subsection A provides discretionary review for an applicant seeking only to partition a property; subsection B provides discretionary review for an applicant who will comply with the development standards in section 6 of this ordinance, except that the applicant seeks to meet the mitigation requirements of that section on a different property from the property on which a HCA will be disturbed; subsection C provides discretionary review for an applicant who will comply with the development standards in section 6 of this ordinance, except that the applicant seeks to meet the mitigation requirements of that section by proportionally varying the number and size of plants required to be planted; and subsection D provides general discretionary review standards applicable to an applicant seeking some other type of discretionary approval of development that will disturb an HCA.

A. Discretionary Review for Partitions. An applicant seeking to partition land in ways that do not accord with the standards established in Section 6(F)(1) may seek review under this subsection 7(A).

1. The applicant shall verify the boundaries of the HCAs on the property according to Section 9 of this ordinance.
2. The applicant shall submit the following application materials:
 - a. A scale map of the entire property that includes:
 - i. Location of all High, Moderate, and Low HCA on the property;
 - ii. Location of any wetlands or water bodies on the property, including a delineation of the Water Quality Resource Area;
 - iii. Location of 100 year floodplain and floodway boundary as defined by the Federal Emergency Management Agency (FEMA) and the area of the 1996 flood inundation; and
 - iv. A delineation of the proposed partition.
 - b. A written and documented explanation of how and why the proposed partition satisfies the approval criteria in subsection 7(A)(3). Such written documentation shall include an alternatives analysis of different possible partition plans, based on the characteristics and zoning of the property.
3. **Approval Criteria.** A partition shall be approved under this subsection 7(A) provided that the applicant demonstrates that it is not practicable to comply with the partition standards in Section 6(F)(1) of this ordinance, and that the applicant's partition plan will result in the smallest practicable percentage point difference in the percentage of HCA on the parcels created by the partition (this will minimize the amount of allowable disturbance areas within HCAs on the parcels, assuming that the development standards in this Section 6 were applied to future development on such parcels).
4. Subsequent development on any parcels created by the partition and containing HCAs shall comply with all provisions of this ordinance, except that the map verification completed and

approved as part of the partition may be used to satisfy the requirements of section 9 of this ordinance for any such development.

- B. Discretionary Review To Approve Off-Site Mitigation.** An applicant seeking discretionary approval only for off-site mitigation within the same subwatershed (6th Field Hydrologic Unit Code), but who will comply with all other provisions of Section 6 of this ordinance, may seek review under this subsection 7(B). (An applicant who seeks to conduct the mitigation in a different subwatershed may apply for such approval under subsection 7(D) of this ordinance.)

1. The applicant shall submit:
 - a. A calculation of the number of trees and shrubs the applicant is required to plant under Section 6(E) of this ordinance; and
 - b. A map and accompanying narrative that details the following:
 - i. The number of trees and shrubs that can be planted on-site;
 - ii. The on-site location where those trees and shrubs can be planted;
 - iii. An explanation of why it is not practicable for the remainder of the mitigation to occur on-site; and
 - iv. The proposed location for off-site mitigation and documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site, and, if the mitigation is not within a HCA, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.
2. Approval Criteria. Off-site mitigation shall be approved under this subsection 7(B) provided that the applicant has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation on a property within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed HCA.
3. Mitigation approved under this subsection 7(B) of this ordinance shall be subject to all of the requirements of subsection 6(E) of this ordinance, except for the requirements of subsection 6(E)(5) of this ordinance.

- C. Discretionary Review To Approve Mitigation That Varies the Number and Size of Trees and Shrubs.** An applicant seeking discretionary approval only to proportionally vary the number and size of trees and shrubs required to be planted under subsection 6(E), for example to plant fewer larger trees and shrubs or to plant more smaller trees and shrubs, but who will comply with all other provisions of Section 6 of this ordinance, may seek review under this subsection 7(C).

1. The applicant shall submit:
 - a. A calculation of the number of trees and shrubs the applicant would be required to plant under Section 6(E) of this ordinance;

- b. The numbers and sizes of trees and shrubs that the applicant proposes to plant;
 - c. An explanation of why the numbers and sizes of trees and shrubs that the applicant proposes to plant will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of subsection 6(E) of this ordinance. Such explanation shall be prepared and signed by a knowledgeable and qualified natural resources professional or a certified landscape architect and shall include discussion of plant diversity, plant spacing, site preparation including removal of invasive and noxious vegetation and soil additives, planting season, and immediate post-planting care including mulching, irrigation, wildlife protection, and weed control; and
 - d. The applicant's mitigation site monitoring and reporting plan.
- 2. **Approval Criteria.** A request to vary the numbers and sizes of trees and shrubs to be planted shall be approved if the applicant demonstrates that its planting will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of subsection 6(E) of this ordinance. Such determination shall take into consideration all of the information required to be submitted under subsection 7(C)(1) of this ordinance.
 - 3. Mitigation approved under this subsection 7(C) of this ordinance shall be subject to the requirements of subsections 6(E)(4) through 6(E)(9) of this ordinance, and it is recommended that such mitigation also follow the practices recommended in subsection 6(E)(10) of this ordinance.
- D. Discretionary Review.** An applicant seeking discretionary approval to undertake any development activity within a HCA that does not comply with subsection 6 of this ordinance and is not described in subsections 7(A), (B), or (C) of this ordinance may file an application under this section 7(D) of this ordinance.
- 1. **Application Requirements.** The applicant shall provide all items described in subsection 6(A) of this ordinance and the following, except that for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the location of the proposed disturbance area of the utility's project:
 - a. ***Impact Evaluation and Alternatives Analysis.*** An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular property. The alternatives must be evaluated on the basis of their impact on the HCA, the ecological functions provided by the HCA on the property, and off-site impacts within the subwatershed (6th Field Hydrologic Unit Code) where the property is located. The impact evaluation shall include all of the following items:
 - i. Identification of the ecological functions of riparian habitat found on the property as described in Table 4 of this ordinance and the habitat connectivity ecological functions described in subsection 7(D)(1)(a)(ii)(C) and (D) of this ordinance.

Table 4. Ecological functional values of riparian corridors.

Ecological function	Landscape features providing functional values
Microclimate and shade	Forest canopy or woody vegetation within 100 feet of a stream; a wetland ¹ ; or a flood area ² .
Streamflow moderation and water storage	A wetland or other water body ³ with a hydrologic connection to a stream; or a flood area ² .
Bank stabilization, sediment and pollution control	All sites within 50 feet of a surface stream; Forest canopy, woody vegetation, or low structure vegetation/open soils within 100 feet of a stream or a wetland; or forest canopy, woody vegetation, or low structure vegetation/open soils within a flood area; and, Forest canopy, woody vegetation, or low structure vegetation/open soils within 100-200 feet of a stream if the slope is greater than 25%.
Large wood and channel dynamics	Forest canopy within 150 feet of a stream or wetland; or within a flood area; and The channel migration zone is defined by the floodplain, but where there is no mapped floodplain a default of 50 feet is established to allow for the channel migration zone.
Organic material sources	Forest canopy or woody vegetation within 100 feet of a stream or wetland; or within a flood area.

¹Refers to “hydrologically-connected wetlands,” which are located partially or wholly within ¼ mile of a surface stream or flood area.

²Developed floodplains are not identified as HCAs because they do not provide primary ecological functional value.

³“Other water body” could include lakes, ponds, reservoirs, or manmade water feature that is not a water quality facility or farm pond.

- ii. For upland habitat in areas to be added to the Metro urban growth boundary areas after October 1, 2005, identification of the impact the proposed development would have on the following ecological functions provided by upland wildlife habitat:
 - (A) Habitat patch size;
 - (B) Interior habitat;
 - (C) Connectivity of the habitat to water; and
 - (D) Connectivity of the habitat to other habitat areas.
- iii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the HCAs and the ecological functions provided on the property. At a minimum, the following approaches must be considered:
 - (A) The techniques described in subsection 6(B) of this ordinance;
 - (B) Multi-story construction;

- (C) Minimizing building and development footprint;
 - (D) Maximizing the use of native landscaping materials; and
 - (E) Minimal excavation foundation systems (e.g., pier, post or piling foundation).
- iv. Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.
- b. **Mitigation Plan.** The purpose of a mitigation plan is to compensate for unavoidable significant detrimental impacts to ecological functions that result from the chosen development alternative as identified in the impact evaluation. However, when development occurs within delineated wetlands, then the mitigation required under subsection 7(D)(2)(d) shall not require any additional mitigation than the mitigation required by state and federal law for the fill or removal of such wetlands.
- i. An applicant may choose to develop a mitigation plan consistent with the requirements of subsection 6(E) of this ordinance. If an applicant so chooses, then the applicant shall submit a mitigation plan demonstrating such compliance.
 - ii. If an applicant chooses to develop an alternative mitigation plan that would not comply with the requirements of subsection 6(E) of this ordinance, including, for example, a proposal to create an alternative plant community type such as an oak savannah or a low-structure plant community, or where an applicant demonstrates that a portion of identified HCA on its property provides only impaired ecological functions, then the applicant shall submit a mitigation plan that includes all of the following:
 - (A) An explanation of how the proposed mitigation will adequately compensate for the impacts to ecological functions described in the impact evaluation required by subsection 7(C)(1)(a). The applicant may use the mitigation that would be required under subsection 6(E) of this ordinance as the baseline mitigation required to compensate for disturbance to a HCA that provides an average level of ecological functions. Such explanation shall include:
 - (1) If the applicant uses the mitigation that would be required under subsection 6(E) of this ordinance as the baseline mitigation required to compensate for disturbance to a HCA, then the applicant shall submit a calculation of the number of trees and shrubs the applicant would be required to plant under subsection 6(E) of this ordinance;
 - (2) A site plan showing where the specific mitigation activities will occur and the numbers and sizes of trees and shrubs that the applicant proposes to plant; and
 - (3) A discussion of plant diversity, plant spacing, site preparation including removal of invasive and noxious vegetation and soil additives, planting season, and immediate post-planting care including mulching, irrigation, wildlife protection, and weed control.

- (B) Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies.
 - (C) A list of all responsible parties.
 - (D) The applicant's mitigation site monitoring and reporting plan.
 - (E) If the proposed mitigation will not be conducted on-site, the applicant shall submit a map and accompanying narrative that details the following:
 - (1) The number of trees and shrubs that can be planted on-site;
 - (2) The on-site location where those trees and shrubs can be planted;
 - (3) An explanation of why it is not practicable for the remainder of the mitigation to occur on-site; and
 - (4) The proposed location for off-site mitigation and documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site, and, if the mitigation is not within a HCA, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.
 - (F) If the mitigation area is off-site and not within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed HCA, the applicant shall submit an explanation of why it is not practicable to conduct the mitigation within the same subwatershed and of why and how, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the subwatershed.
 - (G) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. If the applicant is proposing any in-stream work in fish-bearing streams as part of the mitigation project, then the applicant shall submit documentation that such work will be done in accordance with the Oregon Department of Fish and Wildlife in-stream work timing schedule.
- c. The Impact Evaluation and Alternatives Analysis required by subsection 7(D)(1)(a) and the Mitigation Plan required by subsection 7(D)(1)(b) shall be prepared and signed by either (1) a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist, or (2) a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, storm water facilities, or other similar facilities. The application shall include a description of the qualifications and experience of all persons that contributed to the Impact Evaluation and Alternatives Analysis and to the Mitigation Plan, and, for each person that contributed, a description of the elements of such reports to which the person contributed.

2. Approval Criteria.

- a. All application requirements in subsection 7(D)(1) shall be met.
- b. ***Avoid.*** An applicant shall first avoid the intrusion of development into the HCA to the extent practicable. The development that is proposed must have less detrimental impact to HCAs than other practicable alternatives, including significantly different practicable alternatives that propose less development within HCAs. If there is more than one type of HCA on a property then the applicant shall first avoid the intrusion of development into the higher-valued HCA, to the extent practicable, and the development that is proposed must have less detrimental impact to the higher-valued HCAs than other practicable alternatives. To avoid development in HCAs, and to the extent practicable, applicants shall use the approaches described in subsection 7(D)(1)(a)(iii).
- c. ***Minimize.*** If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of the HCA, then the development proposed by the applicant within the HCA shall minimize detrimental impacts to the extent practicable. If there is more than one type of HCA on a property then the development within higher-valued HCAs shall be considered more detrimental than development within lower-valued HCAs.
 - i. Development must minimize detrimental impacts to ecological functions and loss of habitat consistent with uses allowed by right under the base zone, to the extent practicable;
 - ii. To the extent practicable within the HCA, the proposed development shall be designed, located, and constructed to:
 - (A) Minimize grading, removal of native vegetation, and disturbance and removal of native soils by using the approaches described in subsection 6(C)(2), reducing building footprints, and using minimal excavation foundation systems (e.g., pier, post or piling foundation);
 - (B) Minimize adverse hydrological impacts on water resources such as by using the techniques described in Part (a) of Table 5, unless their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
 - (C) Minimize impacts on wildlife corridors and fish passage such as by using the techniques described in Part (b) of Table 5; and
 - (D) Consider using the techniques described in Part (c) of Table 5 to further minimize the impacts of development in the HCA.

Table 5. Habitat-friendly development practices.¹

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts
<ol style="list-style-type: none"> 1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity. 2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs. 3. Incorporate stormwater management in road right-of-ways. 4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge. 5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics. 6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens. 7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering. 8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems. 9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants. 10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure. 11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area. 12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site. 13. Use shared driveways. 14. Reduce width of residential streets, depending on traffic and parking needs. 15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs. 16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site. 17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments). 18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking. 19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible. 20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.
Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage
<ol style="list-style-type: none"> 1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors. 2. Use bridge crossings rather than culverts wherever possible. 3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat. 4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage. 5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

¹ These development practices represent the state of scientific knowledge at the time of this ordinance's enactment, if more effective habitat-friendly practices become available, they should be used.

Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices

1. Use native plants throughout the development (not just in HCA).
2. Locate landscaping (required by other sections of the code) adjacent to HCA.
3. Reduce light-spill off into HCAs from development.

- d. **Mitigate.** If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of the HCA, then development must mitigate for adverse impacts to the HCA. All proposed mitigation plans must meet the following standards.
 - i. The mitigation plan shall demonstrate that it compensates for detrimental impacts to ecological functions provided by HCAs, after taking into consideration the applicant's efforts to minimize such detrimental impacts through the use of the techniques described in Table 5 and through any additional or innovative techniques. A mitigation plan that requires the amount of planting that would be required under subsection 6(E) of this ordinance based on the amount of proposed disturbance area within the HCA, and that otherwise complies with all of the mitigation requirements in subsection 6(E) of this ordinance, shall be considered to have satisfied the requirements of this subsection 7(D)(2)(d) of this ordinance.
 - ii. Mitigation shall occur on the site of the disturbance, to the extent practicable. Off-site mitigation shall be approved if the applicant has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation, as described in subsection 7(B)(1)(b)(iv) of this ordinance. In addition, if the off-site mitigation area is not within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed HCA, the applicant shall demonstrate that it is not practicable to complete the mitigation within the same subwatershed and that, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the subwatershed. Mitigation shall not be allowed outside of the Metro jurisdictional boundary.
 - iii. All re-vegetation plantings shall be with native plants listed on the *Metro Native Plan List*.
 - iv. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream work-timing schedule.
 - v. A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting, and compliance with the plan shall be a condition of development approval.
- e. **Municipal Water Utility Facilities Standards.** Except as provided within this subsection, in addition to all other requirements of subsection 7(D)(2) of this ordinance, municipal potable water, storm water (drainage) and wastewater utility facilities may be built, expanded, repaired, maintained, reconfigured, rehabilitated, replaced or upsized if not exempted in Section 3 of this ordinance. These facilities may include but are not limited to water

treatment plants, wastewater treatment plants, raw water intakes, pump stations, transmission mains, conduits or service lines, terminal storage reservoirs, and outfall devices provided that:

- i. Such projects shall not have to comply with the requirements of subsection 7(D)(2)(b) of this ordinance, provided that, where practicable, the project does not encroach closer to a water feature than existing operations and development, or for new projects where there are no existing operations or development, that the project does not encroach closer to a water feature than practicable;
- ii. Best management practices will be employed that accomplish the following:
 - (A) Account for watershed assessment information in project design;
 - (B) Minimize the trench area and tree removal within the HCA;
 - (C) Utilize and maintain erosion controls until other site stabilization measures are established, post-construction;
 - (D) Replant immediately after backfilling or as soon as effective;
 - (E) Preserve wetland soils and retain soil profiles;
 - (F) Minimize compactions and the duration of the work within the HCA;
 - (G) Complete in-water construction during appropriate seasons, or as approved within requisite Federal or State permits;
 - (H) Monitor water quality during the construction phases, if applicable; and
 - (I) Implement a full inspection and monitoring program during and after project completion, if applicable.

Section 8. Variances

- A. The purpose of this Section is to ensure that compliance with this ordinance does not cause unreasonable hardship. To avoid such instances, the requirements of this ordinance may be varied. Variances are also allowed when strict application of this ordinance would deprive an owner of all economically viable use of land.
- B. This Section applies in addition to the standards governing proposals to vary the requirements of the base zone.
- C. Notice of variance applications shall be provided:
 1. Upon receiving an application to vary the requirements of this ordinance, the notice shall be provided to all property owners within *[insert appropriate distance consistent with state law and other local notice provisions]* of the subject property inside the urban growth boundary, and within *[insert appropriate distance consistent with state law and other local notice provisions]* feet of the subject property outside the urban growth boundary, to Metro, to any neighborhood or

community planning organization recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property.

2. Within seven (7) days of a decision on the variance, notice of the decision shall be provided to Metro, to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the property, and to any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property, and to any other person required to receive notice of such a decision under state law.
- D. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this ordinance are permitted subject to the criteria set forth in this section. To vary from the requirements of this ordinance, the applicant must demonstrate the following:
1. The variance is the minimum necessary to allow the proposed use or activity;
 2. Unless the proposed variance is from mitigation under Section 6(E) or mitigation under Section 7(B), (C), or (D)(1)(b) and D(2)(d), the proposed use will comply with those standards, as applicable; and
 3. The proposed use complies with the standards of the base zone.
- E. Buildable Lot Variance. A variance to avoid the loss of all economically viable use of a lot that is partially inside a HCA is permitted. Applicants must demonstrate the following:
1. Without the proposed variance, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that:
 - a. The proposed use cannot meet the standards in Section 8(D) (hardship variance); and
 - b. No other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
 2. The proposed variance is the minimum necessary to allow for the requested use;
 3. The proposed variance will comply with Section 6(E) or 7(B), (C), or D(1)(b) and D(2)(d) (mitigation); and
 4. The proposed use complies with the standards of the base zone.
- F. Variance Conditions. Conditions may be imposed to limit any adverse impacts that may result from granting any variance.

Section 9. Map Administration and HCA Verification

- A. Exempt development. Development that is outside of any HCA and no closer than 100 feet to the border of an HCA (including all impervious surfaces and landscaping), based on the HCA map, may proceed without having to comply with this section or any other portion of this ordinance except for Section 5, Construction Management Plan. *[Note: At the time a city or county adopts this model*

ordinance and its HCA map, such city or county may decrease the 100 feet “safe harbor” distance provided in this section to no fewer than 25 feet provided that it conducts additional analysis to correct any misalignment errors of the type described in section 9(E)(2) of this ordinance and adopts sufficient findings of fact to justify such corrections.]

- B. Verification of the location of HCAs as described in this section shall not be considered a comprehensive plan amendment. *[Note: Adjustment of the mapped HCA shall only proceed as provided in this ordinance.]*
- C. Map verification is available to correct for mistakes in the location of HCAs on properties. Map verification shall not be used to dispute whether identified HCAs provide the ecological functions that they are assumed to provide based on the ecological criteria used to identify them. If an applicant believes that a properly identified HCA does not provide the ecological functions that it has been identified as providing, then the applicant may use the discretionary review process to decrease its mitigation responsibilities for disturbing such an area.
- D. Except for applicants seeking approval to undertake any exempt activities or conditioned uses described in section 3 of this ordinance, the map verification requirements described in this section 9 of this ordinance shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or some other land use decision. A property owner, or another person with the property owner’s consent, may request to verify the location of HCAs on a real property lot or parcel pursuant to this section 3 of this ordinance at other times, but whether the *[city/county]* processes such request shall be at the Planning Director’s sole discretion, based on staff availability, funding resources, and policy priorities. If a person receives a verification separate from a simultaneous request for a building permit, grading permit, tree removal permit, land division approval, or some other land use decision, then the person may use the verification to satisfy the requirements of this section at any time up until five years after the date the verification was issued.
- E. Notwithstanding any other provisions of this Section 9 of this ordinance, for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the location of the proposed disturbance area of the utility’s project.
- F. Basic Verification Approaches. The basic verification approaches described in subsections 9(F)(1) through (3) of this ordinance are available for applicants who believe either (1) that the HCA map is accurate, (2) that there is a simple incongruity between the HCA map and the boundary lot lines of a property, or (3) that the property was developed prior to *[insert date—either the effective date of this ordinance or two years after acknowledgement of the regional program, whichever is earlier]*.
 - 1. *Applicant Believes HCA Map is Accurate.* An applicant who believes that the HCA map is accurate may comply with this subsection 9(F)(1) of this ordinance. The applicant shall submit the following information regarding the real property lot or parcel:
 - a. A detailed property description;
 - b. A copy of the applicable HCA map;
 - c. A summer 2005 aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch

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equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742);

- d. The information required to be submitted under Section 6 or 7 of this ordinance if the applicant proposes development within any HCA under those provisions; and
 - e. Any other information that the applicant wishes to provide to support the assertion that the HCA map is accurate.
2. *Obvious Misalignment Between Mapped Habitat and Property Lot Lines.* In some cases, the mapped vegetative cover layer in the GIS database might not align precisely with the tax lot layer that shows property lines, resulting in a HCA map that is also misaligned with tax lot lines. An applicant who believes that the HCA map is inaccurate based on such an obvious misalignment may comply with this subsection 9(F)(2) of this ordinance. The applicant shall submit the following information regarding the real property lot or parcel:
- a. The information described in subsections 9(F)(1)(a) through (d) of this ordinance; and
 - b. A documented demonstration of the misalignment between the HCA map and the property's tax lot boundary lines. For example, an applicant could compare the boundary lot lines shown for roads within 500 feet of a property with the location of such roads as viewed on the aerial photograph of the area surrounding a property to provide evidence of the scale and amount of incongruity between the HCA maps and the property lot lines, and the amount of adjustment that would be appropriate to accurately depict habitat on the property.
3. *Property Developed Between Summer 2002 and [Insert date of Approval of Regional Program].* Where a property was developed between the summer of 2002 (when the aerial photo used to determine the regional habitat inventory was taken) and *[insert date that the regional program was approved]*, the applicant shall submit the following information regarding the real property lot or parcel:
- a. The information described in subsection 9(F)(1)(a) through (d) of this ordinance;
 - b. A summer 2002 aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742);
 - c. Any approved building permits or other development plans and drawings related to the development of the property that took place between summer 2002 and *insert date that the regional program was approved]*; and
 - d. A clear explanation and documentation, such as supporting maps or drawings or an more recent aerial photograph, indicating the new development that has occurred and where previously identified habitat no longer exists because it is now part of a developed area.
4. *Decision Process.* The Planning Director's map verification decision made pursuant to this subsection 9(F) of this ordinance may be an administrative decision. The Planning Director's decision shall be based on consideration of the information submitted by the applicant, any information collected during a site visit to the lot or parcel, any information generated by prior

map verifications that have occurred on adjacent properties, and any other objective factual information that has been provided to the Planning Director.

- G. Detailed Verification Approach. All applicants who believe that the HCA map is inaccurate for a reason other than as described in subsections 9(F)(2) and (3) may file a verification request consistent with this subsection 9(G) of this ordinance.
1. *Application requirements.* The applicant shall submit a report prepared and signed by either (1) a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist, or (2) a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, storm water facilities, or other similar facilities. Such report shall include:
 - a. A description of the qualifications and experience of all persons that contributed to the report, and, for each person that contributed, a description of the elements of the analysis to which the person contributed;
 - b. The information described in subsections 9(F)(1)(a) through (e) of this ordinance;
 - c. The information described in subsections 9(F)(2)(b) and 9(F)(3)(b) through (d) of this ordinance, if the applicant believes such information is relevant to the verification of habitat location on the subject lot or parcel;
 - d. Additional aerial photographs if the applicant believes they provide better information regarding the property, including documentation of the date and process used to take the photos and an expert's interpretation of the additional information they provide;
 - e. A map showing the topography of the property shown by contour lines of 2 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater; and
 - f. Any additional information necessary to address each of the verification criteria in subsection 9(G)(4) of this ordinance, a description of where any HCAs are located on the property based on the application of the verification criteria in subsection 9(G)(4) of this ordinance, and factual documentation to support the analysis.
 2. *Notice requirements.* Upon receipt of a completed application pursuant to this subsection 9(G) of this ordinance, the Planning Director shall provide notice of the map verification application to Metro, to the owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet of the subject property, [*Note: A city or county may increase the 100 feet neighbor notification requirement if it so chooses*] to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the property, and to any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property. The notice provided by the jurisdiction shall comply with the notice requirements of ORS 197.763. The Planning Director shall accept written public comments regarding the matter during a public comment period.
 3. *Decision process.* The Planning Director shall apply the verification criteria in subsection 9(G)(4) of this ordinance to confirm the location of any HCAs based on the HCA map, the information submitted by the applicant, any information received during the public comment period, and any additional information readily available, including information collected during a

site visit to the lot or parcel. The applicant and all persons that submitted written comments shall be provided with a written explanation of the Planning Director's decision.

4. *Verification Criteria.* The verification of the location of HCAs shall be according to the four-step process described in this subsection 9(G)(4) of this ordinance. A verification application shall not be considered complete and shall not be granted unless all the information required to be submitted with the verification application has been received.
 - a. *Step 1. Verifying boundaries of inventoried riparian habitat.* Locating habitat and determining its riparian habitat class is a four-step process:
 - i. Locate the Water Feature that is the basis for identifying riparian habitat.
 - (A) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
 - (B) Locate all flood areas within 100 feet of the property..
 - (C) Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map (if completed) and on the Metro 2002 Wetland Inventory Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.
 - ii. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.
 - (A) Vegetative cover status shall be as identified on the Metro Vegetative Cover Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
 - (B) The vegetative cover status of a property may be adjusted only if (1) the property was developed prior to the time the regional program was approved (see subsection 9(F)(3) of this ordinance, above), or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property using summer 2002 aerial photographs and the definitions of the different vegetative cover types provided in Section 11 of this ordinance.
 - iii. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the methodology as described in *[insert a reference to the city or county code section that describes the methodology used to identify Water Quality Resource Areas pursuant to Title 3 of the Urban Growth Management Functional Plan]*); and
 - iv. Identify the riparian habitat classes applicable to all areas on the property using Table 6 and the data identified in subsections 9(G)(4)(a)(i) through (iii).

- b. *Step 2. Verifying boundaries of inventoried upland habitat in future urban growth boundary expansion areas.* Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The “forest canopy” designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map unless corrected as provided in this subsection.
- i. Except as provided in subsection 9(G)(4)(b)(ii), vegetative cover status shall be as identified on the Metro Vegetative Cover Map used to inventory habitat at the time the area was brought within the urban growth boundary (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
 - ii. The only allowed corrections to the vegetative cover status of a property are as follows:
 - (A) To correct errors made when the vegetative status of an area was determined based on analysis of the aerial photographs used to inventory the habitat at the time the area was brought within the urban growth boundary. For example, an area may have been identified as “forest canopy” when it can be shown that such area has less than 60% canopy crown closure, and therefore should not have been identified as “forest canopy.” The perimeter of an area delineated as “forest canopy” on the Metro Vegetative Cover Map may be adjusted to more precisely indicate the dripline of the trees within the canopied area provided that no areas providing greater than 60% canopy crown closure are de-classified from the “forest canopy” designation. To assert such errors, applicants shall submit an analysis of the vegetative cover on their property using the aerial photographs that were used to inventory the habitat at the time the area was brought within the urban growth boundary and the definitions of the different vegetative cover types provided in Section 11 of this ordinance; and
 - (B) To remove tree orchards and Christmas tree farms from inventoried habitat; provided, however, that Christmas tree farms where the trees were planted prior to 1975 and have not been harvested for sale as Christmas trees shall not be removed from the habitat inventory.
 - iii. If the vegetative cover status of any area identified as upland habitat is corrected pursuant to subsection 9(G)(4)(b)(ii)((A)) to change the status of an area originally identified as “forest canopy,” then such area shall not be considered upland habitat unless it remains part of a forest canopy opening less than one acre in area completely surrounding by an area of contiguous forest canopy.

Table 6: Method for Locating Boundaries of Class I and II Riparian Areas.

Distance in feet from Water Feature	Development/Vegetation Status ¹			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II ²	Class I	Class I
100-150		Class II ² if slope>25%	Class II ² if slope>25%	Class II ²
150-200		Class II ² if slope>25%	Class II ² if slope>25%	Class II ² if slope>25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100		Class II ²	Class I	Class I
100-150				Class II ²
Flood Areas (Undeveloped portion of flood area is a Class I Riparian Area)				
0-100			Class II ²	Class II ²

¹The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as “forest canopy” the forested area had to be part of a larger patch of forest of at least one acre in size.

²Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro’s Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

- c. *Step 3. Urban Development Value of the Property.* The urban development value of property designated as regionally significant habitat is depicted on the Metro Habitat Urban Development Value Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
 - i. A property’s urban development value designation shall be adjusted upward if the Metro 2040 Design Type designation for the property lot or parcel has changed from a category designated as a lower urban development value category to one designated as a higher urban development value category. 2040 Design Type designations are identified on the Metro 2040 Applied Concept Map (also available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
 - ii. Properties in areas designated on the 2040 Applied Concept Map as the Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, Other Industrial Areas, and Employment Centers are of medium urban development value; and properties in areas designated as Inner and Outer Neighborhoods and Corridors are of low urban development value.

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- iii. As designated in Title 13 of Metro’s Urban Growth Management Functional Plan, properties owned by a regionally significant educational or medical facility are designated as high urban development value.
- d. *Step 4. Cross-Reference Habitat Class With Urban Development Value.* City and county verification of the locations of High, Moderate, and Low Habitat Conservation Areas shall be consistent with Tables 7 and 8.

Table 7: Method for Identifying Habitat Conservation Areas (“HCA”)

Fish & wildlife habitat classification	High Urban development value¹	Medium Urban development value²	Low Urban development value³	Other areas: Parks and Open Spaces, no design types outside UGB
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+ ⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA ⁵ / High HCA+ ⁴
Class B Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA ⁵ / High HCA+ ⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an HCA adjustment.

¹Primary 2040 design type: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

²Secondary 2040 design type: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

³Tertiary 2040 design type: Inner and outer neighborhoods, Corridors

⁴Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas.

⁵All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High HCAs.

Table 8: Method for Identifying Habitat Conservation Areas (“HCA”) in Future Urban Growth Boundary Expansion Areas

Fish & wildlife habitat classification	High Urban development value¹	Medium Urban development value²	Low Urban development value³	Other areas: Parks and Open Spaces, no design types outside UGB
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+ ⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴
Class A Upland Wildlife	Low HCA	Moderate HCA	Moderate HCA	High HCA / High HCA ⁵ / High HCA+ ⁴
Class B Upland Wildlife	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA ⁵ / High HCA+ ⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an HCA adjustment.

¹Primary 2040 design types: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

²Secondary 2040 design types: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

³Tertiary 2040 design types: Inner and outer neighborhoods, Corridors

⁴Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas.

⁵All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High HCAs.

Section 10. Severability

The provisions of this ordinance are severable. If any section, clause, or phrase of this ordinance is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

Section 11. Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the same meaning as they have in common usage and to give this classification its most reasonable application.

Building site - The area on a lot or parcel that is designated to contain a structure, impervious surface, or non-native landscaping.

Building footprint - The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building footprint also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage. Underground facilities and structures are defined based on the foundation line.

Developed areas not providing vegetative cover - are areas that lack sufficient vegetative cover to meet the one-acre minimum mapping units of any other type of vegetative cover.

Developed floodplain - Any man-made change to improved or unimproved lands within a FEMA defined floodplain, including but not limited to buildings or other structures, dredging, filling, grading, paving, excavation, or storage of equipment and materials.

Development - 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: either 10 percent or 20,000 square feet of the vegetation in the Habitat Conservation Areas on the lot is defined as development. When individual trees are removed, the area contained within the tree's drip line shall be the basis for calculating the square footage of vegetation removed.

Development does not include the following: a) Stream enhancement or restoration projects approved by cities and counties; b) 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.

Disturb - Man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

- enhancement or restoration of the Water Quality Resource Area;
- planting native cover identified in the Metro Native Plant List.

Disturbance Area - An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site. For new development the disturbance area must be contiguous. The disturbance area does not include agricultural and pasture lands or naturalized areas.

Dripline - The outermost edge of a tree's canopy; when delineating the drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.

Ecological functions - The primary 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.

Effective Impervious Area - A subset of total impervious area that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body of water

Emergency - 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.

Engineer - A registered professional engineer licensed by the State of Oregon.

Enhancement - The process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate beneficial processes and features that occur naturally.

Erosion - Erosion is the movement of soil particles resulting from actions of water or wind.

Fill - Any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed in a Title 3 wetland or floodplain for the purposes of development or redevelopment.

Floodplain - The land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, FEMA, or (identify name) county/city that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

Floodway - The portion of a watercourse required for the passage or conveyance of a given storm event as identified and designated by the (identify name) city/county pursuant to this Ordinance. The floodway shall include the channel of the watercourse and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without flood levels by more than one foot.

Flood Management Areas - 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.

Flood areas - Those areas contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood (note that areas that were mapped as flood areas but were filled to a level above the base flood level prior to September 30, 2005, consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas).

Floor Area Ratio (FAR) - The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Forest canopy - Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

Habitat Conservation Area or HCA - An area identified on the Habitat Conservation Areas Map and subject to the development standards.

Habitat-friendly development - 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.

Invasive non-native or noxious vegetation - Plant species that are 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.

Lot - Lot means a single unit of land that is created by a subdivision of land. (ORS 92.010).

Low structure vegetation or open soils - Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

Mitigation - The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) 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 e) compensating for the impact by replacing or providing comparable substitute water quality resource areas or habitat conservation areas.

Native vegetation or native plant - 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.

Open space - Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and parks.

Owner or property owner - The person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereunder.

Parcel - Parcel means a single unit of land that is created by a partitioning of land. (ORS 92.010).

Partition - Partition means to divide land into two or three parcels of land within a calendar year. (ORS 92.010)

Phased development project - A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

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. The practicability of a development option shall include consideration of the type of HCA that will be affected by the proposed development. For example, High HCAs have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, so it should be more difficult to show that alternative development options that avoid the habitat are not practicable. On the other hand, Low HCAs have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat, so it should be less difficult to show that alternative development options that avoid the habitat are not practicable.

Redevelopment – Development that occurs on sites that have previously been developed.

Restoration - 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.

Riparian - Those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

Routine repair and maintenance - Activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

Set-back adjustment - The placement of a building a specified distance away from a road, property line or protected resource.

Significant negative impact - An impact that affects the natural environment, considered individually or cumulatively with other impacts on the HCA, to the point where existing fish and wildlife habitat functional values are degraded.

Statewide Land Use Planning Goal 5 - Oregon's statewide planning goal that addresses open space, scenic and historic areas, and natural resources. The purpose of the goal is to conserve open space and protect natural and scenic resources.

Steep slopes - Steep slopes are those slopes that are equal to or greater than 25%. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary that are available for development.

Stormwater pre-treatment facility - Any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

Stream - 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.

Structure - A building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles or irrigation system components, that are not customarily regulated through zoning codes.

Subdivision - A Subdivision of land means to divide land into four or more lots within a calendar year. (ORS 92.010).

Top of Bank - The same as "bankful stage" defined in OAR 141-85-010.

Urban Development Value - 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

Urban Growth Boundary or UGB - means an urban growth boundary adopted pursuant to ORS chapter 197.

Utility facilities - 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. Utility facilities do not include stormwater pre-treatment facilities.

Variance - means a discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstances unique to a specific property.

Water-dependent - A use which can be carried out only on, in, or adjacent to water because it requires access to the water for waterborne transportation or recreation. Water-dependent also includes development, which by its nature, can be built only on, in, or over water. Bridges supported by piers or pillars, as opposed to fill, are water-dependent development.

Water feature - 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.

Water Quality Resource Area - is an area identified by a city or county as a Water Quality Resource Area in order to comply with Title 3 of Metro's Urban Growth Management Functional Plan, Metro's code provision's 3.07.310- 3.07.370.

Watershed - A watershed is a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

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.

Woody vegetation - Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

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**METRO**

DATE: June 28, 2005

TO: MPAC Members and Interested Parties

FROM: Tom Kloster, Transportation Planning Manager

SUBJECT: Recent Transportation Planning Rule Amendments

On March 15, the Oregon Land Conservation and Development Commission (LCDC) adopted broad revisions to OAR 660-012-0060, the state Transportation Planning Rule. This round of amendments was focused on critical issues raised by the recent Jaqua vs. City of Springfield case that threatened current planning practices for balancing transportation and land use plans. While the LCDC response to the Jaqua case began as "fine tuning" amendments to the TPR, sweeping new provisions were introduced shortly before the draft rule was released for public review on January 3, 2005. These provisions, and staff recommendations for remedying them, are discussed in this memorandum.

The "1/2 Mile Rule"

The amended TPR reaffirms the existing practice of evaluating land use and transportation plan amendments for their effects in the horizon year of adopted 20-year plans in response to the Jaqua decision. However, the amended rule also applies a special test for transportation system adequacy along certain interstate highway corridors that creates a bar so high that the practical effect will be a zoning freeze in many of the affected areas of the metropolitan region. Known as the "1/2 mile rule", this provision represents a major shift in policy that Metro believes unacceptable because of the effects on the region's ability to implement the 2040 Growth Concept in these corridors.

The 1/2 mile rule requires plan amendments within a half mile radius of interchanges on I-5, I-205, I-405 and I-84 to be evaluated according to the Regional Transportation Plan (RTP) "financially constrained" system, a set of improvements that represents just over one third of the needed projects in the region. Metro's analysis of the financially constrained system showed that most of the interstate system in the region would fail to meet the RTP level of service policy in the 2020 horizon year with this limited set of improvements. The net effect would be a cap on plan amendments in affected areas that where added housing or employment might be proposed.

This means that zoning to increase employment or housing densities could be blocked in

the Portland Central City, Gateway, Clackamas and Oregon City regional centers, Hollywood, Lents, West Linn, Tualatin and Wilsonville town centers and every station community along the Interstate, Airport and I-205 MAX lines. The inner portions of the Banfield MAX line are also affected. In many cases, local zoning that implements these 2040 designations hasn't been adopted yet, so the impact is dramatic along the Interstate and I-205 MAX corridors, in particular. In the Tualatin/Wilsonville area and Gresham's Springwater employment area, planned industry on land recently brought inside the urban growth boundary could be affected. In Metro's preliminary analysis, the rule affects more than 24,000 acres in these corridors, of which more than 8,000 areas fall into 2040 centers, station communities and main streets, alone.

Metro has opposed the "1/2 mile rule" over concerns that it is overly simplistic and has significant unintended effects that were not considered during rulemaking. Unfortunately, the State did not complete any sort of land use or transportation analysis when drafting these requirements. While Metro shares the state's interest in protecting the integrity of the interstate highway system, we also believe this goal can be much more effectively achieved through more thoughtful strategies that are coordinated with adopted land use and transportation plans.

There is also some dispute over whether the amendments apply to areas beyond the interchanges, due to confusion over how the amendments related to pre-existing terminology in the rule. This stems from an interpretation by State planning staff that the recent amendments changed the definition of "funding plan" as the term has been applied to system plans over the past 15 years. Under this interpretation, the provisions of the "1/2 mile rule" would be expanded to cover all state-owned facilities. Metro staff do not agree that this was the intention of the OTC and LCDC when the amendments, since it represents a sweeping expansion of the interchange policy that was not discussed by the joint commissions during rulemaking.

To address these issues, the accompanying amendments would establish a different process for those metropolitan areas where a regional system plan is already required by the TPR. A regional plan already provides a more comprehensive look at interchanges than the "1/2 mile rule" offers, but under the proposed amendments, regional plans would be required to include a strategy for completing Interchange Area Management Plans (IAMPs) to replace the "1/2 mile rule" for metropolitan areas. Interchange Area Management Plans already exist in state regulations, and can better address the complexities of urban interchanges. The proposed amendments also include better definition of TPR terminology used in these provisions to address the dispute over the scope of the recent rule changes, including clarity of what constitutes a "funding plan" versus a "funding mechanism."

ODOT as a Land Use Authority

The caveat to the 1/2 mile rule is that ODOT staff will be allowed to determine if additional improvements beyond the RTP financially constrained system are deemed "reasonably likely" to occur, a discretionary interpretation that would occur outside the planning process, and put ODOT staff in the position of deciding land use actions in affected areas. This provision represents a departure from Oregon's planning tradition where local elected officials adopt comprehensive plans in a public process intended to provide certainty in the development process. The effect of this provision would be to allow ODOT to make discretionary, arbitrary decisions that second-guess local policy makers on major planning decisions.

It's also unclear how this could be applied in our region, since most of the affected highway corridors are deferred to refinement plans, and have no major improvements identified in the RTP until individual corridor plans are complete. Thus, ODOT staff would be in the position of choosing projects that don't exist in the RTP in order to use this

provision to "approve" plan amendments. This determination by ODOT requires no public process for evaluating the merit or impacts of such projects.

Metro opposes the "reasonably likely" provisions because it places ODOT in an inappropriate role as decision maker in the planning process, and could undermine the region's effort to concentrate future growth in existing urban centers and corridors in an effort to reduce urban sprawl. The draft amendments to the TPR that would limit the scope and impact of this provision in our region and reinforce the current practices used in evaluating comprehensive plan amendments. However, the proposed amendments do not seek to strike the provision, since there seems to be strong interest by the State in retaining this option.

In order to be considered by the LCDC, the proposed amendments must be considered by JPACT, MPAC and the Council by early July, with the request that the regional policy makers forward them to the LCDC for consideration in the final stages of the TPR update. The Metro Council has also reserved the option to petition for rulemaking, should other avenues for addressing our concerns fail.

July 14, 2005

John VanLandingham, Chair
Land Conservation and Development Commission
635 Capitol St., NE
Suite 150
Salem, OR 97301-2540

Dear Chair VanLandingham:

Thank you for the opportunity to comment on update to the Oregon Transportation Planning Rule (TPR). We commend the joint OTC/LCDC Transportation Subcommittee for producing these amendments in such a short time frame, and support the Commission's effort to remedy the critical issues raised by the Jaqua vs. City of Springfield case. When the Commission adopted the first round of TPR amendments addressing the Jaqua case earlier this year, you encouraged local agencies to work with the Commission to fine-tune the rule to best meet this new challenge.

We have since engaged our local and regional partners in the Metro region in a review of the new TPR provisions, and are proposing following comments on Section 660-012-0060 in the spirit of fine tuning the TPR. We believe that these amendments build on existing strengths of the TPR, while also recognizing the complexity of planning in larger urban settings.

The comments focus on the "1/2 mile rule", in particular. While we are proposing amendments to this set of provisions, the changes are offered with a commitment from our region that public investments in highway interchanges are guarded carefully against inappropriate land use actions.

While we have a small share of the state's highway interchanges, they also serve as gateways to the state's most important marine and air terminals, and provide primary access to public facilities like the Oregon Convention Center, Oregon Health and Science University, Central Post Office, Portland State University, Oregon Zoo, Metro Expo Center and many other cultural, commercial, medical and recreational destinations that serve residents of the entire state. Thus, we are keenly aware of the need to protect these access points over the long term.

Clarifying Funding Plans vs. Funding Mechanisms

The recent amendments to the TPR resulted in a confusing mix of transportation funding terminology that requires clarification in order to avoid invalidating currently acknowledged transportation system plans (TSP) in the Metro region. For the purpose of the rule, we recommend that "funding plans" be defined as a TSP element where a strategy, or range of strategies,

establish a road map for funding transportation revenue shortfalls during the 20-year plan period. Conversely, “funding mechanisms” would be identified as adopted or approved sources of transportation revenue that can be used to fund projects and programs identified in TSPs.

The proposed amendments in Attachment ‘A’ distinguish between these terms, and clarify how they apply to plan amendments in “interchange” areas and other areas within a locality. We recently learned of DLCD staff’s new interpretation of what a “funding plan” constitutes, and strongly disagree that the recent TPR amendments were intended to change this definition as it was applied in the acknowledgement of our regional transportation plan in 2000. The sharp difference of opinion between state agencies and local jurisdictions on the current language is evidence of the need to clarify the terminology. The proposed amendments would confirm the original interpretation of a “funding plan” to be part of shaping a long-range planning process, and not the state of current funding policies.

The amendments would also reduce the need to rely on ODOT interpretations of “reasonably likely” transportation improvements, which will introduce great uncertainty and ambiguity (and resulting litigation), as well as a new step in the already complicated local planning process. Local officials in the Metro region expressed concern over placing the role of an ODOT administrator above that of elected policy makers in making land use decisions, a significant departure from current practice. Instead, we believe that better interchange protections are possible through improved consultation and coordination between ODOT and local governments, as suggested below.

Interchange Management Strategy

We continue to oppose the “1/2 mile rule”, a new layer of planning regulations intended to protect interstate highway interchanges from overdevelopment. As you know, Metro shares the state’s concern for protecting the capacity and function of interstate interchanges. But the 1/2-mile rule is overly simplistic, particularly for urban areas where even the definition for measuring this radius cannot be applied to many interchanges. Instead, we support the use of interchange area management plans (IAMPs) in these areas, an existing tool that offers the best protection for interchanges, but has been largely unfunded by ODOT.

Our recommendation is based on a review of the interchanges located within the Metro region, and upon consultation with the Oregon MPO Consortium, which includes members from the Salem-Keizer, Eugene-Springfield, Rogue Valley, Corvallis and Bend MPOs. Our finding is that the ½ mile rule would not only block desired land use plans in existing urban areas, where compact development is proposed near interchanges, but also have the subsequent effect of pushing development toward the urban fringe, where the greatest interchange capacity exists in the state’s larger urban areas. This effect is

clearly in conflict with statewide planning goals to limit sprawl and promote compact development. The ½ mile rule also ignores the reality that, in larger urban areas, a much larger area might necessarily be managed as part of protecting interchanges. For example, in the Metro region, the Marine Drive interchange on Interstate-5 serves the major marine terminals of the Portland Harbor, yet all are located outside the ½ mile area. We believe that IAMPs provide a better alternative for customizing a strategy that meets the needs of each interchange, such as Marine Drive.

The proposed amendments to the TPR shown in Attachment 'A' would require Metropolitan Planning Organizations (MPOs) to develop an interchange management strategy as part of adopting a regional TSP. The strategy would establish priorities and timing for completion of interchange area managements plans for areas governed by MPOs, and is modeled after the existing "refinement planning" provisions of the TPR. The approach is also based on the notion that the TPR already calls out MPOs as unique in their transportation needs, and thus ties the interchange management responsibility to the regional TSPs that are required for the six MPOs.

ODOT would be strongly encouraged to participate in the completion of IAMPs for these areas, since the investment in completing this work represents a fraction of what just one interchange construction project could cost in the event of an inappropriate land use decision in an interchange area. It should be noted, however, that much of the corridor planning, and even some capital improvements to ODOT highways in the Metro region are now being funded with local or regional dollars. We strongly recommend that ODOT make a meaningful investment in protecting interchanges by funding the IAMP efforts for critical facilities. ODOT has already begun this effort in the Metro region by preparing an analysis of "at risk" interchanges, but the Region 1 office will need funding support from the OTC to complete this work.

Conclusion

We look forward to continued participation and comment as the remaining portions of the TPR are reviewed by the Commission in coming months. We are committed to finding a workable solution to better protecting our interchange investments, and appreciate the opportunity to comment on this important effort.

Sincerely,

Rex Burkholder
JPACT Chair

Jack Hoffman
MPAC Chair

David Bragdon
Metro Council President

cc: Members of the LCDC
Lane Shetterly, Department of Land Conservation and Development
Members of the Oregon Transportation Commission
Bruce Warner, Oregon Department of Transportation

Attachment ‘A’

660-012-0005 - Definitions

(7) “Funding Plan” means a reasonable strategy or range of strategies adopted in a local transportation system plan that addresses identified funding shortfalls during the planning period.”

(8) “Funding Mechanism” means an adopted or approved transportation revenue source used to finance projects and programs included in local transportation system plans.

(9) “Interchange Management Strategy” means an adopted strategy for developing interchange management plans in MPO areas.

660-012-0060 - Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan **or** funding mechanisms consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

- (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;
- (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
- (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or **funding** mechanism is in place or approved. These **Funding mechanisms** include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when

ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(B) and those provided through funding mechanisms in (C) are considered planned facilities, improvements and services, except where one of the following applies:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(C) There is an adopted interchange management strategy in a regional transportation system plan in MPO areas.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(D) Interchange management strategy means an adopted strategy for developing interchange management plans in MPO areas. Interchange management strategies

establish priorities and timing for completion of interchange managements plans for areas governed by MPOs.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or

findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Chapter 6 of the Regional Transportation Plan Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712, 197.717 & 197.732
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99; LCDD 3-2005, f. & cert. ef. 4-11-05