

BEFORE THE METRO COUNCIL

|                                     |   |  |
|-------------------------------------|---|--|
| FOR THE PURPOSE OF AMENDING TITLE 6 | ) | ORDINANCE NO. 24-1523                    |
| OF THE URBAN GROWTH MANAGEMENT      | ) |  |
| FUNCTIONAL PLAN TO COMPLY WITH      | ) | Introduced by Chief Operating Officer    |
| STATE REQUIREMENTS FOR LOCAL        | ) | Marissa Madrigal with the Concurrence of |
| ADOPTION OF 2040 CENTER BOUNDARIES  | ) | Council President Lynn Peterson          |

WHEREAS, the 2040 Growth Concept is the long-range vision for development of our region’s urban form and the 2040 Growth Concept Map is the geographic expression of that vision; and

WHEREAS, the 2040 Growth Concept and the 2040 Growth Concept Map are incorporated in the Regional Framework Plan (RFP) and are the unifying bases for the RFP’s various regional policies, including those concerning land use; and

WHEREAS, RFP policies are implemented by Metro’s functional plans, including the Urban Growth Management Functional Plan (UGMFP), which is codified as Metro Code Chapter 3.07 and has certain requirements and recommendations for cities’ and counties’ comprehensive plans and land use regulations; and

WHEREAS, the 2040 Growth Concept, the 2040 Growth Concept Map, and aspects of the UGMFP foresee numerous walkable, higher-density, mixed-use “centers” of employment, housing, cultural and recreational activities, and transit service across the region, with those centers helping to grow the economy, provide affordable housing, and promote vibrant communities that reduce the need for sprawl and minimize transportation costs and contributors to climate change; and

WHEREAS, there are three types of “centers” envisaged in the 2040 Growth Concept, the 2040 Growth Concept Map, and UGMFP, including the Central City, eight regional centers, and 32 town centers; and

WHEREAS, RFP policies recognize that the success of the 2040 Growth Concept depends in part on the success of these centers serving as hubs of urban life in the region; and

WHEREAS, UGMFP Title 6, *Centers, Corridors, Station Communities, and Main Streets*, includes regional investment incentives for cities and counties that voluntarily take certain actions toward planning for the development of centers consistent with the 2040 Growth Concept and RFP policies; and

WHEREAS, in 2022, Oregon’s Land Conservation and Development Commission updated certain Oregon Administrative Rules (OARs) as part of the state’s Climate Friendly and Equitable Communities (CFEC) program; and

WHEREAS, CFEC aims to reduce greenhouse gas pollution and improve social equity in transportation services and community health, safety, and livability, in part by facilitating denser, transit-oriented development, active transportation, and the “greening” of Oregon’s urban spaces; and

WHEREAS, CFEC includes measures intended to accelerate the development and transformation of Metro’s centers in ways that are consistent with the 2040 Growth Concept and RFP policies; and

WHEREAS, one such measure, in OAR 660-012-0012(4)(d), requires Metro to amend UGMFP Title 6 by the end of 2024 to include a mandate that cities and counties adopt boundaries of the regional

and town centers for which they have land use planning authority and for which they have adopted urban land use designations; and

WHEREAS, the amendments to Title 6 of the UGMFP shown in Exhibit A comply with the requirements in OAR 660-012-0012(4)(d), for the reasons detailed in the findings included in Exhibit B; and

WHEREAS, the Metro Technical Advisory Committee voted on June 26, 2024, to recommend to the Metro Policy Advisory Committee (MPAC) that the amendments in Exhibit A be recommended for adoption by the Metro Council; and

WHEREAS, MPAC voted on July 24, 2024, to recommend that the amendments in Exhibit A be adopted by the Metro Council; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Urban Growth Management Functional Plan Title 6, *Centers, Corridors, Station Communities, and Main Streets*, is hereby amended as shown in Exhibit A, attached to and incorporated into this ordinance.
2. The Findings of Fact and Conclusions of Law in Exhibit B, attached to and incorporated into this ordinance, demonstrate how the amendments in Exhibit A comply with applicable state and Metro requirements.

ADOPTED by the Metro Council this 19<sup>th</sup> day of December 2024.



\_\_\_\_\_  
Lynn Peterson, Council President

Attest:

Approved as to form:



\_\_\_\_\_  
Georgia Langer, Recording Secretary



\_\_\_\_\_  
Carrie MacLaren, Metro Attorney

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 24-1523, FOR THE PURPOSE OF AMENDING TITLE 6 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TO REQUIRE LOCAL ADOPTION OF BOUNDARIES FOR CENTERS ON THE 2040 GROWTH CONCEPT MAP

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Date: November 19, 2024  
Department: Planning, Development & Research

Prepared by: Glen Hamburg  
Senior Regional Planner

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## BACKGROUND

Metro's '2040 Growth Concept', including its 2040 Growth Concept Map (Attachment 1), foresees numerous walkable, higher-density, mixed-use centers of employment, housing, cultural and recreational activities, and transit service across the region. Those centers are intended to grow the economy, provide affordable housing, and promote vibrant and distinctive communities that reduce the need for sprawl and minimize transportation costs and contributions to climate change. 2040 Growth Concept centers include the Central City, eight regional centers, and 32 town centers.

Metro does not currently mandate that cities and counties take specific actions (e.g., local regulatory strategies) to develop their centers in accordance with the vision of the 2040 Growth Concept. Rather, Title 6, *Centers, Corridors, Station Communities, and Main Streets*, of the Urban Growth Management Functional Plan (UGMFP) has employed an incentive approach, tying eligibility for optional regional investments in centers to: local adoption of defined center boundaries; assessment of the center's physical and market conditions and of barriers to and ways to encourage mixed-use, pedestrian-friendly, and transit-supportive development; and a local plan of actions and investments that will be taken to enhance centers consistent with the 2040 Growth Concept. To be sure, these measures only need to be taken when pursuing a regional investment in the center.

Nonetheless, roughly three-quarters of the centers in the 2040 Growth Concept already have locally adopted geographic boundaries that either originate from a time when the UGMFP did require such boundaries or were otherwise adopted by local choice. Many jurisdictions have also adopted land use policies and implementing regulations applicable to their centers that, while not necessarily required by the UGMFP, encourage development and activation of centers consistent with the 2040 vision. Less than a dozen 2040 centers lack locally adopted boundaries today.

The state's Climate Friendly and Equitable Communities (CFEC) program aims to reduce greenhouse gas pollution and improve social equity in transportation services and community health, safety, and livability, in part by facilitating denser, transit-oriented development, active transportation, and the "greening" of Oregon's urban spaces. To those ends, CFEC includes measures intended to accelerate the development and transformation of Metro's centers in ways that are consistent with the 2040 Growth Concept. Those state measures have obligations for cities and counties generally concerning the following in and near centers for which they have planning jurisdiction:

- Motor vehicle parking management (e.g., minimum off-street parking requirements, parking maximums, etc.);
- Provision of public bicycle parking;

- Design of streets to prioritize pedestrian, bicycle, and transit systems;
- Enhanced pedestrian crossings near transit stops;
- Improvements to tree canopies; and
- Reporting on housing production.

Implementing CFEC measures for centers necessitates defining a geographic area where those measures apply. One provision of CFEC in OAR 660-012-0012(4)(d) therefore requires Metro to amend UGMFP Title 6 by the end of 2024 to include a mandate that cities and counties adopt boundaries of the regional and town centers for which they have land use planning authority and for which they have adopted urban land use designations. Cities and counties in the region then have until the end of 2025 to adopt those center boundaries. The locally adopted boundaries must be in the general location of the center as depicted on the 2040 Growth Concept Map.

## **PROPOSAL**

Ordinance 24-1523 would amend UGMFP Title 6 to implement the CFEC mandate. It would require adoption of boundaries for centers with urban land use designations and would not require adoption of boundaries for any center on the 2040 Growth Concept Map that still has only rural land use plan designations in the comprehensive plan of the responsible jurisdiction. Consistent with CFEC, the amendments do not require multiple jurisdictions to adopt boundaries for portions of the same center; they only require that one jurisdiction adopt boundaries for each center with an urban land use plan designation.

While CFEC specifically mandates that Metro require local adoption of boundaries only for regional and town centers, the proposed amendments would require adoption of a boundary for the Central City as well, so that there is the same expectation for all centers in the 2040 Growth Concept that have been planned for urban uses.

The proposed amendments would require cities and counties to report their adopted boundaries to Metro by February 1, 2026, so that Metro can reflect those boundaries in an updated 2040 Growth Concept Map and other relevant maps. Finally, the amendments would make a number of minor, non-substantive amendments to Title 6 to clarify existing provisions, address formatting discrepancies, update citations, and correct typographic errors.

As advised by the Metro Technical Advisory Committee (MTAC) at its June 26, 2024, meeting, the Metro Policy Advisory Committee (MPAC) voted on July 24, 2024, to recommend the Metro Council adopt the proposed amendments.

## **ANALYSIS/INFORMATION**

**Known Opposition:** There is no known opposition.

### **Legal Antecedents:**

- The 2040 Growth Concept, adopted by the Metro Council in 1995 by Ordinance No. 95-625A, is the long-range vision for the development of the region’s urban form. The 2040 Growth Concept Map (Attachment 1) is the geographic expression of that vision and illustrates the conceptual 2040 centers.
- The 2040 Growth Concept and Map were incorporated into the Regional Framework Plan (RFP) adopted by the Metro Council in 1997 by Ordinance No. 97-715B. They are the unifying bases

for the RFP's various regional policies, including land use policies. RFP policies are implemented by Metro's two functional plans: the UGMFP, which is Metro Code chapter 3.07; and the Regional Transportation Functional Plan (RTFP), which is Metro Code chapter 3.08.

- In 2002, Ordinance No. 02-969B retitled UGMFP Title 6 from "Regional Accessibility" to "Central City, Regional Centers, Town Centers and Neighborhood Centers" and adopted measures intended to implement RFP policies related to the strengthening the roles of centers as the hearts of the region's communities and to improve the efficiency of land use within centers.
- In 2010, Ordinance No. 10-1244B again retitled Title 6, this time to its current title "Centers, Corridors, Station Communities and Main Streets". The ordinance also repealed the text of the title and replaced it with the current text, which includes incentives for cities and counties to voluntarily take actions and investments that would enhance centers as principal locations of urban life in the region. Ordinance No. 10-1244B adopted the Title 6 Corridors, Station Communities and Main Streets Map.
- OAR 660-012-0012(4)(d), adopted by the Land Conservation and Development Commission (LCDC) in November 2023, mandates that Metro amend Title 6 by December 31, 2024, to require local adoption of regional and town center boundaries by December 31, 2025.

**Anticipated Effects:** This ordinance will amend UGMFP Title 6, consistent with OAR 660-012-0012(4)(d), to require cities and counties to adopt boundaries for the 2040 Growth Concept centers that are in their planning jurisdiction and that have been planned for urban land uses. Those boundaries must be in the general location of the center as depicted on the 2040 Growth Concept Map, be adopted by December 31, 2025, and reported to Metro by February 1, 2026.

**Budget Impacts:** There will be no significant budget impacts from this measure. Staff will codify adopted amendments and, beginning in 2026, update relevant maps to reflect locally adopted center boundaries.

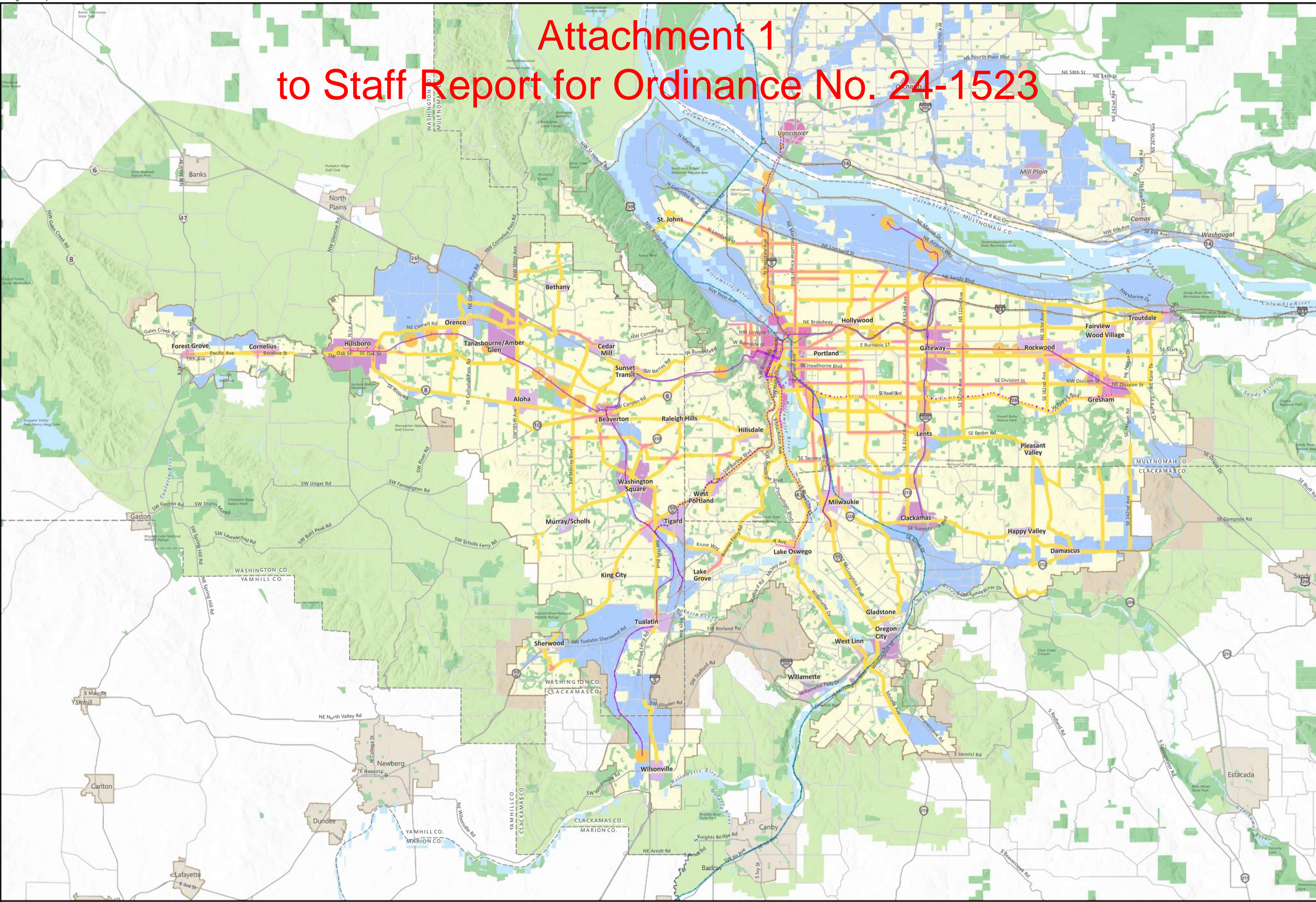
## **RECOMMENDED ACTION**

Staff recommends adoption of Ordinance No. 24-1523.

## **ATTACHMENTS**

Attachment 1: 2040 Growth Concept Map

# Attachment 1 to Staff Report for Ordinance No. 24-1523



## 2040 Growth Concept Map

Dec 2023  
0 6 12 Miles  
0 9.5 19 Kilometers

Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.

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

The map highlights elements of parallel planning efforts including: the 2018 Regional Transportation Plan that outlines investments in multiple modes of transportation, and a commitment to local policies and investments that will help the region better accommodate growth within its centers, corridors and employment areas.

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

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



Exhibit A to Ordinance No. 24-1523

Title 6 of Chapter 3.07 of the Metro Code (Urban Growth Management Functional Plan) is amended as follows, with underlined text representing inserted text and ~~strikethrough~~ representing deleted text:

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

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

**3.07.610 Purpose**

The Regional Framework Plan (RFP) identifies three types of Centers – the Central City, Regional Centers and Town Centers, – Corridors, Main Streets and Station Communities throughout the region on the 2040 Growth Concept Map and recognizes them as the principal centers of urban life in the region. Pursuant to Oregon Administrative Rules (OAR) 660-012-0012(4)(d), Title 6 requires cities and counties to define the boundaries of Centers for which they have adopted urban land use plan designations in their comprehensive plans. To enhance the intended role of the Centers, Corridors, Main Streets and Station Communities in the region, Title 6 also calls for voluntary actions and investments by cities and counties, complemented by regional investments, to enhance this role. A “regional investment” is: an investment in a new high-capacity transit line; or a designated a-regional investment in a grant or funding program that is either administered by Metro or subject to Metro’s approval. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5.]

**3.07.615 Adoption of Boundaries for Centers**

- (a) By December 31, 2025, each city and county must adopt boundaries for all Centers identified on the 2040 Growth Concept Map for which the city or county has adopted urban land use designations in their comprehensive plan, unless portions of the Center have boundaries already adopted by another city or county with planning jurisdiction for the Center.
- (b) Each city and county must adopt boundaries for any other Center identified on Metro’s 2040 Growth Concept Map when the city or county designates the area of that Center for urban land uses in their comprehensive plan, unless portions of the Center have boundaries already adopted by another city or county with planning jurisdiction for the Center.
- (c) Identified boundaries for Centers that are adopted pursuant to Section 3.07.615 must be located in the general area of the Center as identified on the 2040 Growth Concept Map.

Exhibit A to Ordinance No. 24-1523

- (d) By February 1, 2026, cities and counties must identify to Metro the boundaries of each Center that they have adopted pursuant to Section 3.07.615 as of December 31, 2025. After December 31, 2025, cities and counties must notify Metro of any new or revised Center boundaries within 31 days of adopting those new or revised Center boundaries.
- (e) Cities and counties must comply with the requirements of this section notwithstanding the generally applicable two-year functional plan compliance deadline in Subsection 3.07.810(b).

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

- (a) In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county ~~shall~~ must take the following actions:
- (1) Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to ~~subsection~~ Subsection 3.07.620(b);
  - (2) Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to ~~subsection~~ Subsection 3.07.620(c); and
  - (3) Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to ~~sub~~Subsection 3.07.620(d).
- (b) The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, ~~shall~~must:
- (1) Be consistent with the general location shown in the RFP 2040 Growth Concept Map except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;
  - (2) For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;
  - (3) For a Corridor designated for future high-capacity transit in the RTP, include the area identified during the system expansion planning process in the RTP; and
  - (4) Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and to Metro in the manner set forth in ~~subsection~~ Subsection 3.07.820(a) ~~of section 3.07.820~~ of this chapter.
- (c) An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, ~~shall~~ must analyze the following:
- (1) Physical and market conditions in the area;



Exhibit A to Ordinance No. 24-1523

- (2) Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;
  - (3) The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;
  - (4) Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and
  - (5) For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.
- (d) A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street ~~shall~~ must consider the assessment completed under ~~subsection~~ Subsection 3.07.620(c) and include at least the following elements:
- (1) Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;
  - (2) Revisions to its comprehensive plan and land use regulations, if necessary, to allow:
    - (A) In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in ~~section~~ Section 3.07.640; and
    - (B) In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;
  - (3) Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and
  - (4) A plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to ~~subsections~~ Subsections 3.08.230(a) and (b) of the RTFP, that includes:
    - (A) The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;
    - (B) A transportation system or demand management plan consistent with ~~section~~ Section 3.08.160 of the RTFP; and
    - (C) A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with ~~section~~ Section 3.08.410 of the RTFP.
- (e) A city or county that has completed all or some of the requirements of ~~subsections~~ Subsections 3.07.620(b), (c), and (d) may seek recognition of that compliance from Metro by written request to the COO.

Exhibit A to Ordinance No. 24-1523

- (f) Compliance with the requirements of this section is not a prerequisite to:
  - (1) Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or
  - (2) Investments in areas other than Centers, Corridors, Station Communities and Main Streets. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5.]

**3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates**

- (a) A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:
  - (1) Established a boundary pursuant to ~~subsection (b) of~~ Subsection 3.07.620(b); and
  - (2) Adopted land use regulations to allow the mix and intensity of uses specified in ~~section~~ Section 3.07.640.
- (b) A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:
  - (1) Established a boundary pursuant to ~~subsection (b) of~~ Subsection 3.07.620(b);
  - (2) Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in ~~section~~ Section 3.07.640 and to prohibit new auto-dependent uses that rely principally on auto trips, such as gas stations, car washes and auto sales lots; and
  - (3) Adopted a plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to ~~subsections~~ Subsections 3.08.230 (a) and (b) of the RTFP, that includes:
    - (A) Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;
    - (B) A transportation system or demand management plan consistent with ~~section~~ Section 3.08.160 of the RTFP; and
- (c) (C) A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5.]

Exhibit A to Ordinance No. 24-1523

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

- (a) A Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:
  - (1) Central City - 250 persons
  - (2) Regional Centers - 60 persons
  - (3) Station Communities - 45 persons
  - (4) Corridors - 45 persons
  - (5) Town Centers - 40 persons
  - (6) Main Streets - 39 persons
- (b) Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:
  - (1) The amenities identified in the most current version of the *State of the Centers: Investing in Our Communities*, such as grocery stores and restaurants;
  - (2) Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;
  - (3) Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.
- (c) Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:
  - (1) The types of housing ~~listed in the~~ identified as “needed housing” statute, in ORS 197.303(1)(a)-(e);
  - (2) The types of housing identified in the city’s or county’s housing need analysis ~~done completed~~ pursuant to ORS 197.296 or ~~statewide~~ Statewide planning Planning Goal 10 (Housing); and
  - (3) Accessory dwellings pursuant to ~~section~~ Section 3.07.120 of this chapter. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5. Ord. 15-1357.]

### **3.07.650 Centers, Corridors, Station Communities and Main Streets Map**

- (a) The 2040 Growth Concept Map’s depiction of Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title as the “Title 6 Centers, Corridors, Station Communities and Main Streets Map” and is Metro’s ~~official depiction~~ representation of their boundaries. The map shows the boundaries established pursuant to this title.

Exhibit A to Ordinance No. 24-1523

- (b) A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on the 2040 Growth Concept Map in the RFP and the revision is made consistent with all other requirements of this title. The city or county ~~shall~~ must provide notice of its proposed revision as prescribed in ~~subsection~~ Subsection (b) of section 3.07.620(b).
- (c) The COO ~~shall~~ must revise the Title 6 Centers, Corridors, Station Communities and Main Streets Map, as well as the 2040 Growth Concept Map and any other relevant maps, by order to conform ~~the~~ such maps to establishment or revision of a boundary under this title. [Ord. 02-969B, Sec. 7; Ord. 10-1244B, Sec. 5; Ord. 11-1264B, Sec. 1.]

**Title 6 Centers, Corridors, Station Communities and Main Streets Map as of April 1, 2021** [COO Order 12-073. Ord. 14-1336. COO Order 21-001.]

Exhibit B to Ordinance No. 24-1523

## Findings of Fact and Conclusions of Law

Ordinance No. 24-1513 amends Title 6, *Centers, Corridors, Station Communities, and Main Streets*, of Metro's Urban Growth Management Functional Plan (UGMFP) to comply with a state mandate in OAR 660-012-0012(4)(d). The following findings of fact and conclusions of law explain how the Metro Council decision to adopt this ordinance complies with that mandate, as well as other state and regional land use goals and provisions.

### A. Statewide Planning Goals

#### *Goal 1 – Citizen Involvement:*

The amendments to UGMFP Title 6 in Exhibit A do not modify any element of Metro's existing public involvement program or reduce opportunities for public input. Amendments to Title 6 were considered at Metro Technical Advisory Committee (MTAC) on December 20, 2023, and June 26, 2024. They were also considered at a public Metro Policy Advisory Committee (MPAC) meeting on July 24, 2024. Notice of the amendments in Exhibit A were submitted to the Department of Land Conservation and Development (DLCD) Post Acknowledgement Plan Amendment (PAPA) system 35 days prior to the December 12, 2024, public hearing on the amendments with the Metro Council. The adopted amendments will also be provided to all cities and counties in Metro as required by Metro Code.

#### *Goal 2 – Land Use Planning:*

As noted above, the amendments fulfill a state requirement for Metro. The amendments do not change the planned land use designation or zoning for any property, nor do they amend an urban growth boundary (UGB). The findings here in Exhibit B provide a factual basis for the amendments and demonstrate that they are consistent with statewide planning goals and relevant state and regional requirements.

#### *Goal 3 – Agricultural Lands:*

The amendments do not reduce the supply of Goal 3 agricultural land. The amendments only concern lands that are already inside Metro's UGB and require a local adoption of a boundary for centers that have been planned and zoned by local governments for urban land uses consistent with Goal 3.

#### *Goal 4 – Forest Lands:*

The amendments do not reduce the supply of Goal 4 forest land. The amendments only concern lands that are already inside Metro's UGB and require a local adoption of a boundary for centers that have been planned and zoned by local governments for urban land uses consistent with Goal 4.

#### *Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:*

The amendments do not change any Goal 5 inventory, significance determination, or protection requirement for a natural resource, scenic or historic area, or open space. The amendments do not change the land use plan designation or zoning of any property or amend any UGB.

#### *Goal 6 – Air, Water and Land Resources Quality:*

The amendments do not change any air, water, or land resource quality protection plan or requirement.

#### *Goal 7 – Areas Subject to Natural Hazards:*

The amendments do not change mapping or risk evaluation of any natural hazard or amend any plan or land use regulation related to protection from a natural hazard.

#### *Goal 8 – Recreational Needs:*

The amendments do not change any existing plan for meeting the recreational needs of the region's residents and visitors. The amendments concern areas inside Metro's UGB and not a destination resort on rural lands.

#### *Goal 9 – Economic Development:*

The amendments do not reduce the supply of sites that may be used for employment (e.g., commercial or industrial) uses or modify the protections on industrial and other employment areas that Metro requires of cities and counties (e.g., those in UGMFP Title 4, *Industrial and Other Employment Areas*). The amendments do not adopt or amend an economic opportunity analysis.

## Exhibit B to Ordinance No. 24-1523

### *Goal 10 – Housing:*

The amendments do not change any housing related projection, policy, or standard.

### *Goal 11 – Public Facilities and Services:*

The amendments only concern lands that are already inside Metro’s UGB. The do not change any public facilities or services plan or any requirement related to water, sewer, or other utility services.

### *Goal 12 – Transportation:*

The amendments are made pursuant to and consistent with a mandate on Metro in OAR chapter 660, division 12, which implements Goal 12 and other statewide planning goals related to transportation planning. The amendments do not themselves change a transportation system plan (e.g., Metro’s Regional Transportation Plan) or any transportation system requirements. Cities and counties who may amend their local transportation system plans or transportation regulations to satisfy state requirements related to locally adopted center boundaries would independently address compliance with relevant Goal 12 provisions.

### *Goal 13 – Energy Conservation:*

The amendments are made pursuant to and consistent with the state mandate noted above. They do not themselves change any energy utilization plan or regulation, nor do they change the allocation of land or uses permitted on land identified by Metro as having non-renewable energy sources or change a waste management program. Nonetheless, the adoption of boundaries for 2040 Growth Concept centers, as required by the amendments, may, depending on the related policy and regulatory decisions made by cities and counties, help to advance the development of centers as denser, more walkable, more transit-oriented areas consistent with the planning guidelines enumerated in Goal 13.

### *Goal 14 – Urbanization:*

The amendments do not change the location of a UGB, or any policy or regulation related to development of land outside a UGB. The amendments do not concern unincorporated communities or “exception lands”. The amendments only concern 2040 Growth Concept centers that are already in Metro’s UGB and only require adoption of boundaries for such centers that have been planned locally for urban land uses.

### *Goal 15 – Willamette River Greenway:*

The amendments do not change the state’s Greenway Boundary, any Greenway-related inventory, or any land use allowance, development standard, or natural resource protection measure applicable within the Greenway Boundary.

### *Goal 16 – Estuarine Resources:*

The Metro region does not have an estuary subject to Goal 16.

### *Goal 17 – Coastal Shorelands:*

The Metro region does not have coastal shorelands subject to Goal 17.

### *Goal 18 – Beaches and Dunes:*

The Metro region does not have beaches or dunes subject to Goal 18.

### *Goal 19 – Ocean Resources:*

The Metro region does not have ocean resources subject to Goal 19.

## **B. OAR 660-012-0012(4)(d)**

*Metro shall amend its Urban Growth Management Functional Plan in conjunction with its next growth management analysis under ORS 197.296 and no later than December 31, 2024, to require each city and county within Metro to:*

- (A) *By December 31, 2025, adopt boundaries for all regional and town centers identified on Metro’s 2040 Growth Concept map for which the city or county has adopted urban land use designations in their*

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*comprehensive plan, except for any portions of centers that have boundaries adopted by another city or county;*

*(B) Adopt boundaries for any other regional and town center identified on Metro's 2040 Growth Concept map when the city or county adopts urban land use designations for the area of that center in their comprehensive plan, unless portions of the center have boundaries already adopted by another city or county; and*

*(C) Identify boundaries for regional and town centers that are adopted pursuant to this subsection to be located in the general area of the center as identified in the Metro 2040 Growth Concept map.*

The amendments in Exhibit A to UGMFP Title 6 were adopted in the same month as the ordinance for Metro's next growth management analysis under ORS 197.296 (the "2024 Growth Management Decision"), and both ordinances were adopted prior to December 31, 2024.

Consistent with 660-012-0012(4)(d)(A), the amendments to UGMFP Title 6 in Exhibit A require that, by December 31, 2025, each city and county within Metro adopt boundaries for all regional and town centers identified on Metro's 2040 Growth Concept Map for which the city or county has adopted urban land use designations in their comprehensive plan, except for any portions of regional and town centers that have boundaries adopted by another city or county. The amendments to Title 6 also require adoption of boundaries for the Central City by December 31, 2025.

Consistent with 660-012-0012(4)(d)(B), the amendments to UGMFP Title 6 in Exhibit A require that each city and county in Metro adopted boundaries for any other regional and town center identified on the 2040 Growth Concept Map when the city or county adopts urban land use designations for the area of that center in the comprehensive plan, unless portions of the center have boundaries already adopted by another city or county;

Consistent with 660-012-0012(4)(d)(C), the amendments to UGMFP Title 6 in Exhibit A require that adopted boundaries for regional and town centers, as well as the adopted boundary for the Central City, be in the general area of the center as identified on the 2040 Growth Concept Map.

### **C. Metro Code**

#### *2.19.80 – Metro Policy Advisory Committee (MPAC)*

*(a) Purpose. The purpose of MPAC is to advise the Metro Council and perform the duties assigned to it by the Metro Charter and to perform other duties that the Metro Council shall prescribe.*

At its July 24, 2024, meeting, MPAC considered and voted to recommend approval by the Metro Council of the amendments to UGMFP Title 6 in Exhibit A.

*(c) MPAC may provide in its bylaws for the creation of a Technical Advisory Committee, which may make recommendations to MPAC.*

MTAC considered the amendments at public meetings on December 20, 2023, and June 26, 2024, before recommending them to MPAC.

#### *3.07.810 – Compliance with the Functional Plan*

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

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The state mandate in OAR 660-012-0012(4)(d) obligates Metro to require cities and counties adopt boundaries for 2040 Growth Concept centers by the end of December 31, 2025, roughly one year from the adoption of these amendments. Subsection 3.07.615(e) of the amendments therefore include a provision requiring local compliance with the 2025 deadline, notwithstanding the generally applicable two-year functional plan compliance deadline in Subsection 3.07.810(b). The COO will notify cities and counties of the date of these amendments' acknowledgement and of the required compliance dates.