

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A) Ordinance No. 96-647C
FUNCTIONAL PLAN FOR EARLY)
IMPLEMENTATION OF THE 2040) Introduced by
GROWTH CONCEPT) Executive Officer Mike Burton

WHEREAS, the Metro Council adopted regional goals and objectives entitled "Regional Urban Growth Goals and Objectives" by Ordinance No. 95-625A in December 1995; and

WHEREAS, the Regional Urban Growth Goals and Objectives (RUGGO) contain integrated goals and objectives describing a desired urban form entitled the "2040 Growth Concept"; and

WHEREAS, RUGGOs are the regional policy basis for regional implementation measures to be adopted in a regional framework plan by December 1997; and

WHEREAS, the Metro Council initiated a new functional plan for early implementation of the 2040 Growth Concept prior to adoption of any regional framework plan component in Resolution No. 96-2288 consistent with RUGGO Objectives; and

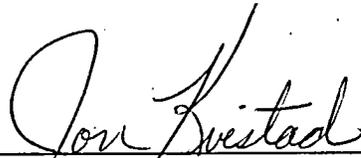
WHEREAS, a recommendation from the Metro Policy Advisory Committee for an early implementation functional plan entitled "Urban Growth Management Functional Plan" has been received by the Metro Council consistent with RUGGO Objectives; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS:

1. That the text, tables and maps included in Exhibit "A" attached and incorporated herein entitled the "Urban Growth Management Functional Plan" is hereby adopted as a functional plan pursuant to ORS 268.390.
2. That the Urban Growth Management Functional Plan complies with the Regional Urban Growth Goals and Objectives and applicable statewide land use planning goals, rules and statutes based on the record of this legislation before this Council as summarized in Exhibit "B".
3. That the provisions of the Urban Growth Management Functional Plan are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of the Urban Growth Management Functional Plan or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remainder

of the Urban Growth Management Functional Plan or its application to other cities, counties, persons or circumstances.

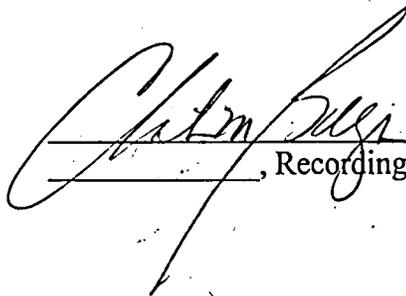
ADOPTED by the Metro Council this 21st day of November, 1996.



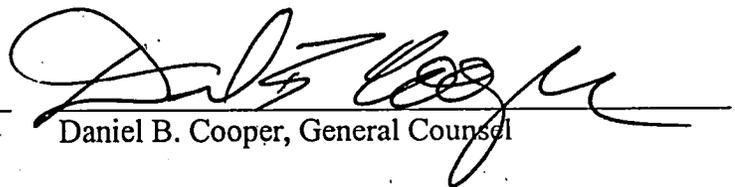
Jon Kvistad, Presiding Officer

ATTEST:

APPROVED AS TO FORM:



Recording Secretary



Daniel B. Cooper, General Counsel

1 **URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

2 **A functional plan for early implementation of the Metro 2040 Growth Concept**

3 **Introduction**

4 Metro was created after a vote of the citizens of the region as an elected regional government
5 responsible for addressing issues of metropolitan concern and is enabled by state law, adopted
6 by the Oregon Legislature in 1977. In addition, the voters of the region adopted a Metro
7 Charter in 1992, which describes additional responsibilities for the agency. Metro has an
8 elected seven member Council which determines region-wide policies. In addition, Metro has
9 an elected Executive Officer to enforce Metro ordinances and execute the policies of the
10 council.

11 The Metro Policy Advisory Committee (MPAC) is comprised of local government elected
12 officials and appointed citizens from throughout the region and was created to advise the
13 regionally elected Metro Council on matters of metropolitan concern. MPAC has
14 recommended specific policies to be included in a new functional plan to be adopted by the
15 Metro Council as soon as practicable. Early implementation of the 2040 Growth Concept is
16 intended to take advantage of opportunities now and avoid use of land inconsistent with the
17 long-term growth policy.

18 MPAC, as well as the Joint Policy Advisory Committee on Transportation (JPACT), and the
19 Water Resource Policy Advisory Committee (WRPAC) have made recommendations that are
20 the basis for this functional plan. All of the elements considered by MPAC, JPACT and
21 WRPAC were deemed by the Metro Council to be matters of metropolitan concern that have
22 significant impact upon the orderly and responsible development of the metropolitan area. The
23 functional plan establishes regional policies, which will apply to all 24 cities and 3 counties
24 within the Metro region. The legal form of these regional policies is a functional plan, not
25 adoption as a "component" of the Regional Framework Plan. The policies in this functional
26 plan will be updated and coordinated with other policies to be adopted as components of the
27 Metro Charter mandated Regional Framework Plan, on or before December 30, 1997.

28 Functional plans are a primary regional policy tool that may contain both "recommendations"
29 and "requirements" for changes in local plans. This functional plan relies on further actions,
30 primarily changes to local government comprehensive plans and implementing ordinances, to
31 effectuate the actions described below.

32 **The Meaning of Regional Functional Plan Adoption**

33 The regional policies which are adopted by this Urban Growth Management Functional Plan
34 recommend and require changes to city and county comprehensive plans and implementing
35 ordinances. The purpose of this functional plan is to implement regional goals and objectives
36 adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO),
37 including the Metro 2040 Growth Concept. The comprehensive plan changes and related

38 actions, including implementing regulations, required by this functional plan, shall be adopted
39 by all cities and counties in the Metro region within twenty-four (24) months from the effective
40 date of this ordinance.

41 Any city or county determination not to incorporate all required functional plan policies into
42 comprehensive plans shall be subject to the conflict resolution and mediation processes
43 included within the RUGGO, Goal I provisions, prior to the final adoption of inconsistent
44 policies or actions. Upon the effective date of this ordinance, any city or county amendment to
45 a comprehensive plan or implementing ordinance that is inconsistent with requirements of this
46 functional plan, is subject to appeal for violation of the functional plan.

47 Regional Policy Basis

48 The regional policies adopted in this functional plan are formulated from, and are consistent
49 with, the RUGGOs, including the Metro 2040 Growth Concept. The overall principles of the
50 Greenspaces Master Plan are also incorporated within this functional plan. In addition, the
51 updated Regional Transportation Plan (RTP)¹, when adopted, will serve as the primary
52 transportation policy implementation of the 2040 Growth Concept. However, early
53 implementation land use policies in this functional plan are integrated with early
54 implementation transportation policies derived from preparation of the 1996 Regional
55 Transportation Plan, and consistent with the Metro 2040 Growth Concept.

56 Structure of Requirements

57 The Urban Growth Management Functional Plan is a regional functional plan which contains
58 "requirements" that are binding on cities and counties of the region as well as
59 recommendations that are not binding. "Shall" or other directive words are used with
60 requirements. The words "should" or "may" are used with recommendations. In general, the
61 Plan is structured so that local jurisdictions may choose either performance standard
62 requirements or prescriptive requirements. The intent of the requirements is to assure that
63 cities and counties have a significant amount of flexibility as to how they meet requirements.
64 Performance standards are included in most titles. If local jurisdictions demonstrate to Metro
65 that they meet the performance standard, they have met that requirement of the title. Standard
66 methods of compliance are also included in the plan to establish one very specific way that
67 jurisdictions may meet a title requirement, but these standard methods are not the only way a
68 city or county may show compliance. In addition, certain mandatory requirements that apply
69 to all cities and counties are established by this functional plan.

¹ Metro has an adopted Regional Transportation Plan. However, because of changing local and regional conditions, as well as state and federal requirements, the RTP is scheduled to be amended in 1997.

70 **REGIONAL FUNCTIONAL PLAN REQUIREMENTS**

71 **TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT**
72 **ACCOMMODATION**

73 **Section 1. Intent**

74 State law and Metro Code require that the Metro urban growth boundary (UGB) have
75 sufficient capacity to accommodate the expected growth for 20 years. It is Metro policy to
76 minimize the amount of urban growth boundary expansion required for the expected population
77 and employment growth by the year 2017 consistent with all Statewide Goals. To further that
78 policy, it is beneficial and desirable for Metro to require actions intended to increase the
79 capacity for development of land within the UGB. Increasing the capacity of land within the
80 UGB will include requiring changes for appropriate locations in both the rate of development
81 permitted per acre (zoned density) and the rate at which housing and employment are actually
82 built within the UGB. Development consistent with the design types of the Metro 2040
83 Growth Concept will focus these efforts. As a matter of regional policy, each city and county
84 must contribute its fair share to increasing the development capacity of land within the UGB.

85 Metro will work with local jurisdictions to develop a set of region-wide community
86 development code provisions, standards and other regulations which local jurisdictions may
87 adopt that will help implement the 2040 Growth Concept and this Functional Plan. Included in
88 this project will be a review of development standards in support of smaller lots and more
89 flexible use of land, strategies to encourage land assembly, more flexible zoning and
90 improvements in the pre-application process to ensure timely and thorough review and to
91 provide for early involvement by the public to address neighborhood concerns and assure
92 community acceptance of these changes.

93 **Section 2. Methods to Increase Calculated Capacity Required for All Cities and**
94 **Counties**

95 All cities and counties within Metro are required to include within their comprehensive plans
96 and implementing ordinances the following provisions:

97 **A. Cities and counties shall apply a minimum density standard to all zones allowing**
98 **residential use as follows:**

99 1. a. Provide that no development application, including a subdivision, may
100 be approved unless the development will result in the building of 80
101 percent or more of the maximum number of dwelling units per net acre
102 permitted by the zoning designation for the site; or

103 b. Adopt minimum density standards that apply to each development
104 application that vary from the requirements of subsection 1.a., above.

140 Regional Centers--Nine regional centers will become the focus of compact development,
141 redevelopment and high-quality transit service and multimodal street networks.

142 Station Communities--Nodes of development centered approximately one-half mile around a
143 light rail or high capacity transit station that feature a high-quality pedestrian environment.

144 Town Centers--Local retail and services will be provided in town centers with compact
145 development and transit service.

146 Main Streets--Neighborhoods will be served by main streets with retail and service developments
147 served by transit.

148 Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian
149 environment, convenient access to transit, and somewhat higher than current densities.

150 Employment Areas--Various types of employment and some residential development are
151 encouraged in employment areas with limited commercial uses.

152 Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited
153 supporting uses.

154 Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with
155 smaller lot sizes are inner neighborhoods.

156 Outer Neighborhoods--Residential neighborhoods farther away from large employment centers
157 with larger lot sizes and lower densities are outer neighborhoods.

158 **Section 4. Requirements to Increase Capacity If Recent Development At Low Density**

159 A. All cities and counties shall determine whether actual built densities for housing during
160 1990-1995 were less than 80 percent of maximum zoned densities. The 1990-1995
161 actual built densities within cities and counties inside the urban growth boundary shall
162 be compared with zoned densities for housing units during that period.

163 Residential developments to be analyzed shall be those which were permitted by a land
164 use action and constructed during the period from 1990 to 1995, and residential density
165 shall be measured in households per net developed acre.¹

166 B. If the comparison of actual built densities to maximum zoned densities for the period
167 1990-1995 indicates that actual built densities were less than 80 percent of maximum
168 zoned densities, the city or county shall also demonstrate that it has considered and
169 adopted at least two of the following methods to increase capacity:

170 a. Financial incentives for higher density housing;

¹ See Title 10, Definitions.

- 171 b. Provisions permitting additional density beyond that generally allowed in
- 172 the zoning district in exchange for amenities and features provided by the
- 173 developer;
- 174 c. Removal or easing of approval standards or procedures;
- 175 d. Redevelopment and infill strategies; and
- 176 e. Authorization of housing types not previously allowed by the plan or
- 177 regulations.

178 **Section 5. Determination of Calculated Capacity of Housing Units and Jobs**

179 The purpose of this section is to require each city and county within the Metro region to
180 determine the housing and employment capacity of its existing comprehensive plan and
181 implementing ordinances, determine calculated capacity for dwelling units and jobs by the
182 method in this section, and increase calculated capacity, if necessary, to achieve the functional
183 plan capacities in Table 1. Each city and county within the Metro region is hereby required to
184 complete the following steps:

185 A. Determine the calculated capacity of dwelling units and jobs by the year 2017 using the
186 zoned capacity² of its current comprehensive plan and implementing ordinances.

187 1. Cities and counties shall use Metro estimates of vacant land, and land likely to
188 redevelop, unless they have data that they believe is more accurate. In this case,
189 the city or county may provide Metro the following:

- 190 a. The source of the data;
- 191 b. The reasons that the locally developed data is a more accurate estimate
- 192 than the Metro estimate of vacant and redevelopable land;
- 193 c. The database from which the above were derived;
- 194 d. The database of committed development lands.

195 Cities and counties may use their data, subject to acceptance by the Metro
196 Council or its designee, after the Executive Officer determines that the city or
197 county data may be more accurate than the Metro data. The Executive Officer
198 shall notify the Metro Council of each instance in which the data submitted by a
199 city or county is determined by the Executive Officer to be less accurate than
200 Metro data.

201 2. In determining the calculated capacity of existing comprehensive plans and
202 implementing ordinances, cities and counties shall not use a calculated capacity
203 for dwelling units of more than 80 percent of maximum zoned residential density,
204 unless:

² See Title 10, Definitions, "zoned density" and "calculated capacity."

- 205 a. Actual experience in the jurisdiction since 1990 has shown that
206 development has occurred at density greater than 80 percent of zoned
207 residential density; or
208 b. Minimum density standards are adopted or proposed for adoption in the
209 zoning code that require residential development at greater than 80 percent
210 of maximum zoned residential density.
- 211 3. Cities and counties calculating capacity through the use of density bonus
212 provisions may consider transfers, including off-site transfers, only upon
213 demonstration that previous approvals of all density transfers within the past 5
214 years have resulted in an average of at least 80 percent of maximum zoned
215 densities actually being built.
- 216 4. The capacity calculation shall use only those development types that are
217 allowed in the development code. Any discretionary decision must not diminish
218 the zoned density if it is to be counted as a part of calculated capacity; and
- 219 5. Cities and counties, in coordination with special districts, shall demonstrate that
220 they have reviewed their public facility capacities and plans to assure that planned
221 public facilities can be provided, to accommodate the calculated capacity within
222 the plan period.
- 223 B. Calculate the increases in dwelling unit and job capacities by the year 2017 from any
224 proposed changes to the current comprehensive plans and implementing ordinances that
225 must be adopted to comply with Section 2 of this Title and add the increases to the
226 calculation of expected capacities.
- 227 C. Determine the effect of each of the following on calculated capacities, and include any
228 resulting increase or decrease in calculated capacities:
- 229 1. Required dedications for public streets, consistent with the Regional Accessibility
230 Title;
- 231 2. Off-street parking requirements, consistent with this functional plan;
- 232 3. Landscaping, setback, and maximum lot coverage requirements;
- 233 4. The effects of tree preservation ordinances, environmental protection ordinances,
234 view preservation ordinances, solar access ordinances, or any other regulations
235 that may have the effect of reducing the capacity of the land to develop at the
236 zoned density;
- 237 5. The effects of areas dedicated to bio-swales, storm water retention, open space
238 dedications, and other requirements of local codes that may reduce the capacity of
239 the land to develop at the zoned density.

240 D. If any of the calculated capacities are determined to be less than any of the city or county
241 target dwelling unit and job capacities in Table 1, either jurisdiction-wide or in mixed-use
242 areas, or both, then the city or county shall comply with the performance standards in
243 Section 6 of this Title by amending its comprehensive plans and implementing ordinances
244 to increase calculated capacities, as needed, to comply with the calculated capacities
245 required in Table 1.

246 E. Exceptions to the Section 6.B requirement that target capacities be demonstrated may be
247 requested according to Title 8 if a city or county determines that any calculated
248 capacity requirement in Table 1 cannot be achieved after implementation of Sections 2,
249 3 and 4 of this Title to increase expected capacities.

250 **Section 6. Local Plan Accommodation of Expected Growth Capacity for Housing and**
251 **Employment—Performance Standard**

252 All cities and counties within Metro shall demonstrate that:

253 A. The provisions required in Section 2 of this Title have been included in comprehensive
254 plans and implementing ordinances; and that

255 B. Using the computation method in Section 5, including the minimum residential density
256 provisions required in Section 2, that calculated capacities will achieve the target
257 capacities for dwelling units and full-time and part-time jobs contained in Table 1 in
258 the Appendix to this plan, including both jurisdiction-wide expected capacities and
259 capacities for mixed-use areas; and that

260 C. Effective measures have been taken to reasonably assure that the calculated capacities
261 will be built for dwelling units and jobs; and that

262 D. Expected development has been permitted at locations and densities likely to be
263 achieved during the 20-year planning period by the private market or assisted housing
264 programs, once all new regulations are in effect.

265 **Section 7. Design Type Density Recommendations**

266 A. For the area of each of the 2040 Growth Concept design types, the following average
267 densities for housing and employment are recommended to cities and counties:

- 268 Central City - 250 persons per acre
- 269 Regional Centers - 60 persons per acre
- 270 Station Communities - 45 persons per acre
- 271 Town Centers - 40 persons per acre
- 272 Main Streets - 39 persons per acre
- 273 Corridor - 25 persons per acre

274 Employment Areas - 20 persons per acre
275 Industrial Areas - 9 employees per acre
276 Inner Neighborhoods - 14 persons per acre
277 Outer Neighborhoods - 13 persons per acre

278 **TITLE 2: REGIONAL PARKING POLICY**

279 **Section 1. Intent**

280 The State's Transportation Planning Rule calls for reductions in vehicle miles traveled per
281 capita and restrictions on construction of new parking spaces as a means of responding to
282 transportation and land use impacts of growth. The Metro 2040 Growth Concept calls for more
283 compact development as a means to encourage more efficient use of land, promote non-auto trips
284 and protect air quality. In addition, the federally mandated air quality plan adopted by the state
285 relies on the 2040 Growth Concept fully achieving its transportation objectives. Notably, the air
286 quality plan relies upon reducing vehicle trips per capita and related parking spaces through
287 minimum and maximum parking ratios. This title addresses these state and federal requirements
288 and preserves the quality of life of the region.

289 A compact urban form requires that each use of land is carefully considered and that more
290 efficient forms are favored over less efficient ones. Parking, especially that provided in new
291 developments, can result in a less efficient land usage and lower floor to area ratios. Parking also
292 has implications for transportation. In areas where transit is provided or other non-auto modes
293 (walking, biking) are convenient, less parking can be provided and still allow accessibility and
294 mobility for all modes, including autos. Reductions in auto trips when substituted by non-auto
295 modes can reduce congestion and increase air quality.

296 **Section 2. Performance Standard**

297 A. Cities and counties are hereby required to amend their comprehensive plans and
298 implementing regulations, if necessary, to meet or exceed the following minimum
299 standards:

300 1. Cities and counties shall require no more parking than the minimum as shown on
301 Regional Parking Ratios Table, attached hereto; and

302 2. Cities and counties shall establish parking maximums at ratios no greater than
303 those listed in the Regional Parking Ratios Table and as illustrated in the Parking
304 Maximum Map.. The designation of A and B zones on the Parking Maximum
305 Map should be reviewed after the completion of the Regional Transportation Plan
306 and every three years thereafter. If 20-minute peak hour transit service has
307 become available to an area within a one-quarter mile walking distance for bus
308 transit or one-half mile walking distance for light rail transit, that area shall be
309 added to Zone A. If 20-minute peak hour transit service is no longer available to
310 an area within a one-quarter mile walking distance for bus transit or one-half mile
311 walking distance for light rail transit, that area shall be removed from Zone A.
312 Cities and counties should designate Zone A parking ratios in areas with good
313 pedestrian access to commercial or employment areas (within 1/3 mile walk) from
314 adjacent residential areas.

315 3. Cities and counties shall establish an administrative or public hearing
316 process for considering ratios for individual or joint developments to allow
317 a variance for parking when a development application is received which
318 may result in approval of construction of parking spaces either in excess of
319 the maximum parking ratios; or less than the minimum parking ratios.

320 Cities and counties may grant a variance from any maximum parking ratios through a
321 variance process.

322 B. Free surface parking spaces shall be subject to the regional parking maximums provided
323 for Zone A and Zone B. Parking spaces in parking structures, fleet parking, parking
324 for vehicles that are for sale, lease, or rent, employee car pool parking spaces,
325 dedicated valet parking spaces, spaces that are user paid, market rate parking or other
326 high-efficiency parking management alternatives may be exempted from maximum
327 parking standards by cities and counties. Sites that are proposed for redevelopment
328 may be allowed to phase in reductions as a local option. Where mixed land uses are
329 proposed, cities and counties shall provide for blended parking rates. It is
330 recommended that cities and counties count adjacent on-street parking spaces, nearby
331 public parking and shared parking toward required parking minimum standards.

332 C. Cities and counties may use categories or measurement standards other than those in the
333 Regional Parking Ratios Table, but must provide findings that the effect of the local
334 regulations will be substantially the same as the application of the Regional Parking
335 Ratios.

336 D. Cities and counties shall monitor and provide the following data to Metro on an annual
337 basis:

- 338 1. the number and location of newly developed parking spaces, and
- 339 2. demonstration of compliance with the minimum and maximum parking
340 standards, including the application of any variances to the regional standards
341 in this Title. Coordination with Metro collection of other building data should
342 be encouraged.

343 **TITLE 3: WATER QUALITY AND FLOOD MANAGEMENT CONSERVATION**

344 **Section 1. Intent**

345 To protect the beneficial uses and functional values of resources within the Water Quality and
346 Flood Management Areas by limiting or mitigating the impact on these areas from development
347 activities.

348 **Section 2. Requirement**

349 Cities and counties shall ensure that their comprehensive plans and implementing regulations
350 protect Water Quality and Flood Management Areas pursuant to Section 4. Exceptions to this
351 requirement will be considered under the provisions of Section 7.

352 **Section 3. Implementation Process for Cities and Counties**

353 Cities and counties are hereby required to amend their plans and implementing ordinances, if
354 necessary, to ensure that they comply with this Title in one of the following ways:

355 A. Either adopt the relevant provisions of the Metro Water Quality and Flood Management
356 model ordinance and map entitled Metro Water Quality and Flood Management
357 Conservation Area Map; or

358 B. Demonstrate that the plans and implementing ordinances substantially comply with the
359 performance standards, including the map, contained in Section 4. In this case, the
360 purpose of this map is to provide a performance standard for evaluation of substantial
361 compliance for those jurisdictions who choose to develop their own map of water quality
362 and flood management areas ; or

363 C. Any combination of A and B above that substantially complies with all performance
364 standards in Section 4.

365 **Section 4. Performance Standards**

366 A. **Flood Mitigation.** The purpose of these standards is to protect against flooding, and
367 prevent or reduce risk to human life and properties, by allowing for the storage and
368 conveyance of stream flows through these natural systems.

369 The plans and implementing ordinances of cities and counties shall be in substantial compliance
370 with the following performance standards:

371 1. Prohibit development within the water quality and flood management area; or

372 2. Limit development in a manner that requires balanced cut and fill; unless the
373 project is demonstrated, by an engineering study, that there is no rise in flood
374 elevation or that it will have a net beneficial effect on flood mitigation.

375 3. Require minimum finished floor elevations at least one foot above the design
376 flood height or other applicable flood hazard standard for new habitable
377 structures in the Water Quality and Flood Management Area.

378 4. Require that temporary fills permitted during construction shall be removed.

379 B. **Water Quality.** The purpose of these standards is to protect and allow for enhancement
380 of water quality associated with beneficial uses as defined by the Oregon Water
381 Resources Department and the Oregon Department of Environmental Quality.

382 The plans and implementing ordinances of cities and counties shall be in substantial
383 compliance with the following performance standards:

384 1. Require erosion and sediment control for all new development within the Metro
385 boundary as contained in the Metro Water Quality and Flood Management model
386 ordinance.

387 2. Require to the maximum extent practicable that native vegetation cover is
388 maintained or re-established during development, and that trees and shrubs in the
389 Water Quality and Flood Management Area are maintained. The vegetative cover
390 required pursuant to these provisions shall not allow the use of "Prohibited Plants
391 for Stream Corridors and Wetlands" contained in the Water Quality and Flood
392 Management Model Code adopted by the Metro Council.

393 3. Prohibit new uses of uncontained areas of hazardous materials as defined by DEQ
394 in the Water Quality and Flood Management Areas; and

395 C. **Protect the long term regional continuity and integrity of Water Quality and Flood**
396 **Management Areas**

397 Standards: Local jurisdictions shall establish or adopt transfer of density within
398 ownership to mitigate the effects of development in Water Quality and Flood
399 Management Areas, or through Transferable Development Rights (TDRs), which have
400 substantially equivalent effect as the Metro Water Quality and Flood Management Model
401 Ordinance.

402 Metro encourages local government to require that approvals of applications for
403 partitions, subdivisions and design review actions must be conditioned with protecting
404 Water Quality and Flood Management Areas with a conservation easement, platted as a
405 common open space, or through purchase or donation of fee simple ownership to public
406 agencies or private non-profits for preservation where feasible. Metro and cities and
407 counties shall recognize that applications involving pre-existing development within the
408 Water Quality and Flood Management Areas shall be exempted from the provisions
409 concerning conservation easements and purchase or donation of fee simple ownership to
410 public agencies or private non-profits for preservation.

411 **Section 5. Fish and Wildlife Habitat Conservation Area**

412 A. The purpose of these standards is to conserve, protect, and enhance fish and wildlife
413 habitat within the fish and wildlife habitat conservation areas identified on the water
414 quality and flood management area map by establishing performance standards and
415 promoting coordination by Metro of regional urban water sheds.

416 B. Fish and Wildlife Habitat Conservation Area Recommendations

417 These areas shall be shown on the Water Quality and Flood Management Area Map.
418 Fish and Wildlife Habitat Conservation Areas generally include and/or go beyond
419 the Water Quality and Flood Management Areas. These areas shown on the map are
420 Metro's initial inventory of significant fish and wildlife habitat conservation areas. Metro
421 hereby recommends that local jurisdictions adopt the following temporary standards:

422 1. Prohibit development in the Fish and Wildlife Conservation Areas that adversely
423 impacts fish and wildlife habitat.

424 Exceptions: It is recognized that urban development will, at times, necessitate
425 development activities within or adjacent to Fish and Wildlife Habitat
426 Conservation Areas. The following Fish and Wildlife Habitat Conservation
427 Mitigation Policy, except for emergency situations, applies to all the following
428 exceptions:

429 A project alternatives analysis, where public need for the project has been
430 established, will be required for any of the exceptions listed below. The
431 alternatives analysis must seek to avoid adverse environmental impacts by
432 demonstrating there are no practicable, less environmentally damaging
433 alternatives available. In those cases where there are no practicable, less
434 environmentally damaging alternatives, the project proponent will seek
435 alternatives which reduce or minimize adverse environmental impacts. Where
436 impacts are unavoidable, compensation, by complete replacement of the impacted
437 site's ecological attributes or, where appropriate, substitute resources of equal or
438 greater value will be provided in accordance with the Metro Water Quality and
439 Flood Management model ordinance.

- 440 a. Utility construction within a maximum construction zone width
- 441 established by cities and counties.
- 442 b. Overhead or underground electric power, telecommunications and cable
- 443 television lines within a sewer or stormwater right-of-way or within a
- 444 maximum construction zone width established by cities and counties.
- 445 c. Trails, boardwalks and viewing areas construction.
- 446 d. Transportation crossings and widenings. Transportation crossings and
- 447 widenings shall be designed to minimize disturbance, allow for fish and

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wildlife passage and crossings should be preferably at right angles to the stream channel.

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2. Limit the clearing or removal of native vegetation from the Fish and Wildlife Habitat Conservation Area to ensure its long term survival and health. Allow and encourage enhancement and restoration projects for the benefit of fish and wildlife.

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3. Require the revegetation of disturbed areas with native plants to 90 percent cover within three years. Disturbed areas should be replanted with native plants on the Metro Plant List or an approved locally adopted plant list. Planting or propagation of plants listed on the Metro Prohibited Plant List within the Conservation Area shall be prohibited.

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4. Require compliance with Oregon Department of Fish and Wildlife (ODFW) seasonal restrictions for in-stream work. Limit development activities that would impair fish and wildlife during key life-cycle events according to the guidelines contained in ODFW's "Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources."

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C. Fish and Wildlife Habitat Protection

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Within eighteen (18) months from the effective date of this functional plan, Metro shall complete the following regional coordination program by adoption of functional plan provisions.

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1. Metro shall establish criteria to define and identify regionally significant fish and wildlife habitat areas.

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2. Metro shall adopt a map of regionally significant fish and wildlife areas after (1) examining existing Goal 5 data, reports and regulation from cities and counties, and (2) holding public hearings.

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3. Metro shall identify inadequate or inconsistent data and protection in existing Goal 5 data, reports and regulations on fish and wildlife habitat. City and county comprehensive plan provisions where inventories of significant resources were completed and accepted by a LCDC Periodic Review Order after January 1, 1993, shall not be required to comply until their next periodic review.

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4. Metro shall complete Goal 5 economic, social, environmental and energy (ESEE) analyses for mapped regionally significant fish and wildlife habitat areas only for those areas where inadequate or inconsistent data or protection has been identified.

482 5. Metro shall establish performance standards for protection of regionally
483 significant fish and wildlife habitat which must be met by the plans implementing
484 ordinances of cities and counties.

485 **Section 6. Metro Model Ordinance Required**

486 Metro shall adopt a Water Quality and Flood Management Model Ordinance and map for use by
487 local jurisdictions to comply with this section. Sections 1-4 of this title shall not become
488 effective until 24 months after Metro Council has adopted a Model Code and map that addresses
489 all of the provisions of this title. Metro may adopt a Model Code and map for protection of
490 regionally significant fish and wildlife habitat. Section 5 of this title shall be implemented by
491 adoption of new functional plan provisions.

492 **Section 7. Variances**

493 City and county comprehensive plans and implementing regulations are hereby required to
494 include procedures to consider claims of map error and hardship variances to reduce or remove
495 stream corridor protection for any property demonstrated to be converted to an unbuildable lot by
496 application of stream corridor protections.

497 **TITLE 4: RETAIL IN EMPLOYMENT AND INDUSTRIAL AREAS**

498 **Section 1. Intent**

499 It is the intent of the Metro 2040 Growth Concept that Employment and Industrial Areas contain
500 supportive retail development. Employment and Industrial areas would be expected to include
501 some limited retail commercial uses primarily to serve the needs of people working or living in
502 the immediate Employment or Industrial Areas; not larger market areas outside the
503 Employment or Industrial Areas.

504 **Section 2. Comprehensive Plan and Implementing Ordinance Changes Required**

505 A. Cities and counties are hereby required to amend their comprehensive plans and
506 implementing regulations, if necessary, to prohibit retail uses larger than 60,000 square
507 feet of gross leasable area per building or business in the Industrial Areas designated on
508 the attached Employment and Industrial Areas Map.

509 B. This subsection applies to city and county comprehensive plan designations and zoning
510 ordinances acknowledged by the effective date of this Functional Plan, which allow retail
511 uses larger than 60,000 square feet of gross leasable area per building or business in
512 Employment Areas designated on the attached Employment and Industrial Areas Map.
513 These cities and counties may continue to allow the extent and location of retail uses
514 allowed in Employment Areas on the effective date of this Functional Plan for the
515 specific zones in acknowledged land use regulations listed in Exhibit A of this Title. For
516 all other zones in Employment Areas, these cities and counties are hereby required to
517 amend their comprehensive plans and implementing regulations, if necessary, to require a
518 process resulting in a land use decision for any retail uses larger than 60,000 square feet
519 of gross leasable area per building or business on those lands where such uses are
520 currently allowed by any process. The standards for the land use decision to allow any
521 such retail uses shall require (1) a demonstration in the record that transportation facilities
522 adequate to serve the retail use, consistent with Metro's functional plans for
523 transportation, will be in place at the time the retail use begins operation; and (2) a
524 demonstration that transportation facilities adequate to meet the transportation need for
525 the other planned uses in the Employment Areas are included in the applicable
526 comprehensive plan provisions. If the city and county comprehensive plan designations
527 and zoning ordinances which allow retail uses larger than 60,000 square feet of gross
528 leasable area per building or business in Employment Areas have not been acknowledged
529 by the effective date of this Functional Plan, subsection 2.C. of this Title shall apply.

530 C. City or county comprehensive plan designations and zoning ordinances acknowledged by
531 the effective date of this Functional Plan which do not allow retail uses larger than 60,000
532 square feet of gross leasable area per building or business in Employment Areas
533 designated on the attached Employment and Industrial Areas Map shall continue to
534 prohibit them unless an exception is established under Section 3 of this Title pursuant to
535 the compliance procedures of Title 8.

536 **Section 3. Exceptions**

537 Exceptions to this standard for Employment Areas may be included in local compliance plans
538 for:

539 A. Low traffic generating, land-consumptive commercial uses with low parking demand
540 which have a community or region wide market, or

541 B. Specific Employment Areas which have substantially developed retail areas or which
542 are proposed to be or have been locally designated, but not acknowledged by the effective
543 date of this Functional Plan, as retail areas, may allow new or redeveloped retail uses
544 where adequate transportation facilities capacity is demonstrated in local compliance
545 plans as provided in Title 8.

546 **Title 4, Exhibit A**

547 Clackamas County unincorporated
548 Commercial
549 Commercial Industrial

550 Lake Oswego
551 General Commercial
552 Highway Commercial

553 Troutdale
554 General Commercial

555 Hillsboro
556 General Commercial

557 Sherwood
558 General Commercial

559 Tigard
560 General Commercial
561 Commercial Professional

562 Tualatin
563 Commercial General

564 Wilsonville
565 Planned Development Commercial

566 **TITLE 5: NEIGHBOR CITIES AND RURAL RESERVES**

567 **Section 1. Intent**

568 The intent of this title is to clearly define Metro policy with regard to areas outside the Metro
569 urban growth boundary. **NO PORTION OF THIS TITLE CAN REQUIRE ANY ACTIONS**
570 **BY NEIGHBORING CITIES.** Metro, if neighboring cities jointly agree, will adopt or sign
571 rural reserve agreements for those areas designated rural reserve in the Metro 2040 Growth
572 Concept with Multnomah, Clackamas, and Washington County, and Neighbor City Agreements
573 with Sandy, Canby, and North Plains. Metro would welcome discussion about agreements with
574 other cities if they request such agreements.

575 In addition, counties and cities within the Metro boundary are hereby required to amend their
576 comprehensive plans and implementing ordinances within twenty-four months to reflect the rural
577 reserves and green corridors policies described in the Metro 2040 Growth Concept.

578 **Section 2. Rural Reserves and Green Corridors**

579 Metro shall attempt to designate and protect common rural reserves between Metro's urban
580 growth boundary and designated urban reserve areas and each neighbor city's urban growth
581 boundary and designated urban reserves, and designate and protect common locations for green
582 corridors along transportation corridors connecting the Metro region and each neighboring city.
583 For areas within the Metro boundary, counties are hereby required to amend their comprehensive
584 plans and implementing ordinances to identify and protect the rural reserves and green corridors
585 described in the adopted 2040 Growth Concept and shown on the adopted 2040 Growth Concept
586 Map. These rural lands shall maintain the rural character of the landscape and our agricultural
587 economy. New rural commercial or industrial development shall be restricted to the extent
588 allowed by law. Zoning shall be for resource protection on farm and forestry land, and very low-
589 density residential (no greater average density than one unit for five acres) for exception land.

590 For areas outside the Metro boundary, Metro shall encourage intergovernmental agreements with
591 the cities of Sandy, Canby and North Plains.

592 **Section 3. Invitations for Intergovernmental Agreements**

593 Metro shall invite the cities and counties outside the Metro boundary and named in Section 1 of
594 this title to sign an Intergovernmental Agreement, similar to the draft agreements attached hereto.

595 **Section 4. Metro Intent with Regard to Green Corridors**

596 Metro shall attempt to negotiate a Green Corridor Intergovernmental Agreement with Oregon
597 Department of Transportation (ODOT) and the three counties (Clackamas, Multnomah and
598 Washington) to designate and protect areas along transportation corridors connecting Metro and
599 neighboring cities.

600 **TITLE 6: REGIONAL ACCESSIBILITY**

601 **Section 1. Intent**

602 Implementation of the 2040 Growth Concept requires that the region identify key measures of
603 transportation effectiveness which include all modes of transportation. Developing a full array of
604 these measures will require additional analysis. Focusing development in the concentrated
605 activity centers, including the central city, regional centers, and station communities, requires the
606 use of alternative modes of transportation in order to avoid unacceptable levels of congestion.
607 The continued economic vitality of industrial areas and intermodal facilities is largely dependent
608 on preserving or improving access to these areas and maintaining reasonable levels of freight
609 mobility in the region. Therefore, regional congestion standards and other regional system
610 performance measures shall be tailored to reinforce the specific development needs of the
611 individual 2040 Growth Concept design types.

612 These regional standards will be linked to a series of regional street design concepts that fully
613 integrate transportation and land use needs for each of the 2040 land use components. The
614 designs generally form a continuum; a network of throughways (freeway and highway designs)
615 will emphasize auto and freight mobility and connect major activity centers. Slower-speed
616 boulevard designs within concentrated activity centers will balance the multi-modal travel
617 demands for each mode of transportation within these areas. Street and road designs will
618 complete the continuum, with multi-modal designs that reflect the land uses they serve, but also
619 serving as moderate-speed vehicle connections between activity centers that complement the
620 throughway system. While these designs are under development, it is important that
621 improvements in the most concentrated activity centers are designed to lessen the negative
622 effects of motor vehicle traffic on other modes of travel. Therefore, implementation of amenity
623 oriented boulevard treatment that better serves pedestrian, bicycle and transit travel in the central
624 city, regional centers, main streets, town centers, and station communities is a key step in the
625 overall implementation of the Metro 2040 Growth Concept.

626 It is intended that the entirety of these Title 6 standards will be supplemented by the Regional
627 Transportation Plan (RTP) when the RTP is approved and adopted by the Metro Council.

628 **Section 2. Boulevard Design**

629 Regional routes in the central city, regional centers, station communities, main streets and town
630 centers are designated on the Boulevard Design Map. In general, pedestrian and transit oriented
631 design elements are the priority in the central city and regional centers, station communities,
632 main streets and town centers. All cities and counties within the Metro region shall implement
633 or allow others to implement boulevard design elements as improvements are made to these
634 facilities including those facilities built by ODOT or Tri-Met. Each jurisdiction shall amend
635 their comprehensive plans and implementing ordinances, if necessary, to require consideration or
636 installation of the following boulevard design elements when proceeding with right-of-way
637 improvements on regional routes designated on the boulevard design map:

638 A. Wide sidewalks with pedestrian amenities such as benches, awnings and special lighting;

- 639 B. Landscape strips, street trees and other design features that create a pedestrian buffer
640 between curb and sidewalk;
- 641 C. Pedestrian crossings at all intersections, and mid-block crossings where intersection
642 spacing is excessive;
- 643 D. The use of medians and curb extensions to enhance pedestrian crossings where wide
644 streets make crossing difficult;
- 645 E. Accommodation of bicycle travel;
- 646 F. On-street parking;
- 647 G. Motor vehicle lane widths that consider the above improvements;
- 648 H. Use of landscaped medians where appropriate to enhance the visual quality of the
649 streetscape.

650 **Section 3. Design Standards for Street Connectivity**

651 The design of local street systems, including "local" and "collector" functional classifications, is
652 generally beyond the scope of the Regional Transportation Plan (RTP). However, the aggregate
653 effect of local street design impacts the effectiveness of the regional system when local travel is
654 restricted by a lack of connecting routes, and local trips are forced onto the regional network.
655 Therefore, the following design and performance options are intended to improve local
656 circulation in a manner that protects the integrity of the regional system.

657 Local jurisdictions within the Metro region are hereby required to amend their comprehensive
658 plans and implementing ordinances, if necessary, to comply with or exceed one of the following
659 options in the development review process:

- 660 A. **Design Option.** Cities and counties shall ensure that their comprehensive plans,
661 implementing ordinances and administrative codes require demonstration of compliance
662 with the following:
 - 663 1. New residential and mixed-use developments shall include local street plans that:
 - 664 a. encourage pedestrian and bicycle travel by providing short, direct public
665 right-of-way routes to connect residential uses with nearby existing and
666 planned commercial services, schools, parks and other neighborhood
667 facilities; and
 - 668 b. include no cul-de-sac streets longer than 200 feet, and no more than 25
669 dwelling units on a closed-end street system except where topography,
670 barriers such as railroads or freeways, or environmental constraints such as
671 major streams and rivers, prevent street extension; and

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- c. provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension; and
- d. consider opportunities to incrementally extend and connect local streets in primarily developed areas; and
- e. serve a mix of land uses on contiguous local streets; and
- f. support posted speed limits; and
- g. consider narrow street design alternatives that feature total right-of-way of no more than 46 feet, including pavement widths of no more than 28 feet, curb-face to curb-face, sidewalk widths of at least 5 feet and landscaped pedestrian buffer strips that include street trees; and
- h. limit the use of cul-de-sac designs and closed street systems to situations where topography, pre-existing development or environmental constraints prevent full street extensions.

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- 2. For new residential and mixed-use development, all contiguous areas of vacant and primarily undeveloped land of five acres or more shall be identified by cities and counties and the following will be prepared:

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A map that identifies possible local street connections to adjacent developing areas. The map shall include street connections at intervals of no more than 660 feet, with more frequent connections in areas planned for mixed use or dense development.

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B. Performance Option. For residential and mixed use areas, cities and counties shall amend their comprehensive plans, implementing ordinances and administrative codes, if necessary, to require demonstration of compliance with performance criteria in the following manner. Cities and counties shall develop local street design standards in text or maps or both with street intersection spacing to occur at intervals of no less than eight street intersections per mile except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension. The number of street intersections should be greatest in the highest density 2040 Growth Concept design types. Local street designs for new developments shall satisfy the following additional criteria:

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- 1. Performance Criterion: minimize local traffic on the regional motor vehicle system, by demonstrating that local vehicle trips on a given regional facility do not exceed the 1995 arithmetic median of regional trips for facilities of the same motor vehicle system classification by more than 25 percent.

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- 2. Performance Criterion: everyday local travel needs are served by direct, connected local street systems where: (1) the shortest motor vehicle trip over public streets from a local origin to a collector or greater facility is no more than

712 twice the straight-line distance; and (2) the shortest pedestrian trip on public right-
713 of-way is no more than one and one-half the straight-line distance.

714 **Section 4. Transportation Performance Standards**

715 **A. Alternative Mode Analysis**

716 1. Mode split will be used as the key regional measure for transportation
717 effectiveness in the Central City, Regional Centers and Station Communities.
718 Each jurisdiction shall establish an alternative mode split target (defined as non-
719 Single Occupancy Vehicle person-trips as a percentage of all person-trips for all
720 modes of transportation) for each of the central city, regional centers and station
721 communities within its boundaries. The alternative mode split target shall be no
722 less than the regional targets for these Region 2040 Growth Concept land use
723 components to be established in the Regional Transportation Plan.

724 2. Cities and counties which have Central City, regional centers and station
725 communities shall identify actions which will implement the mode split targets.
726 These actions should include consideration of the maximum parking ratios
727 adopted as part of Title 2; Section 2: Boulevard Design of this Title; and transit's
728 role in serving the area.

729 **B. Motor Vehicle Congestion Analysis for Mixed Use Areas**

730 1. Level-Of-Service (LOS) is a measurement of the use of a road as a share of
731 designed capacity. The following table using Level Of Service may be
732 incorporated into local comprehensive plans and implementing ordinances to
733 replace current methods of determining motor vehicle congestion on regional
734 facilities, if a city or county determines that this change is needed to permit
735 Title 1, Table 1 capacities in the Central City, Regional Centers, Town Centers,
736 Main Streets and Station Communities:

737 *General Congestion Performance Standards (using LOS*)*

	Preferred	Acceptable	Exceeds
Mid-Day one-hour	C or better	D	E or worse
Peak two-hour	E/E or better	F/E	F/F or worse

738 *Level-of-Service is determined by using either the latest edition of the Highway
739 Capacity Manual (Transportation Research Board) or through volume to capacity
740 ratio equivalencies as follows: LOS C = .8 or better; LOS D = .8 to .9; LOS = .9
741 to 1.0; and LOS F = greater than 1.0. A copy of the Level of Service Tables
742 from the Highway Capacity Manual is attached as Exhibit A.

743 2. Accessibility. If a congestion standard is exceeded as identified in 4.B.1, cities and
744 counties shall evaluate the impact of the congestion on regional accessibility using
745 the best available methods (quantitative or qualitative). If a determination is made

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by Metro that the congestion negatively impacts regional accessibility, local jurisdictions shall follow the congestion management procedures identified in 4.C. below.

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3. The identified function or the identified capacity of a road may be significantly affected by planning for Central City, Regional Centers, Town Centers, Main Streets and Station Communities. Cities and counties shall amend their transportation plans and implementing ordinances to either change or take actions as described in Section 4.C., below, to preserve the identified function and identified capacity of the road, if necessary, to retain consistency between allowed land uses and planning for transportation facilities.

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C. Congestion Management

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For a city or county to amend their comprehensive plan to add a significant capacity expansion to a regional facility, the following actions shall be applied, unless the capacity expansion is included in the Regional Transportation Plan:

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1. To address Level of Service, the following shall be implemented:

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- a. Transportation system management techniques
- b. Corridor or site-level transportation demand management techniques
- c. Additional motor vehicle capacity to parallel facilities, including the consideration of a grid pattern consistent with connectivity standards contained in Title 6 of this plan
- d. Transit service improvements to increase ridership

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2. To address preservation of motor vehicle function:

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- a. Implement traffic calming
- b. Change the motor vehicle function classification

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3. To address or preserve existing street capacity, implement transportation management strategies (e.g. access management, signal interties, lane channelization)

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If the above considerations do not adequately and cost-effectively address the problem, capacity improvements may be included in the comprehensive plan.

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D. Motor Vehicle Congestion Analysis Outside of Mixed Use Areas

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Outside of Central City, Regional Centers, Town Centers, Main Streets and Station Communities, and where cities and counties have not elected to use the General Congestion Performance Standards in subsection 4.B of this Title:

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1. The identified function or the identified capacity of a road may be significantly affected by implementation of this functional plan. Cities and counties shall amend their transportation plans and implementing ordinances to change or take actions as described in Section 4.C., below, to preserve the identified function and identified capacity of the facility, if necessary, to retain consistency between allowed land uses and planning for transportation facilities.

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2. The congestion performance standard for designated state highways as identified in the 1990 Oregon Highway Plan shall be the peak and off-peak performance criteria in Appendix F of the 1992 Oregon Transportation Plan.

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3. The congestion performance standard for arterials of regional significance identified at Figure 4-2 of Chapter 4 of the 1992 Regional Transportation Plan should be the peak and off-peak performance criteria in Chapter 1, Section D of the 1992 Regional Transportation Plan.

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4. Congestion level of service standards are not required for all other roads.

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5. If the congestion performance for a road is exceeded or the identified function or identified capacity is inconsistent with land uses, cities and counties shall apply the congestion management actions identified in 4.C.1-3, above. If these actions do not adequately and cost-effectively address the problem, capacity improvements may be included in the comprehensive plan."

Level of Service (LOS) Definitions for Freeways, Arterials and Signalized Intersections

LOS	FREEWAYS (average travel speed assuming 70 mph design speed)	ARTERIALS (average travel speed assuming a typical free flow speed of 40 mph)	SIGNALIZED INTERSECTIONS (stopped delay per vehicle)	TRAFFIC FLOW CHARACTERISTICS
A	Greater than 60 mph Average spacing: 22 car-lengths	Greater than 35 mph	Less than 5 seconds; most vehicles do not stop at all	Virtually free flow; completely unimpeded Volume/capacity ratio less than or equal to .60
B	57 to 60 mph Average spacing: 13 car-lengths	28 to 35 mph	5.1 to 15 seconds; more vehicles stop than for LOS A	Stable flow with slight delays; reasonably unimpeded Volume/capacity ratio .61 to .70
C	54 to 57 mph Average spacing: 9 car-lengths	22 to 28 mph	15.1 to 25 seconds; individual cycle failures may begin to appear	Stable flow with delays; less freedom to maneuver Volume/capacity ratio of .71 to .80
D	46 to 54 mph Average spacing: 6 car-lengths	17 to 22 mph	25.1 to 40 seconds; individual cycle failures are noticeable	High density but stable flow Volume/capacity ratio of .81 to .90
E	30 to 46 mph Average spacing: 4 car-lengths	13 to 17 mph	40.1 to 60 seconds; individual cycle failures are frequent; poor progression	Operating conditions at or near capacity; unstable flow Volume/capacity ratio of .91 to 1.00
F	Less than 30 mph bumper-to-bumper	Less than 13 mph	Greater than 60 seconds; not acceptable for most drivers	Forced flow, breakdown conditions Volume/capacity ratio of greater than 1.00
>F	Demand exceeds roadway capacity, limiting volume that can be carried and forcing excess demand onto parallel routes and extending the peak period			Demand/capacity ratios of greater than 1.10

Source: 1985 Highway Capacity Manual (A through F Descriptions)
Metro (>F Description)

799 **TITLE 7: AFFORDABLE HOUSING**

800 **Section 1. Intent**

801 RUGGO Objective 17 requires that Metro adopt a "fair share" strategy for meeting the housing
802 needs of the urban population in cities and counties based on a subregional analysis. A "fair
803 share" strategy will include (1) a diverse range of housing types available within cities and
804 counties inside the UGB; (2) specific goals for low and moderate rate housing to ensure that
805 sufficient and affordable housing is available to households of all income levels that live or have
806 a member working in each jurisdiction; (3) housing densities and costs supportive of adopted
807 public policy for the development of the regional transportation system and designated centers
808 and corridors; and (4) a balance of jobs and housing within the region and subregions.

809 Title 1 of this functional plan requires cities and counties to change their zoning to accommodate
810 development at higher densities in locations supportive of the transportation system. Two other
811 parts of the "fair share" strategy are addressed here: (1) encouraging use of tools identified to
812 improve availability of sufficient housing affordable to households of all income levels; and (2)
813 encouraging manufactured housing to assure a diverse range of available housing types.

814 **Section 2. Recommendations to Improve Availability of Affordable Housing**

815 According to HUD standards, housing is affordable if the resident is paying no more than one-
816 third of their income for housing. Data from the federally required County Consolidated Plans
817 clearly demonstrate that there exists a shortage of housing affordable to low and moderate
818 income people in most, if not all, cities and counties. Metro recommends that cities and counties
819 increase their efforts to provide for the housing needs of households of all income levels that live
820 or have a member working in each jurisdiction and that they consider implementation of some or
821 all of the following tools and approaches to facilitate the development of affordable housing:

- 822 A. Donate buildable tax-foreclosed properties to nonprofit organizations or
823 governments for development as mixed market affordable housing.
- 824 B. Develop permitting process incentives for housing being developed to serve
825 people at or below 80% of area median income.
- 826 C. Provide fee waivers and property tax exemptions for projects developed by
827 nonprofit organizations or governments serving people at or below 60% of area
828 median income.
- 829 D. Create a land banking program to enhance the availability of appropriate sites for
830 permanently affordable housing.
- 831 E. Consider replacement ordinances that would require developers of high-income
832 housing, commercial, industrial, recreational or government projects to replace
833 any affordable housing destroyed by these projects.

834 F. Consider linkage programs that require developers of job-producing development,
835 particularly that which receives tax incentives, to contribute to an affordable
836 housing fund.

837 G. Commit locally controlled funds, such as Community Development Block Grants,
838 Strategic Investment Program tax abatement funds or general fund dollars, to the
839 development of permanently affordable housing for people at or below 60% of
840 area median income.

841 H. Consider inclusionary zoning requirements, particularly in tax incentive
842 programs, for new development in transit zones and other areas where public
843 investment has contributed to the value and developability of land.

844 **Section 3. Recommendations to Encourage Manufactured Housing**

845 State housing policy requires the provision of manufactured housing inside all Urban Growth
846 Boundaries as part of the housing mix with appropriate placement standards. The following are
847 recommended to reduce regulatory barriers to appropriately placed manufactured housing:

848 A. Requirements for a minimum of five acres to develop a manufactured housing
849 park should be reviewed to consider a lesser requirement, or elimination of a
850 minimum parcel and/or lot size entirely.

851 B. Manufactured homes configured as duplexes, triplexes, fourplexes, etc. should be
852 encouraged outside manufactured dwelling parks where zoning densities are
853 consistent with single story development.

854 **TITLE 8: COMPLIANCE PROCEDURES**

855 **Section 1. Compliance Required**

856 All cities and counties within the Metro boundary are hereby required to amend their
857 comprehensive plans and implementing ordinances to comply with the provisions of this
858 functional plan within twenty-four months of the effective date of this ordinance. Metro
859 recommends the adoption of the policies that affect land consumption as soon as possible.

860 **Section 2. Compliance Procedures**

861 A. On or before six months prior to the deadline established in Section 1, cities and counties
862 shall transmit to Metro the following:

- 863 1. An evaluation of their local plans, including public facility capacities and the
864 amendments necessary to comply with this functional plan;
- 865 2. Copies of all applicable comprehensive plans and implementing ordinances and
866 public facility plans, as proposed to be amended;
- 867 3. Findings that explain how the amended city and county comprehensive plans will
868 achieve the standards required in titles 1 through 6 of this functional plan.

869 In developing the evaluation, plan and ordinance amendments and findings, cities and
870 counties shall address the Metro 2040 Growth Concept, and explain how the proposed
871 amendments implement the Growth Concept.

872 B. Exceptions to any of the requirements in the above titles may be granted by the Metro
873 Council, as provided for in the Regional Urban Growth Goals and Objectives, Section
874 5.3, after MPAC review. Requests for an exception should include a city or county
875 submittal as specified in this section. The Metro Council will make all final decisions
876 for the grant of any requested exception .

877 1. Population and Capacity. An exception to the requirement contained in Table 1
878 of Title 1 that the target capacities shall be met or exceeded may be granted based
879 on a submittal which includes, but is not limited to, the following:

- 880 a. A demonstration of substantial evidence of the economic infeasibility to
881 provide sanitary sewer, water, stormwater or transportation facilities to an
882 area or areas; or
- 883 b. A demonstration that the city or county is unable to meet the target
884 capacities listed in Table 1 because substantial areas have prior
885 commitments to development at densities inconsistent with Metro target;
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- c. A demonstration that the dwelling unit and job capacities cannot be accommodated at densities or locations the market or assisted programs will likely build during the planning period.

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As part of any request for exception under this subsection, a city or county shall also submit an estimate of the amount of dwelling units or jobs included in the capacity listed in Table 1 that cannot be accommodated; and a recommendation which identifies land that would provide for the unaccommodated capacity located outside the urban growth boundary and near or adjacent to the city or county.

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In reviewing any request for exception based on the financial feasibility of providing public services, Metro, along with cities and counties, shall estimate the cost of providing necessary public services and compare those with the estimated costs submitted by the city or county requesting the exemption.

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- 2. Parking Measures. Subject to the provisions of Title 2, cities or counties may request an exception to parking requirements. Metro may consider a city or county government request to allow areas designated as Zone A to be subject to Zone B requirements upon the city or county establishing that, for the area in question:

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- a. There are no existing plans to provide transit service with 20-minute or lower peak frequencies; and
- b. There are no adjacent neighborhoods close enough to generate sufficient pedestrian activity; and
- c. There are no significant pedestrian activity within the present business district; and
- d. That it will be feasible for the excess parking to be converted to the development of housing, commerce or industry in the future.

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The burden of proof for a variance shall increase based on the quality and timing of transit service. The existence of transit service or plans for the provision of transit service near a 20-minute or lower peak frequency shall establish a higher burden to establish the need for the exception.

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- 3. Water Quality and Flood Management Areas. Cities and counties may request areas to be added or deleted from the Metro Water Quality and Flood Management Area based on a finding that the area identified on the map is not a Water Quality and Flood Management Area or a Fish and Wildlife Habitat Conservation Area, as defined in this functional plan. Areas may also be deleted from the map if the city or county can prove that its deletion and the cumulative impact of all deletions in its jurisdiction will have minimal impact on the water quality of the stream and on flood effects. Findings shall be supported by evidence, including the results of field investigations.

926 4. Retail in Employment and Industrial Areas. Subject to the provisions of Title 4,
927 cities and counties may request a change in the Employment and Industrial Areas
928 Map. Metro may consider a city or county request to modify an Employment
929 Area to exempt existing or locally designated retail areas, unacknowledged by the
930 date of this Functional Plan, where they can demonstrate that

931 a. The Employment and Industrial Areas Map included lands within
932 Employment Areas having a substantially developed existing retail area or
933 a locally designated retail area pursuant to a comprehensive plan
934 acknowledged by the date of this Functional Plan which allowed retail
935 uses larger than 60,000 square feet of gross leasable area per building or
936 business; or

937 b. The requested retail area in an Employment Area has been found to be
938 appropriate for an exception based upon current or projected needs within
939 the jurisdiction and the city or county can demonstrate that adequate
940 transportation facilities capacity exists for that retail area.

941 5. Regional Accessibility. Cities or counties may request an exception to the
942 requirements of Title 6, Regional Accessibility, where they can show that a street
943 system or connection is not feasible for reasons of topographic constraints or
944 natural or built environment considerations.

945 C. The Metro Council may grant an extension to time lines under this functional plan if the
946 city or county has demonstrated substantial progress or proof of good cause for failing to
947 complete the requirements on time. Requests for extensions of the compliance
948 requirement in Section 1 of this Title should accompany the compliance transmittal
949 required in Section 2.A. of this Title.

950 D. In addition to the above demonstrations, any city or county request or determination
951 that functional plan policies should not or cannot be incorporated into comprehensive
952 plans shall be subject to the conflict resolution and mediation processes included within
953 the RUGGO, Goal I, provisions prior to the final adoption of inconsistent policies or
954 actions. Final land use decisions of cities and counties inconsistent with functional
955 plan requirements are subject to immediate appeal for violation of the functional plan.

956 E. Compliance with requirements of this plan shall not require cities or counties to violate
957 federal or state law, including statewide land use goals. Conflicting interpretations of
958 legal requirements may be the subject of a compliance interpretation and conflict
959 resolution under RUGGO Objective 5.3.

960 **Section 3. Any Comprehensive Plan Change must Comply**

961 After the effective date of this ordinance, any amendment of a comprehensive plan or
962 implementing ordinance shall be consistent with the requirements of this functional plan. Metro

963 shall assist cities and counties in achieving compliance with all applicable functional plan
964 requirements. Upon request, Metro will review proposed comprehensive plan and implementing
965 ordinances for functional plan compliance prior to city or county adoption.

966 **Section 4. Compliance Plan Assistance**

967 A. Any city or county may request of Metro a compliance plan which contains the
968 following:

969 1. An analysis of the city or county comprehensive plan and implementing
970 ordinances, and what sections require change to comply with the performance
971 standards.

972 2. Specific amendments that would bring the city or county into compliance with the
973 requirements of Sections 1 to 8, if necessary.

974 B. Cities and counties must make the request within four months of the effective date of this
975 ordinance. The request shall be signed by the highest elected official of the jurisdiction.

976 C. Metro shall deliver a compliance plan within four months of the request date. The
977 compliance plan shall be a recommendation from the Executive Officer. The compliance
978 plan shall be filed with the Metro Council two weeks before it is transmitted, for possible
979 review and comment.

980 **Section 5. Functional Plan Interpretation Process**

981 The Metro Council may initiate a functional plan interpretation through whatever procedures it
982 deems appropriate on its own motion with or without an application. After the effective date of
983 this ordinance, Metro shall provide a process for cities and counties required by this functional
984 plan to change their plans to seek interpretations of the requirements of this functional plan. The
985 process shall provide, in addition to other requirements that the Metro Council may establish,
986 (1) the applications must state the specific interpretation requested; (2) the Executive Officer
987 shall seek comment from interested parties, review the application and make an interpretation to
988 the Metro Council; (3) the Executive Officer's interpretation shall be final unless appealed to the
989 Metro Council by the applicant or any citizen or party who presented written comments to the
990 Executive Officer; (4) the Metro Council may also on its own motion review an Executive
991 Officer interpretation before it becomes final.

992 **Section 6. Citizen Review Process**

993 A citizen who has presented written or oral testimony to a city or county on an issue of
994 application of this functional plan may petition the Metro Council to initiate a functional plan
995 interpretation or conflict resolution action. After hearing the citizen petition and any response
996 from any affected cities and counties, the Metro Council may, as it considers necessary, decide
997 to:

- 998 1. Interpret the functional plan; or
- 999 2. Initiate a functional plan interpretation using the process in Section 5 of this Title; or
- 1000 3. Initiate the conflict resolution process of RUGGO Objective 5.3 for any apparent or
1001 potential inconsistencies between comprehensive plans and this functional plan; or
- 1002 4. Postpone consideration of the issue to an appropriate time when compliance with a
1003 functional plan requirement is scheduled.

1004 **Section 7. Enforcement**

- 1005 A. Prior to a final decision to amend a comprehensive plan or implementing ordinance, a
1006 city or county determination that a requirement of this functional plan should not or
1007 cannot be implemented may be subject to a compliance interpretation and the conflict
1008 resolution process provided for in RUGGO, Goal I at the request of the city or county.
- 1009 B. City or county actions to amend a comprehensive plan or implementing ordinance in
1010 violation of this functional plan at any time after the effective date of this ordinance shall
1011 be subject to appeal or other legal action for violation of a regional functional plan
1012 requirement, including but not limited to reduction of regional transportation funding and
1013 funding priorities.
- 1014 C. Failure to amend comprehensive plans and implementing ordinances as required by
1015 Section 1 of this Title shall be subject to any and all enforcement actions authorized by
1016 law.

1017 **TITLE 9: PERFORMANCE MEASURES**

1018 **Section 1. Intent**

1019 In order to monitor progress in implementation of this functional plan, and in order to implement
1020 Objective 10 of RUGGO, Metro shall establish performance measures related to the achievement
1021 and expected outcome resulting from the implementation of this functional plan.

1022 **Section 2. Performance Measures Adoption**

1023 A. Within three months of the adoption of this functional plan, the Metro Executive Officer
1024 shall submit to the Council the Executive Officer's recommendations for:

- 1025 1. Performance measures to be used in evaluating the progress of the region in
1026 implementation of this functional plan; and
- 1027 2. Policies for corrective action should the performance measures indicate that the
1028 goals contained in the functional plan are not being achieved.

1029 In developing these performance measures and policies, the Executive Officer shall use the best
1030 technology available to Metro, and shall, in addition, submit the current and recent historic levels
1031 for the proposed performance measures.

1032 B. The Council, after receiving advice and comment from the Metropolitan Policy Advisory
1033 Committee, shall adopt a list of performance measures that will be used to monitor and
1034 evaluate this functional plan. The performance measures will be evaluated at least by
1035 regional level, by Growth Concept design types, by regional and town center market
1036 areas, and by jurisdiction. The performance measures shall include a biennial goal for the
1037 next six years, and shall be accompanied by policies for adjusting the regional plans
1038 based on actual performance.

1039 C. The performance measures shall include, but shall not be limited to the following:

- 1040 1. Amount of land converted from vacant to other uses, according to jurisdiction,
1041 Growth Concept design type, and zoning;
- 1042 2. Number and types of housing constructed, their location, density, and costs,
1043 according to jurisdiction, Growth Concept design type, and zoning;
- 1044 3. The number of new jobs created in the region, according to jurisdiction, Growth
1045 Concept design type, and zoning;
- 1046 4. The amount of development of both jobs and housing that occurred as
1047 redevelopment or infill, according to jurisdiction, Growth Concept design type,
1048 and zoning;

- 1049 5. The amount of land that is environmentally sensitive that is permanently
1050 protected, and the amount that is developed;
- 1051 6. Other measures that can be reliably measured and will measure progress in
1052 implementation in key areas.
- 1053 7. Cost of land based on lot prices according to jurisdiction, Growth Concept design
1054 type, and zoning; and according to redeveloped and vacant classifications.
- 1055 8. The average vacancy rate for all residential units.
- 1056 D. Use of the performance measures
- 1057 1. The performance measures will contain both the current level of achievement, and
1058 the proposed level necessary to implement this functional plan and achieve the
1059 Metro 2040 Growth Concept adopted in the Regional Urban Growth Goals and
1060 Objectives (RUGGO). The performance measures will be used to evaluate and
1061 adjust, as necessary, Metro's functional plans, Urban Growth Boundary, and other
1062 regional plans.
- 1063 2. By March 1 of every other year beginning March 1, 1999, the Executive Officer
1064 shall report to the Council an assessment of the regional performance measures,
1065 and recommend corrective actions, as necessary, consistent with the Metro
1066 Council's policies.
- 1067 3. The Council shall refer the recommendations to the Hearing Officer, who shall
1068 hold a hearing to review the data in the Executive Officer's report on the
1069 performance measures, and gather additional data from any interested party. The
1070 Hearing officer shall review all of the information presented on the performance
1071 measures. The complete record of information, findings of fact, and a
1072 recommendation shall be forwarded to the Council by the Hearing Officer.
- 1073 4. The Council shall hold a hearing on the record, adopt findings of fact, and take
1074 any necessary corrective action by September 1 of the year.

1075 **TITLE 10: DEFINITIONS**

1076 **Accessibility** means the amount of time required to reach a given location or service by any
1077 mode of travel.

1078 **Alternative Modes** means alternative methods of travel to the automobile, including public
1079 transportation (light rail, bus and other forms of public transportation), bicycles and walking.

1080 **Balanced cut and fill** means no net increase in fill within the floodplain.

1081 **Bikeway** means separated bike paths, striped bike lanes, or wide outside lanes that
1082 accommodate bicycles and motor vehicles.

1083 **Boulevard Design** means a design concept that emphasizes pedestrian travel, bicycling and the
1084 use of public transportation, and accommodates motor vehicle travel.

1085 **Calculated Capacity** means the number of dwelling units and jobs that can be contained in an
1086 area based on the calculation required by this functional plan.

1087 **Capacity Expansion** means constructed or operational improvements to the regional motor
1088 vehicle system that increase the capacity of the system.

1089 **Comprehensive plan** means the all inclusive, generalized, coordinated land use map and policy
1090 statement of cities and counties defined in ORS 197.015(5).

1091 **Connectivity** means the degree to which the local and regional street systems in a given area
1092 are interconnected.

1093 **Designated Beneficial Water Uses** means the same as the term as defined by the Oregon
1094 Department of Water Resources, which is: an instream public use of water for the benefit of an
1095 appropriator for a purpose consistent with the laws and the economic and general welfare of the
1096 people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation,
1097 mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife
1098 uses.

1099 **Design Type** means the conceptual areas described in the Metro 2040 Growth Concept text and
1100 map in Metro's regional goals and objectives, including central city, regional centers, town
1101 centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial
1102 areas, and employment areas.

1103 **Development** means any manmade change defined as buildings or other structures, mining,
1104 dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or
1105 excavation. In addition, any other activity that results in the removal of more than 10% of the
1106 existing vegetated area on the lot is defined as development, for the purposes of Title 3.

- 1140 **Level-of-Service (LOS)** means the ratio of the volume of motor vehicle demand to the capacity
1141 of the motor vehicle system during a specific increment of time.
- 1142 **Local Trip** means a trip 2½ miles or less in length.
- 1143 **Median** means the center portion of public right-of-way, located between opposing directions
1144 of motor vehicle travel lanes. A median is usually raised and may be landscaped, and usually
1145 incorporates left turn lanes for motor vehicles at intersections and major access points.
- 1146 **Metro** means the regional government of the metropolitan area, the elected Metro Council as the
1147 policy setting body of the government.
- 1148 **Metro Boundary** means the jurisdictional boundary of Metro, the elected regional government
1149 of the metropolitan area.
- 1150 **Metro Urban Growth Boundary** means the urban growth boundary as adopted and amended by
1151 the Metro Council, consistent with state law.
- 1152 **Mixed Use** means comprehensive plan or implementing regulations that permit a mixture of
1153 commercial and residential development.
- 1154 **Mobility** means the speed at which a given mode of travel operates in a specific location.
- 1155 **Mode-Split Target** means the individual percentage of public transportation, pedestrian,
1156 bicycle and shared-ride trips expressed as a share of total person-trips.
- 1157 **Motor Vehicle** means automobiles, vans, public and private buses, trucks and semi-trucks,
1158 motorcycles and mopeds.
- 1159 **Multi-Modal** means transportation facilities or programs designed to serve many or all
1160 methods of travel, including all forms of motor vehicles, public transportation, bicycles and
1161 walking.
- 1162 **Narrow Street Design** means streets with less than 46 feet of total right-of-way and no more
1163 than 28 feet of pavement width between curbs.
- 1164 **Net Acre** means an area measuring 43,560 square feet which excludes:
- 1165 (1) any developed road rights-of-way through or on the edge of the land; and
- 1166 (2) environmentally constrained areas, including any open water areas, floodplains,
1167 natural resource areas protected under statewide planning Goal 5 in the
1168 comprehensive plans of cities and counties in the region, slopes in excess of 25
1169 percent and wetlands requiring a Federal fill and removal permit under Section
1170 404 of the Clean Water Act. These excluded areas do not include lands for which

1171 the local zoning code provides a density bonus or other mechanism which allows
1172 the transfer of the allowable density or use to another area or to development
1173 elsewhere on the same site; and

1174 (3) all publicly-owned land designated for park and open spaces uses.

1175 **Net Developed Acre** consists of 43,560 square feet of land, after excluding present and future
1176 rights-of-way, school lands and other public uses.

1177 **Perennial Streams** means all primary and secondary perennial water ways as mapped by the
1178 U.S. Geological Survey.

1179 **Performance Measure** means a measurement derived from technical analysis aimed at
1180 determining whether a planning policy is achieving the expected outcome or intent associated
1181 with the policy.

1182 **Persons Per Acre** means the intensity of building development by combining residents per net
1183 acre and employees per net acre.

1184 **Person-Trips** means the total number of discrete trips by individuals using any mode of travel.

1185 **Practicable** means available and capable of being done after taking into consideration cost,
1186 existing technology, and logistics in light of overall project purpose.

1187 **Primarily Developed** means areas where less than 10% of parcels are either vacant or
1188 underdeveloped.

1189 **Redevelopable Land** means land on which development has already occurred which, due to
1190 present or expected market forces, there exists the strong likelihood that existing development
1191 will be converted to more intensive uses during the planning period.

1192 **Regional Goals and Objectives** are the land use goals and objectives that Metro is required to
1193 adopt under ORS 268.380(1).

1194 **Retail** means activities which include the sale, lease or rent of new or used products to the
1195 general public or the provision of product repair or services for consumer and business goods.
1196 Hotels or motels, restaurants or firms involved in the provision of personal services or office
1197 space are not considered retail uses.

1198 **Riparian area** means the water influenced area adjacent to a river, lake or stream consisting of
1199 the area of transition from an hydric ecosystem to a terrestrial ecosystem where the presence of
1200 water directly influences the soil-vegetation complex and the soil-vegetation complex directly
1201 influences the water body. It can be identified primarily by a combination of geomorphologic
1202 and ecologic characteristics.

1203 **Single Occupancy Vehicle (SOV)** means private passenger vehicles carrying one occupant.

- 1204 **Shared-Ride** means private passenger vehicles carrying more than one occupant.
- 1205 **Straight-Line Distance** means the shortest distance measured between two points.
- 1206 **Target capacities** means the capacities in Table 1 required to be demonstrated by cities and
1207 counties for compliance with Title 1, Section 2.
- 1208 **Target densities** means the average combined household and employment densities established
1209 for each design type in the RUGGO 2040 Growth Concept.
- 1210 **Top of Bank** means the same as “bankfull stage” defined in OAR 141-85-010(2).
- 1211 **Traffic Calming** means street design or operational features intended to maintain a given
1212 motor vehicle travel speed.
- 1213 **Underdeveloped Parcels** means those parcels of land with less than 10% of the net acreage
1214 developed with permanent structures.
- 1215 **Vacant Land:** Land identified in the Metro or local government inventory as undeveloped land.
- 1216 **Variance** means a discretionary decision to permit modification of the terms of an implementing
1217 ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a
1218 specific property.
- 1219 **Water Quality and Flood Management Area** means an area defined on the Metro Water
1220 Quality and Flood Management Area Map, to be attached hereto. These are areas that require
1221 regulation in order to mitigate flood hazards and to preserve and enhance water quality. This
1222 area has been mapped to generally include the following: stream or river channels, known and
1223 mapped wetlands, areas with floodprone soils adjacent to the stream, floodplains, and sensitive
1224 water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for
1225 areas of less than 25% slope, and 200 feet from top of bank on either side of the stream for areas
1226 greater than 25% slope, and 50 feet from the edge of a mapped wetland.
- 1227 **Zoned Capacity** means the highest number of dwelling units or jobs that are allowed to be
1228 contained in an area by zoning and other city or county jurisdiction regulations.

Table 1 - Target Capacity for Housing and Employment Units - Year 1994 to 2017				
City or County	Dwelling Unit Capacity ¹	Job Capacity	Mixed Use Areas ⁴	
			Dwelling Unit Capacity	Job Increase
Beaverton	15,021	25,122	9,019	19,084
Cornelius	1,019	2,812	48	335
Durham	262	498	0	0
Fairview	2,921	5,689	635	2,745
Forest Grove	2,873	5,488	67	628
Gladstone	600	1,530	20	140
Gresham	16,817	23,753	3,146	9,695
Happy Valley	2,030	1,767	52	245
Hillsboro	14,812	58,247	9,758	20,338
Johnson City	168	180	0	0
King City	182	241	55	184
Lake Oswego	3,353	8,179	446	3,022
Maywood Park	27	5	0	0
Milwaukie	3,514	7,478	2,571	6,444
Oregon City	6,157	8,185	341	2,341
Portland	70,704	158,503	26,960	100,087
River Grove	(15)	41	0	0
Sherwood	5,010	8,156	1,108	3,585
Tigard	6,073	14,901	981	8,026
Troutdale	3,789	5,570	107	267
Tualatin	3,635	9,794	1,248	2,069
West Linn	2,577	2,114	0	594
Wilsonville	4,425	15,030	743	4,952
Wood Village	423	736	68	211
Clackamas County ³	19,530	42,685	1,661	13,886
Multnomah County	3,089	2,381	0	0
Washington County ³	54,999	52,578	13,273	25,450
	243,993	461,633		

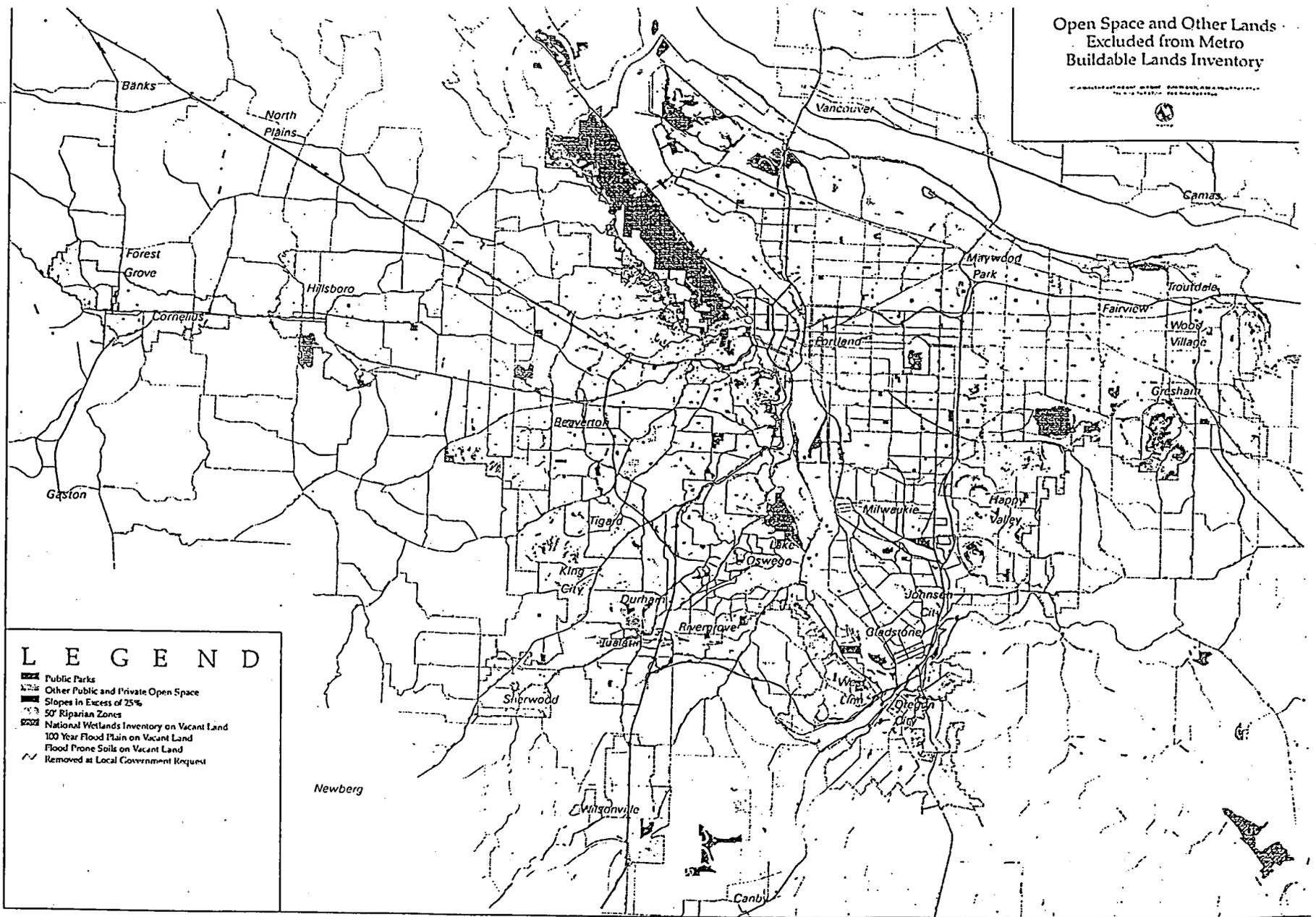
¹ Based on Housing Needs Analysis. Applies to existing city limits as of June, 1996. Annexations to cities would include the city assuming responsibility for Target Capacity previously accommodated in unincorporated county.

² Mixed use areas are: Central City - about 250 persons per acre; regional centers - about 60 ppa; town centers 40 ppa.; station communities - about 45 ppa.; main streets - about 39 ppa.

³ Standards apply to the urban unincorporated portion of the county only. At the request of cities, Metro may also supply targets for planning areas for cities in addition to the existing boundary targets cited above.

Open Space and Other Lands
Excluded from Metro
Buildable Lands Inventory

Metropolitan Planning Commission
1000 North Main Street
Portland, Oregon 97228
503-241-2000



LEGEND

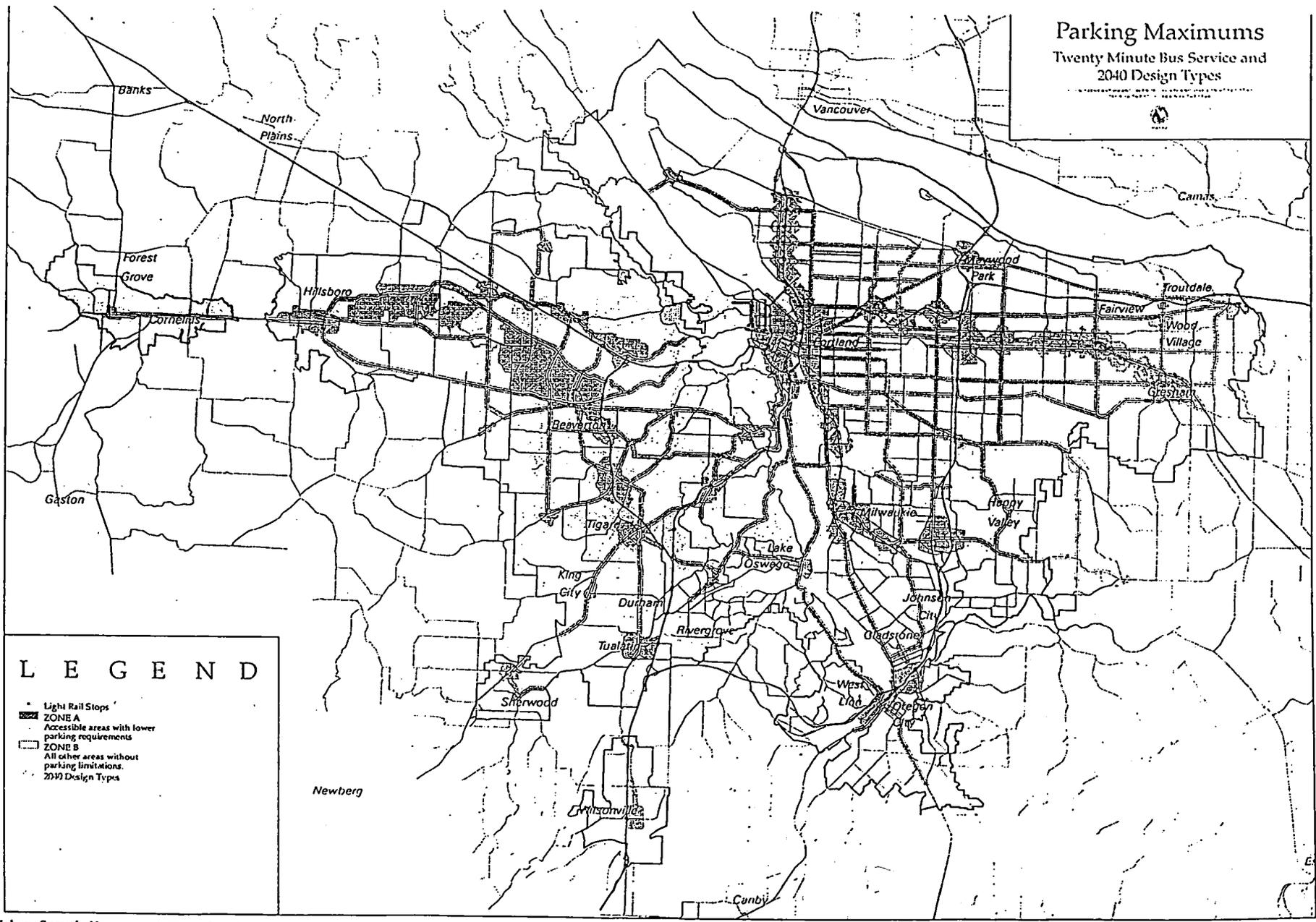
- Public Parks
- Other Public and Private Open Space
- Slopes in Excess of 25%
- 50' Riparian Zones
- National Wetlands Inventory on Vacant Land
- 100 Year Flood Plain on Vacant Land
- Flood Prone Soils on Vacant Land
- Removed at Local Government Request

Table 2 - Regional Parking Ratios (parking ratios are based on spaces per 1,000 sq ft of gross leasable area unless otherwise stated)			
Land Use	Minimum Parking Requirements (See) Central City Transportation Management Plan for downtown Portland stds)	Maximum Permitted Parking - Zone A:	Maximum Permitted Parking Ratios - Zone B:
	Requirements may Not Exceed	Transit and Pedestrian Accessible Areas ¹	Rest of Region
General Office (includes Office Park, "Flex-Space", Government Office & misc. Services) (gsf)	2.7	3.4	4.1
Light Industrial Industrial Park Manufacturing (gsf)	1.6	None	None
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	0.5
Schools: College/ University & High School (spaces/# of students and staff)	0.2	0.3	0.3
Tennis Racquetball Court	1.0	1.3	1.5
Sports Club/Recreation Facilities	4.3	5.4	6.5
Retail/Commercial, including shopping centers	4.1	5.1	6.2
Bank with Drive-In	4.3	5.4	6.5
Movie Theater (spaces/number of seats)	0.3	0.4	0.5
Fast Food with Drive Thru	9.9	12.4	14.9
Other Restaurants	15.3	19.1	23
Place of Worship (spaces/seats)	0.5	0.6	0.8
Medical/Dental Clinic	3.9	4.9	5.9
Residential Uses			
Hotel/Motel	1	none	none
Single Family Detached	1	none	none
Residential unit, less than 500 square feet per unit, one bedroom	1	none	none
Multi-family, townhouse, one bedroom	1.25	none	none
Multi-family, townhouse, two bedroom	1.5	none	none
Multi-family, townhouse, three bedroom	1.75	none	none

¹ Ratios for uses not included in this table would be determined by cities and counties. In the event that a local government proposes a different measure, for example, spaces per seating area for a restaurant instead of gross leasable area, Metro may grant approval upon a demonstration by the local government that the parking space requirement is substantially similar to the regional standard.

Parking Maximums

Twenty Minute Bus Service and
2040 Design Types



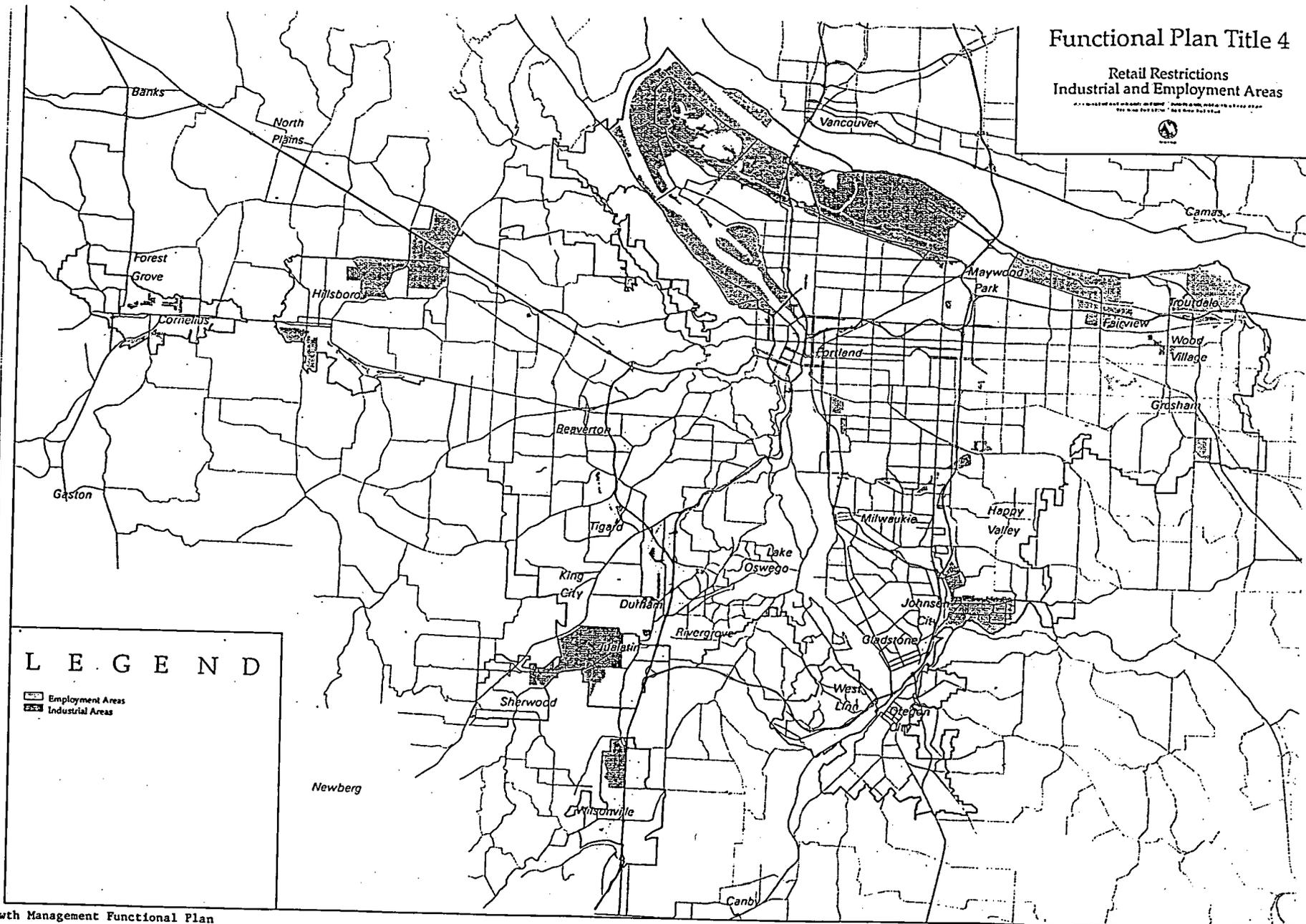
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- Light Rail Stops
- ZONE A**
Accessible areas with lower parking requirements
- ZONE B**
All other areas without parking limitations
- 2040 Design Types

Functional Plan Title 4

Retail Restrictions Industrial and Employment Areas

PLANNING DEPARTMENT OF METRO VANCOUVER, 1996

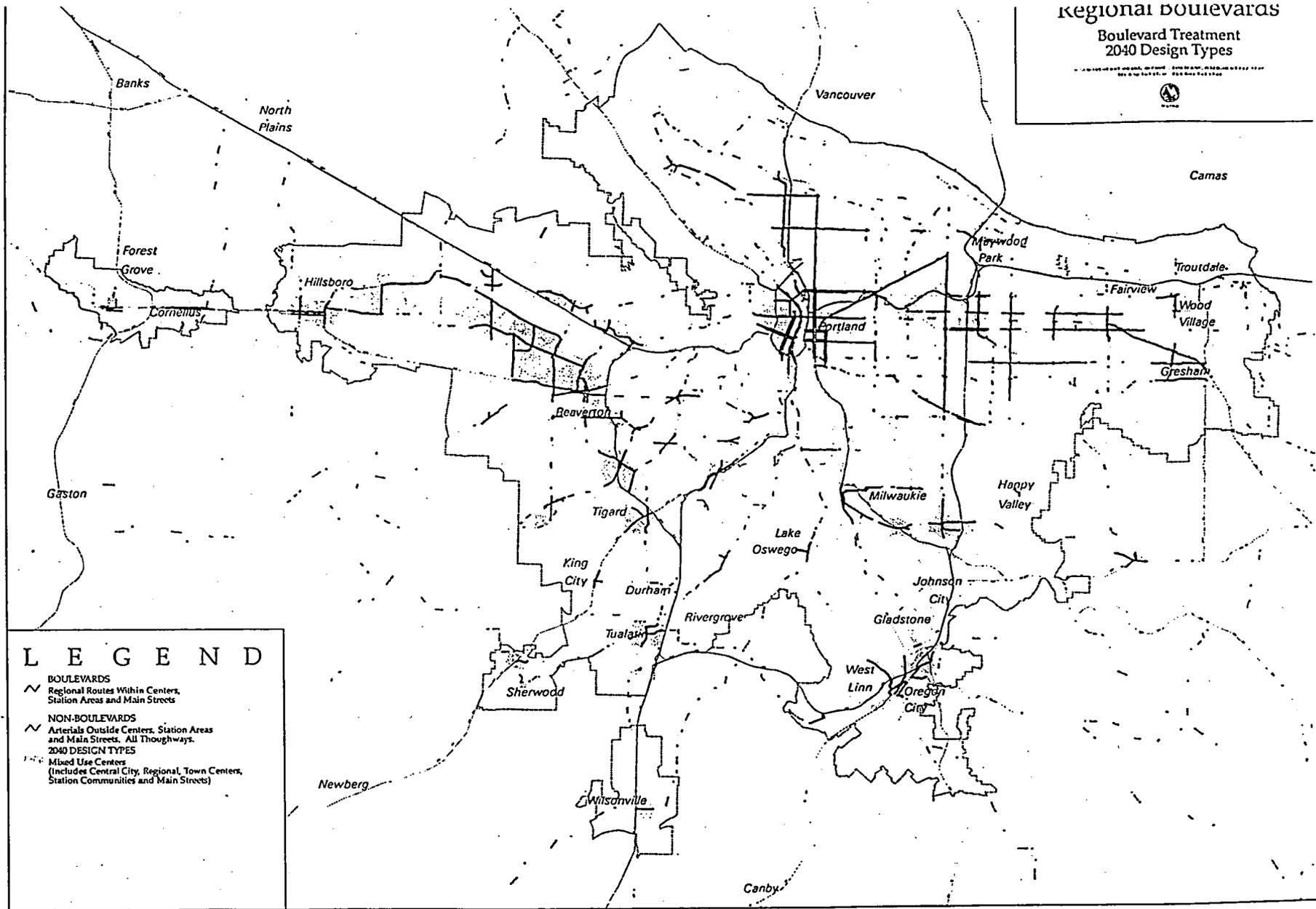


LEGEND

- Employment Areas
- Industrial Areas

Regional Boulevards

Boulevard Treatment
2040 Design Types



LEGEND

BOULEVARDS
 ~ Regional Routes Within Centers, Station Areas and Main Streets

NON-BOULEVARDS
 ~ Arterials Outside Centers, Station Areas and Main Streets. All Throughways.

2040 DESIGN TYPES
 Mixed Use Centers (Includes Central City, Regional, Town Centers, Station Communities and Main Streets)

Exhibit B

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN Findings of Consistency With Regional and Statewide Goals and Objectives

Introduction

Metro has been required by state law since 1977 to adopt regional goals and objectives which are consistent with statewide goals. ORS 268.380(1). The predecessor regional council of governments, CRAG, had adopted such policies, which were left in place by the 1977 Metro legislation. In 1991, Metro completed new regional goals and objectives, entitled Regional Urban Growth Goals and Objectives (RUGGO). In 1995, RUGGOs were amended to include a new set of integrated goals and objectives in the form of text and a map, called the 2040 Growth Concept.

The RUGGO 2040 Growth Concept text and map are conceptual objectives for a desired urban form in the year 2040 that are part of the regional goals and objectives. The 2040 Growth Concept, then, is not a "plan." The Urban Growth Management (UGM) Functional Plan is the regional plan that implements the RUGGO 2040 Growth Concept. Functional plans are limited purpose regional plans authorized by ORS 268.390(2), not "comprehensive plans" as defined in ORS 197.015(5).

Consistent with legislation in 1993, codified at ORS 197.274(1), RUGGO has been acknowledged by the Land Conservation and Development Commission (LCDC) "for compliance with statewide goals in the same manner as a comprehensive plan . . ." Importantly, RUGGO is not a comprehensive plan. See ORS 197.015(15). Therefore, RUGGO acknowledgment is unique. RUGGOs are regional goals and objectives, supplementary to the statewide goals and objectives. By their own terms, RUGGOs do not apply directly to the comprehensive plans or land use actions of cities and counties. See RUGGO Objective 3. For general RUGGO policies to become applicable to comprehensive plans, a more detailed functional plan must "recommend or require" changes in comprehensive plans. ORS 268.390(4). This UGM Functional Plan contains both requirements and recommendations.

Since this functional plan implements RUGGO objectives, RUGGO Objective 5 requires that functional plans be consistent with RUGGOs. To the extent that this functional plan "requires" amendments to city and county comprehensive plans, Metro intends to meet the same standard of judicial review that is applied to amendments to comprehensive plans. Therefore, the UGM Functional Plan is adopted as regional policy based on the record before the Metro Council, and the following explains how the Functional Plan is consistent with applicable RUGGO provisions and applicable statewide land use planning goals.

Regional Goals and Objectives (RUGGO) Consistency

RUGGO is organized into two Goals and twenty-six Objectives, and an integrated set of policies called the 2040 Growth Concept and the Concept Map. "Planning Activities" are ideas for future study, not goals and objectives. Goal I contains the Regional Planning process in Objectives 1-11. Goal II, Urban Form, includes four subgoals: Natural Environment, Built Environment, Growth Management, and the 2040 Growth Concept. The first three subgoals are separated into Objectives 12-26. Goal and objective statements written in mandatory language are binding

policy statements on Metro. These policies must be followed by Metro in functional plans and the urban growth boundary. Some policies are written in aspirational language, including the desired end state of the 2040 Growth Concept. The UGM Functional Plan has been adopted to begin implementation of RUGGOs, particularly the 2040 Growth Concept. Functional plans, unlike comprehensive plans, are selective for issues that "significantly impact metropolitan development." ORS 268.390(1),(2). The UGM Functional Plan is intended to begin implementation of the 2040 Growth Concept prior to completion of the regional framework plan. Therefore, not all regional goals and objectives will be either applicable or fully accomplished in this Functional Plan.

Goal I: Regional Planning Process

The UGM Functional Plan has been prepared using the regional planning process including extensive citizen notification and participation using Metro's mailing list of 60,000 individuals and organizations. The acknowledged urban growth boundary has been the foundation of target capacities in Title 1 and Table 1. State, city, county and special district implementation roles have been followed in the MPAC recommendation, plan recommendations and requirements, and Title 8 compliance and exceptions relationships. The plan fully complies with the procedures in Objective 5 for functional plans.

Consistent with Objective 5, the UGM Functional Plan is a limited purpose plan for initial implementation of the 2040 Growth Concept. Since this functional plan contains requirements for changes in adopted and acknowledged comprehensive plans, it is being adopted as a final land use action with findings of consistency with RUGGO and statewide planning goals.

As a new functional plan, the UGM Functional Plan was proposed by MPAC under Objective 5.2.1 and initiated by the Metro Council by Resolution No. 96-2288. MPAC participated in the preparation of the plan, used citizen involvement processes, newsletters, open houses, newspaper ads, a public comment report, and made its recommendation to the Metro Council after public hearings.

Consistent with Objective 5.2.a-d, the Metro Council held public hearings, work sessions, amended the proposed functional plan, and adopted the UGM Functional Plan with these findings of RUGGO consistency. The conflict resolution process in Objective 5.3 is specifically incorporated into Title 8 of the UGM Functional Plan.

As explained in the introduction to the UGM Functional Plan, it is a functional plan pursuant to ORS 268.390 that is preliminary to adoption of the Metro Charter-mandated regional framework plan, which is due by December 30, 1997. Therefore, the UGM Functional Plan does not describe its relationship to the Future Vision per Objective 9 because it is not a component of the regional framework plan.

Consistent with RUGGO Objectives 10 and 11, Title 9 of the Functional Plan provides for performance measures for the Functional Plan that assure biennial review of the results of the Functional Plan.

Title 8, Section 2 requires cities and counties to transmit to Metro their preliminary compliance materials for Metro review within 18 months of the effective date of this Functional Plan. At

that time requests for exceptions from any Functional Plan requirement may be made. Title 8, Section 5 allows for interpretation of functional plan requirements questioned by cities and counties at any time. RUGGO Objective 5.3 guarantees cities and counties a conflict resolution policy for functional plan provisions that is affirmed in Title 8, Section 2. That process may end with an interpretation that the city or county approach to avoid a statewide goal violation is not inconsistent with the Functional Plan or an amendment to the Functional Plan to avoid any prospective statewide goal violation before the city or county amends its comprehensive plan or land use regulations.

Goal II: Urban Form

The principles of maintaining a compact urban form (II.i) and preserving existing neighborhoods by focusing growth in mixed use areas (II.ii) are among the foundations of the UGM Functional Plan. Title 1 and Table 1 require increased housing and job capacities in mixed use areas. Increased infill and redevelopment from allowing accessory units, and greater densities through minimum densities will be necessary for cities and counties to meet the target capacities. These policies enhance a compact urban form. The basis for Table 1 is an allocation of projected 2017 population and employment inside the current UGB at Table 5 of Part 1 of the Urban Growth Report. Housing choices with good access to jobs (II.iii) are enhanced by Title 1 minimum density, accessory dwelling, and mixed use areas policies. Housing affordability (II.iii) is enhanced by Title 1, Section 2.C, Accessory Dwellings, Title 1 compact urban form policies, and Title 7, Affordable Housing. Requiring identification and enhancing of mixed use areas, like station communities, in Title 1 focuses increased housing and job capacities in areas of current and future public investment to reinforce a compact urban form (II.iv).

Objective 12 policies on watersheds and water quality, particularly Objectives 12.1 and 12.1.5, are addressed by stream-corridor protection in Title 3 of the Functional Plan which will be made effective by future adoption of a map and Model Ordinance.

Objective 13 is being addressed by the Regional Water Supply Plan, outside this Functional Plan.

Objective 14, Air Quality, is addressed by Title 2, Regional Parking Policy, and Title 6, Regional Accessibility. The state's air quality maintenance plan credits restrictions on new parking spaces in Title 2 with increased air quality. Compact urban form policies required by Title 1 enhance alternative modes of transportation which do not add to air pollution.

Objective 15, Natural Areas, is being addressed by Metro Open Space Bond land purchases outside this Functional Plan. However, Title 3 addresses regional policy to identify and coordinate planning for fish and wildlife conservation areas.

Objective 16.1 on Rural Reserve Lands is addressed by Title 5, Section 2 which requires cities and counties to protect rural reserves and green corridors inside Metro's jurisdiction. Further protection for rural reserves and green corridors outside Metro, between Metro and neighbor cities' UGBs is a policy goal for intergovernmental agreements with neighbor cities, counties and state agencies.

Goal II.2.i. and Objective 17 on "fair share" housing policy are addressed by the recommendations in Title 7, Affordable Housing, and enhanced by Title 1 compact urban form

policies including the Title 1, Section 2.C requirement for at least one accessory unit to be allowed for each detached single family dwelling.

Goal II.2.ii on infrastructure planning is addressed for transportation facilities in the Title 6, Section 4 requirements for alternative mode analysis and motor vehicle congestion analysis in mixed use areas, and congestion management in all congested areas.

Goal II.v on a balanced transportation system is addressed in Title 6, Regional Accessibility requirements to consider boulevard design accommodation of pedestrians and bicycles, and design standards for street connectivity to increase accessibility for all modes of transportation.

Objective 18 policies, particularly 18.i, 18.iv, 18.v and 18.vi are enhanced at the regional scale by minimizing public and private costs with policies in Title 1 to retain a compact urban form and direct growth into mixed use areas. Objective 18.2 is addressed by general forecasts of facility need and cost which indicate that a compact urban form minimizes costs.

Objective 19 is addressed in Title 6 of the Functional Plan. Multimodal transportation in Objective 19.i and 19.3 is enhanced by requiring consideration of Boulevard Design in Section 2 and the Boulevard Design Map, Design Standards to increase street connectivity for greater bicycle and pedestrian accessibility, and the required Alternative Mode Analysis for mixed use areas in Section 4.A and congestion management requirements in Section 4.C. Freight movement on roads per Objective 19.ii is facilitated by compact urban form policies and directing growth into mixed use areas in Title 1, and the Transportation Performance Standards in Title 6, Section 4.

Title 6, Section 4 requires changes in city and county comprehensive plans, if necessary, to reduce the standards for mobility, include accessibility analysis and only add transportation facility capacity as a last resort. These policies represent a regional policy choice by Metro to redefine adequate motor vehicle mobility to accomplish RUGGO Goal II Objectives for a compact urban form using alternate modes of transportation to maintain mobility. These policies enhance Objectives 19.iii, 19.v, 19.vi, 19.viii and address 19.1, 19.2.1 and 19.2.

Goals II.3.i, ii, iii and Objectives 22 and 26 are addressed by Title 1 enhancing a compact urban form and Title 5, Neighbor Cities, enhancing the distinction between urban and rural lands and neighbor cities by policies to protect rural land near the UGB.

Goal II.3.iv and Objectives 23 and 24 are enhanced by the requirements to use redeveloped land in Title 1, Section 2.B, allow accessory dwelling units in Title 1, Section 2.C.

Objective 25, Urban Design, is enhanced by implementation of the 2040 Design Types in Title 1, Sections 3 and 7.

Goal II.4 Metro 2040 Growth Concept

The Growth Concept states the design form of urban development in the region for the 50 years ending in 2040. It is designed to accommodate approximately 720,000 additional residents and 350,000 additional jobs based on a feasibility analysis of one possible configuration of the Growth Concept called the 2040 Analysis, completed in 1994 as part of the Region 2040 project.

Three alternative concepts were analyzed leading to preparation of the "preferred concept." The integrated goals and objectives in RUGGO II.4 are that "preferred concept." Therefore, Goal II.4 is both conceptual and aspirational. See RUGGO pp. 25-35.

Mixed use urban centers inside a compact UGB are an important part of the Growth Concept. The interrelated set of centers from the Growth Concept are required to be used by cities and counties in Title 1 of the Functional Plan. Boundaries for centers and other Growth Concept "design types" are required to be added to city and county plans in Title 1, Section 3. Target capacities for housing and jobs are required for mixed use areas in Title 1, Section 6, and Table 1. Design type average densities from the Growth Concept are recommended in Title 1, Section 7.

The fundamental Title 1 requirement in Section 6 is for cities and counties to accommodate houses and jobs projected to be needed by 2017 using the required calculation method (Section 5). To comply, each city and county must demonstrate that its plan and zoning will yield the target number of dwelling unit and job capacities for their jurisdiction and for their mixed use areas (Table 1) using the required calculation method (Section 5). Part of the required calculation method includes use of mandatory minimum density standards (Section 2.A), redevelopment of some lands (Section 2.B), allowing of accessory dwelling units (Section 2.C), and use of other methods to increase capacity (Section 4.B.)

The requirement that large percentages of the increased capacity for houses and jobs be located in mixed use areas is a direct implementation of the centers and jobs/housing balance policies of the Growth Concept. See RUGGO, pp. 25, 29.

Recognition of open spaces inside the UGB is reflected in Title 1, Section 2.A., and Title 3. Rural reserves are protected and neighbor cities are recognized in Title 5.

Industrial and Employment Area policy in RUGGO is implemented in Title 4 of the Functional Plan. Cities and counties are required to restrict retail uses over 60,000 square feet in industrial areas to protect industrial areas primarily for industrial activities. Mapped "Employment Areas" must be given specific boundaries in Title 1, Section 3, and retail is restricted in these areas in Title 4. These policies are consistent with the 2040 Growth Concept at p. 32. (See statewide Goal 9, below.)

Implementation of transportation facility classifications in the Growth Concept to support mixed use areas, industrial and employment areas is begun in Title 6 of the Functional Plan. See RUGGO pp. 32-35.

Statewide Land Use Planning Goals

The extent to which Metro functional plans must comply with applicable statewide land use goals is not clear from Metro's enabling statutes. ORS 268.380(1) requires Metro to adopt regional goals and objectives which are consistent with statewide goals. ORS 268.390(3) requires Metro to adopt the regional urban growth boundary in compliance with statewide goals. ORS 268.390(1) requires Metro to adopt functional plans but provides no requirement for consistency or compliance with statewide goals. However, ORS 268.390(4) authorizes Metro,

"as it considers necessary," to "recommend or require" changes "in any plans" to assure that city and county land use actions conform to the functional plan and urban growth boundary.

Clearly, Metro is unique. Its policies are regional in scale. Implementation of regional policies by cities and counties in their comprehensive plans and land use regulations must comply with statewide goals. To accomplish that result, regional policies which are "recommendations" need not directly comply with statewide goals. Cities and counties may or may not adopt the recommendation, or a variation of the recommended policy may be adopted. Therefore, the long-standing rule that cities and counties must demonstrate compliance with statewide goals for all amendments of comprehensive plans and land use regulations assures statewide goal compliance. City and county plan amendments to implement "regional" recommendations will comply with statewide goals at the time they are adopted. If a statewide goal violation would result, the recommendation would not be adopted.

The UGM Functional Plan is the first functional plan to contain significant regional policy "requirements" for changes in city and county plans. There are provisions in this functional plan, in Title 8, as well as RUGGO Objective 5.3, which assure that cities and counties are not required to implement a regional policy "requirement" to the extent that it would cause a statewide goal violation as applied to circumstances in a particular jurisdiction. That may be a sufficient safeguard to assure that regional "requirements" will be implemented in compliance with statewide goals, rules and statutes. However, the statutory structure which gives Metro broad authority to direct how cities and counties comply with statewide goals, implies that functional plan "requirements" must demonstrate consistency with statewide goals. Like regional goals and objectives, regional functional plans are supplementary, not comprehensive, policies. Comprehensive plans must balance all the statewide goals. Functional plans select those policy areas which have significant impact on metropolitan development to direct how each comprehensive plan accomplishes that balance consistent with its neighbors.

Therefore, the following summary of the legislative record of the UGM Functional Plan demonstrates that the "requirements" in this functional plan are consistent with applicable statewide goals, rules and statutes. Since this is only the initial implementation of the 2040 Growth Concept, not all parts of all statewide goals and rules are applicable. Some goals are being addressed by other regional policies outside the UGM Functional Plan, such as Goal 12 in Metro's Regional Transportation Plan and Goals 5 and 8 by purchase of regional significant lands with the Metro Open Spaces Bond Measure proceeds. Consistency with statewide goals at a regional scale, then, is a feasibility analysis. The final, complete balance of statewide goals, including analysis of secondary impacts, occurs at city and county plan implementation. If any violation of statewide goals may be caused by application of functional plan policies, Title 8 provides a process for correction prior to adoption of a plan or regulation amendment.

Goal 1: Citizen Involvement

The citizen involvement program for the UGM Functional Plan was regional in scope and appropriate to the scale of this regional planning effort. The Metro Policy Advisory Committee (MPAC) established by Section 27 of the Metro Charter, open houses, newsletters, newspaper ads, and a public comment report were used. Mailings included city and county Community Planning Organizations, and a mailing list of about 60,000 individuals and organizations. A series of public hearings were held at MPAC, the Metro Council Growth Management

Committee and the Metro Council. Consistent with RUGGO Goal 1, the Functional Plan was developed using a direct participatory process involving citizens, cities, counties, special districts, school districts, and state and regional agencies such as TriMet, the Port of Portland, and the Department of Land Conservation and Development.

The transportation issues including Titles 2 and 6 were reviewed by JPACT, the regional transportation advisory committee and the Metro Council Transportation Committee.

Goal 2: Land Use Planning

Review for compliance with Goal 2 includes (A) the structure of policies created for regional planning, and (B) supporting documentation for the policies contained in the UGM Functional Plan.

A. Structure and Policies for Regional Planning

The UGM Functional Plan follows RUGGO Objective 5 to begin implementation of the 2040 Growth Concept in Metro's regional goals and objectives. To carry out this early implementation of the 2040 Growth Concept, the applicable Functional Plan sections establish the Functional Plan's place in the regional and state framework for planning as follows:

- RUGGO Goal 1 relationship (p. 2; Title 4, Section 3; Title 8)
- Regional Policy basis (p. 2)
- Relationship to 2040 Growth Concept Design Types (Title 1, Sections 3, 7)
- Relationship to 2017 Growth Projection (Title 1, Section 5, Table 1)
- Relationship to Air Quality planning (Title 2, Section 1)
- Relationship to Open Space planning (Title 3)
- Relationship to industrial land planning (Title 4)
- Relationship to neighboring cities (Title 5)
- Relationship to transportation corridor to neighbor cities (Title 5, Section 4)
- Relationship to Transportation Planning Rule (Title 6, Section 4)
- Relationship to housing policies (Title 7)
- Relationship to comprehensive plans (Title 8)
- Procedure for functional plan interpretation (Title 8, Sections 5, 6)
- Process to monitor progress (Title 9)

Title 8, Section 2 requires cities and counties to transmit to Metro their preliminary compliance materials for Metro review within 18 months of the effective date of this Functional Plan. At that time requests for exceptions from any Functional Plan requirement may be made. Title 8, Section 5 allows for interpretation of functional plan requirements questioned by cities and counties at any time. RUGGO Objective 5.3 guarantees cities and counties a conflict resolution policy for functional plan provisions that is affirmed in Title 8, Section 2. That process may end with an interpretation that the city or county approach to avoid a statewide goal violation is not inconsistent with the Functional Plan or an amendment to the Functional Plan to avoid any prospective statewide goal violation before the city or county amends its comprehensive plan or land use regulations.

B. Supporting Documentation

An inventory of documents in the record for Ordinance No. 96-547C is contained in Attachment A. The record includes research and data on the following issues of substance in the UGM Functional Plan:

1. 1995 Regional Urban Growth Goals and Objectives (RUGGO)
2. the state air quality plan
3. year 2017 population and employment estimates
4. year 2040 alternative growth concepts analyses, with documents containing information and evaluation performed at multiple steps in the process
5. year 2040 regional design images, specially prepared under contract to test applicability to the Metro region of alternative urban design concepts
6. an evaluation of the relative impacts of the alternative urban development concepts on the housing market, the market for commercial and industrial space, the cost of serving new development with water and sewer services, and "quality of life" factors, especially crime
7. an evaluation of mixed use urban centers, their economic and transportation characteristics
8. an inventory of existing historical and natural feature conditions in the region
9. an evaluation of the potential for no-growth and slow-growth policies in the region
10. Future Vision evaluation reports on carrying capacity applied to the Portland region; historical settlement patterns in the Portland region; and work styles in the region
11. a study of Oregon values and beliefs regarding transit and growth management
12. a study of commodity flow and requirements
13. profiles of the Portland-Vancouver economy
14. a regional transportation plan; transportation analysis of alternative growth concepts; and guidelines for transportation planning rule implementation
15. a statement regarding ten essentials for a quality regional landscape, prepared by the University of Oregon Department of Landscape Architecture
16. a three volume vacant lands atlas, with data, maps and photos for each Metro county
17. report evaluating the potential impacts of the growth concepts on providing water, wastewater, and stormwater services to projected areas of new growth

Goals 3 and 4 (Title 5): Agricultural and Forest Lands

These goals are not generally applicable because the Functional Plan is focused primarily on changes to comprehensive plans and implementing ordinances inside the regional urban growth boundary (UGB). However, the Functional Plan enhances these goals. The changes inside the UGB increase the houses and jobs accommodated inside the UGB. They reduce pressure on resource lands adjacent to the UGB.

Title 5 enhances Goals 3 and 4 and it reiterates RUGGO Objectives 22 and 26. Title 5 begins to implement Metro's policy of entering into intergovernmental agreements to protect resource lands outside the UGB, particularly in "Rural Reserves" designated on the 2040 Growth Concept

Map. Cities and counties are required to protect those Rural Reserves inside the UGB from urban development in Title 5, Section 2.

Goals 5, 6, 7 (Titles 2, 3): Natural Resources, Air/Water Resources, Natural Hazards

Open Spaces and Natural Resources, Air/Water Resources and Natural Hazards are addressed in the stream protection policies of Title 3. As indicated in Section 6, Title 3 is not effective until both a Model Code for local governments and the map of Water Quality and Flood Management Areas are adopted. Two additional ordinances amending the Functional Plan will each make parts of Title 3 effective. First, a Model Code and Map will be adopted, with statewide goal findings, to implement water quality (Goal 6) and Flood Management (Goal 7) requirements in Sections 1-4. Then, after the 18 months of work indicated in Section 5.C., Fish and Wildlife Habitat protection will be implemented by adoption of another ordinance with statewide goal findings. Therefore, Title 3 does not include any requirements for changes in comprehensive plans at this time.

Maintaining and improving air quality (Goal 6) is furthered by the minimum and maximum parking ratios required by Title 2. As indicated in Section 1, implementation of these parking ratios have been included as steps which improve regional air quality in the state's Air Quality Maintenance Plan.

Goal 8: Recreational Needs

Recreational needs are being addressed by purchases of trail, open space and parks lands with proceeds of Metro's Open Spaces Bond Measure outside the Functional Plan. Therefore, Goal 8 is not directly applicable to the Functional Plan. However, Title 1, Section 2.A.5 is consistent with Goal 8 by not requiring minimum residential densities for residential lands designated as significant open space lands.

Goal 9

On a regionwide, general scale, Title 1 implements RUGGO mixed use centers policies consistent with Goal 9 by increasing housing and job capacities consistent with public facilities investment in regional centers, town centers and station communities. This supports a jobs housing balance in regional center areas. These regional policies can be implemented in comprehensive plans based on the analysis of each community's economic patterns and local economic development policies. Areas indicated in current acknowledged comprehensive plans by industrial and commercial zoning are enhanced by establishing known priorities for regional public investment. Stability of labor market should be enhanced by Title 1 implementation of jobs housing balance in regional centers. Increased multi-modal accessibility to centers allows cities and counties to locate economic activity relative to markets created by the jobs and housing encouraged in mixed use centers.

Title 4, Section 2.A. protects lands zoned for industrial uses in current acknowledged comprehensive plans from inefficient use of these lands for regional scale retail development. This allows cities and counties to assure an adequate supply of sites of suitable sizes, types, locations and service levels in their comprehensive plans for a variety of industrial uses. This Title 4 limitation of uses allowed on sites zoned for industrial areas assures compatibility of uses on those sites and of traffic patterns.

Title 1 and Title 6 implementation of mixed use centers provide more efficient alternative locations for regional scale retail development with structured parking and transit availability, such as the Lloyd Center Toys R Us, the Walmart in Eastport Plaza and the Fred Meyer stores outside employment areas. The "big box retail" store at Lloyd Center was part of the comparison of that remodeled center's land efficiency with the redevelopment potential of the Clackamas Town Center shopping center. Title 1 encourages that redevelopment by the mixed use center target capacities required by Section 6 and Table 1 that include the Clackamas Town Center's regional center.

Title 4, Sections 2.B, C and 3, together with Titles 1 and 6 implementation of mixed use centers protect lands designated as "employment areas" for smaller scale, low traffic generating, land consumptive uses with low parking demand. Title 4 limits high traffic generating, high parking demand, regional scale retail uses in these areas. Titles 1 and 2 encourage location of high traffic, high parking demand commercial uses in centers with structured parking. Approximately 4543 acres of vacant land within centers and corridors inside the UGB would be available for regional or subregional scale retail development.

Specific square foot regulations, the 60,000 square foot maximums, are used as a measurable, clear and objective standard. Most existing grocery stores having a local market area of two to three miles are less than 60,000 square feet. Retail stores with a regional or subregional market greater than five miles are usually in excess of 100,000 square feet.

One of the concerns about allowing large scale retail uses in employment areas is the traffic generated from outside the employment area. Building material and discount stores, for example, have substantially higher trip generation rates than other uses. The much higher weekday and peak hour trip rates for these large scale retail uses would increase congestion along arterials in industrial and employment areas designed to accommodate non-retail uses. Location of these uses in centers and corridors, close to the households they serve, reduces vehicle miles traveled consistent with statewide Goals 12 and the Transportation Planning Rule. See staff memos dated October 15 and 16, 1996.

Goal 12 and the Transportation Planning Rule

The applicable provision of the Transportation Planning Rule prior to the adoption of the regional Transportation Systems Plan is OAR 660-12-060: "Amendments to functional plans . . . which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility . . .".

To greater and lesser degrees in different locations and jurisdictions, the performance standard in Title 1, Section 6 will require cities and counties to amend comprehensive plans and implementing ordinances to increase densities for housing and employment within the urban growth boundary. These land use plan changes over the two-year period for compliance with this functional plan must be balanced by changes in the transportation plans of cities and counties at the same time.

Title 6 requirements contain the regional transportation policies which balance Title 1 strategic increases in density inside the Urban Growth Boundary to assure that planned land uses are

consistent with planned transportation facilities. Boulevard Design is required to be considered to accommodate alternate modes of transportation. Design Standards for street connectivity must be adopted to enhance alternate modes of transportation by one of two options. Targets must be established and implemented for increasing use of alternate modes of transportation in mixed use areas. These requirements avoid principal reliance on any one mode of transportation. However, the primary method of assuring balance between land use and transportation in the functional plan is the use by cities and counties of alternate level of service standards for mixed use areas and use of congestion management actions in Title 6, Section 4. These policies would be used, as needed, wherever planned transportation facilities are insufficient to serve land uses planned to implement Title 1.

If city or county transportation facilities are significantly affected by traffic congestion from Title 1 increased land use capacities in mixed use areas, Title 6, Section 4.B and C require that a policy decision be made about whether to change the plan's "design requirement" to a level of service consistent with Section 4.B. If the alternate level of service standard is not used, an exception to Title 1 may be requested under Title 8 procedures to the extent needed to retain the land use/transportation balance by limiting land uses. If the functional classification and identified capacity of a transportation facility are affected by the new balance of land use and transportation using the optional level of service and other Title 6 requirements, they must be amended in the plans as part of exercising the alternate level of service option.

The greatest potential for transportation planning changes to retain consistency with new land uses is in the mixed use areas of Central City, Regional Centers, Town Centers, Main Streets and Station Communities. The greatest increases in capacity for houses and jobs are directed by Table 1 to occur in these areas. For these areas, Title 6, Section 4 establishes regional performance standards. First, Section 4.A. requires alternate mode analysis to establish and implement alternative mode targets to reduce motor vehicle congestion. If a road remains out of balance with land uses, congestion analysis and management are applied. For mixed use areas, the alternative Level of Service in 4.B.1 may be applied to the road in the city or county transportation plan. If that relaxed level of service standard is exceeded, the accessibility analysis in 4.B.2 is used. If regional accessibility is impacted, the congestion management actions must be taken. Only if the road remains inconsistent with land uses are road capacity improvements planned to retain the balance between transportation facilities and land uses.

For roads outside mixed use areas, the existing regional level of service standard is required by 4.D. Congestion management actions in 4.C are used before adding roads to maintain consistency with land uses. Outside mixed use areas land use capacity is increased primarily by use of minimum densities in Title 1, Section 2. Cities and counties have flexibility in use of minimum densities that may be used to avoid some transportation impacts. If congestion management actions are insufficient to maintain consistency between planned land uses and transportation facilities, an exception from land use requirements to the extent of the inconsistency may be requested under Title 8.

Title 1: Requirements for Housing and Employment Accommodation

Title 1, Section 1 states Metro policy to minimize the amount of UGB expansion needed by 2017 by increasing the capacity of land inside the UGB for development. This is to be accomplished

by implementation of 2040 Growth Concept “design types¹” (Section 3), particularly those identified as “mixed use areas².”

In Section 1, the regional policy establishes that all cities and counties must accommodate a share of the 2017 projected growth in needed houses and jobs. That fair share policy is reflected in Table 1. Target numbers for each city and county in Table 1 are required to be met by Section 6. A step-by-step calculation required to demonstrate these target capacities is in Section 5. Mandatory steps to increase that calculated capacity are in Section 2.A (minimum densities), Section 2.B (prohibit limits on land divisions), Section 2.C (no prohibition of accessory units) and Section 4 (reduce “underbuild”).

Table 1, then, has a series of target capacity requirements for each city and county. Jurisdiction-wide capacity for new dwelling units for each jurisdiction is based on a city or county share of the 243,993 dwelling units projected to be needed by 2017. Jurisdiction-wide capacity for new jobs for each jurisdiction is based on a city or county share of the 461,633 jobs to accommodate by 2017.

Mixed use areas in each jurisdiction will vary in size, density, and jobs/housing balance. The 2040 Growth Concept is the source of the “persons per acre³” averages for housing and jobs accommodated in each “mixed use area” design type. These averages were used in the feasibility analysis of the 2040 Growth Concept. Since these are aggregated averages for widely varying forms of these design types, these averages are merely recommended as guidelines in Section 7. In mixed use areas, these averages may be exceeded.

Goal 10 and Metro Housing Rule

Titles 1 and 7 contain the direct regional policies related to housing. Many parts of the Goal 10 and LCDC Housing rules are addressed on a regional scale in Title 1. However, city and county comprehensive plans retain the responsibility to comply with the statewide goals and rules comprehensively. Title 1 regional policies supplement and are consistent with the statewide goals and rules. However, if application of Title 1 results in Goal 10 conflicts, a city or county may seek an exception or interpretation under Title 8. Title 8, Section 2.B and RUGGO Objective 5.3 provide the mechanism for a city or county to seek an exception from Table 1 required capacities after the required policies in Title 1, Section 2 have been adopted and their impact estimated. Title 8, Section 2.E assures that cities and counties will not be required to violate Goal 10 to comply with Title 1 or any other requirement of this Functional Plan.

The “minimum residential density allocations” in the Metro Housing Rule are met and exceeded by the required housing capacities in Title 1 and Table 1 with the minimum density requirements of Title 1, Section 2. The “new construction mix” of residential housing types consistent with the Rule encouraged by Title 1 includes redevelopable land and excludes unbuildable land from its analyses consistent with the Rule. Manufactured homes are encouraged in Title 7, Section 3.

Recommendations to improve the availability of affordable housing are included in Title 7, Section 2. The Housing Needs Analysis addresses affordability. Accessory unit policy at Title

¹ See Title 10 definition.

² See Table 1 “mixed use areas,” footnote 2.

³ See Title 10 definition. This is an aggregate number for persons inside households and working in an area.

1, Section 2.C enhances affordable housing with a new market product that cities and counties must include in their Goal 10 housing projection. The Housing Needs Analysis is a compendium of data about the regional housing market using a housing model to predict housing needs for a 2040 Growth Concept scenario.

Metro has completed a preliminary Housing Needs Analysis using a 2015 population and employment forecast. A regional 2017 housing need has been calculated based on that projection, but a new forecast geographically allocating that estimated housing need has not been completed. This regional work will be completed before the end of the two year compliance period of this Functional Plan.

Cities and counties must complete their own "housing needs projection" to comply with Goal 10. The preliminary estimates of cities and counties required to meet the target capacities in Title 1, Table 1 indicated that the target capacities were feasible even before all the requirements of Title 1 were considered. The regional requirement to allow at least one accessory unit for each detached single family dwelling at Section 2.C, for example, was added to Title 1 after the city and county estimates were completed.

Title 1, Section 2.A requires cities and counties to utilize some form of minimum density in all residential zones. Consistent with RUGGO, the Metro Housing Rule, and Goals 5, 6, 7 and 8, Section 2.A.5 excludes this minimum density requirement from application in unbuildable lands and Open Space areas where only low density development, if any, should be allowed.

Use of redevelopable land for housing is encouraged by Title 1, Section 2.B and 4 consistent with the Metro Housing Rule.

Goals 11, 13, 14

The requirement in Table 1 for mixed use areas is to demonstrate the target capacities for new dwelling units and new jobs as part of the jurisdiction-wide totals. The calculated capacities for each mixed use area design type are aggregated for these required capacities. Again, cities and counties may plan and zone these areas somewhat differently for the unique characteristics of each design type area. The regional requirement is to get at least the required capacities in mixed use areas. The jurisdiction-wide capacity requirements are based on accommodating projected population and employment within the current UGB⁴.

This entire approach enhances the policies of Goals 13 and 14. Long-range urban population growth requirements are being accommodated within the UGB. Changes in comprehensive plans and implementing ordinances are required to be changed to maximize efficiency of land uses within the existing urban area. Long-term energy use and costs are being reduced by retaining the compact urban form and designing land uses inside the UGB to create mixed use areas with significant increases in the use of bicycle and pedestrian travel.⁵ Agricultural land adjacent to the UGB is retained. Public facilities can be planned and provided in a more orderly and economic manner by avoiding high cost extensions of water, sewer, storm sewer, telecommunications, and urban roads to accommodate projected population growth outside the

⁴ See Urban Growth Report, Table 5.

⁵ See 1994-95 Travel Survey Data Summary Table showing up to 29% of all trips by walking in high density mixed use areas.

current UGB⁶. For any specific area where public facility redevelopment costs to serve increased capacities required by Title 1 would not be orderly and efficient, a process for exceptions of Title 1 requirements for that area is provided in Title 8.

As adopted, Title 1 and Table 1 include requirements to adopt minimum densities, reduce barriers to density, and demonstrate target capacities. Generally, these regional policies are consistent with the statewide goals and the transmittals in the record from cities and counties that indicate the feasibility of these requirements. However, each city and county must comply with statewide goals when it amends its comprehensive plan and land use regulations to implement Title 1 requirements. Prior to that time, if compliance with Functional Plan requirements would cause a city or county to violate a statewide goal, Title 8, Section 8, and RUGGO Objective 5.3 would apply to prevent a violation. (See Goal 2.A. above.)

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⁶ See KCM Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas, June, 1996.