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Draft 2010 Capacity Ordinance and exhibits

August 2010



Metro | *People places. Open spaces.*

About Metro

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy

Metro representatives

Metro Council President – David Bragdon

Metro Councilors – Rod Park, District 1; Carlotta Collette, District 2; Carl Hosticka, District 3; Kathryn Harrington, District 4; Rex Burkholder, District 5; Robert Liberty, District 6.

Auditor – Suzanne Flynn

Metro

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BEFORE THE METRO COUNCIL

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

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

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

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

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

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

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

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

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

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

ordinance as the official depiction of the UGB and of the boundaries of urban and rural reserves. The Urban Growth Boundary and Urban and Rural Reserves Map is hereby made part of Title 14 (Urban Growth Boundary) of the Urban Growth Management Functional Plan (UGMFP).

3. The conditions on the expansions of the UGB made by section 2 of this ordinance are hereby adopted and described and depicted in Exhibit C, attached and incorporated into this ordinance.
4. Title 1 (Housing) of the UGMFP is hereby amended, as indicated in Exhibit D, attached and incorporated into this ordinance, to help ensure sufficient capacity to meet housing needs to year 2030.
5. Title 4 (Industrial and Other Employment Areas) of the UGMFP is hereby amended, as indicated in Exhibit E, attached and incorporated into this ordinance, to help ensure sufficient capacity to meet employment needs to year 2030.
6. The Title 4 Industrial and Other Employment Areas Map is hereby amended, as indicated in Exhibit F, attached and incorporated into this ordinance, to reflect existing development and economic realities more accurately and to help maintain a supply of sites for traded-sector industries.
7. Title 6 (Centers, Corridors, Station Communities and Main Streets) of the UGMFP is hereby amended, as indicated in Exhibit G, attached and incorporated into this ordinance, to implement new policies and investment strategies in those places.
8. The Title 6 Centers, Corridors, Station Communities and Main Streets Map is hereby adopted, as shown on Exhibit H, attached and incorporated into this ordinance, to implement Title 6 and other functional plan requirements.
9. Title 8 (Compliance Procedures) of the UGMFP is hereby amended, as indicated in Exhibit I, attached and incorporated into this ordinance, to reduce procedural burdens on local governments and Metro.
10. Title 9 (Performance Measures) is hereby repealed, as indicated in Exhibit J, to be consistent with new policies on performance measurement.
11. Title 10 (Functional Plan Definitions) of the UGMFP is hereby amended, as indicated in Exhibit K, attached and incorporated into this ordinance, to conform to the definitions to the use of terms in the amended UGMFP.
12. Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) is hereby repealed, as indicated in Exhibit L, to be replaced by new Title 14 adopted by section 13 of this ordinance.
13. Title 14 (Urban Growth Boundary) is hereby adopted and added to the UGMFP, as indicated in Exhibit M, attached and incorporated into this ordinance, with amendments from Metro Code Chapter 3.01 to provide a faster process to add large sites to the UGB for industrial use.

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

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

David Bragdon, Council President

Attest:

Approved as to form:

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Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 10-1244

AMENDMENTS TO THE REGIONAL FRAMEWORK PLAN

A. Add the following:

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

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

It is also the policy of the Metro Council to:

Use performance measures and performance targets to:

- a. Evaluate the effectiveness of proposed policies, strategies and actions to achieve the desired Outcomes
- b. Inform the people of the region about progress toward achieving the Outcomes
- c. Evaluate the effectiveness of adopted policies, strategies and actions and guide the consideration of revision or replacement of the policies, strategies and actions; and

Publish a report on progress toward achieving the desired Outcomes on a periodic basis.

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

1.1 Compact Urban Form

It is the policy of the Metro Council to:

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

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

1.2 Centers, Corridors, Station Communities and Main Streets

It is the policy of the Metro Council to:

1.2.1

Recognize that the success of the 2040 Growth Concept depends upon the success of the region's Centers, Corridors, Station Communities and Main Streets as the principal centers of urban life in the region. Recognize that each Center, Corridor, Station Community and Main Street has its own character and stage of development and its own aspirations; each needs its own strategy for success.

- 1.2.2 Work with local governments, community leaders and state and federal agencies to develop an investment strategy for Centers, Corridors, Station Communities and Main Streets with a program of investments in public works, essential services and community assets, that will enhance their roles as the centers of public life in the region. The strategy shall:

- a. Give priority in allocation of Metro's investment funds to Centers, Corridors, Station Communities and Main Streets;

- b. Link Metro’s investments so they reinforce one another and maximize contributions to Centers, Corridors, Station Communities and Main Streets;
- c. Coordinate Metro’s investments with complementary investments of local governments and with state and federal agencies so the investments reinforce one another , maximize contributions to Centers, Corridors, Station Communities and Main Streets and help achieve local aspirations; and
- d. Include an analysis of barriers to the success of investments in particular Centers, Corridors, Station Communities and Main Streets.

1.2.3 Encourage employment opportunities in Centers, Corridors, Station Communities and Main Streets by:

- a. Improving access within and between Centers, Corridors, Station Communities and Main Streets;
- b. Encouraging cities and counties to allow a wide range of employment uses and building types, a wide range of floor-to-area ratios and a mix of employment and residential uses; and
- c. Encourage investment by cities, counties and all private sectors by complementing their investments with investments by Metro.

1.2.4 Work with local governments, community leaders and state and federal agencies to employ financial incentives to enhance the roles of Centers, Corridors, Station Communities and Main Streets and maintain a database of incentives and other tools that would complement and enhance investments in particular Centers, Corridors, Station Communities and Main Streets.

1.2.5 Measure the success of regional efforts to improve Centers and Centers, Corridors, Station Communities and Main Streets and report results to the region and the state and revise strategies, if performance so indicates, to improve the results of investments and incentives.

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

1.3 Housing Choices and Opportunities

It is the policy of the Metro Council to:

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

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

- 1.3.11 Consider incentives, such as priority for planning grants and transportation funding, to local governments that obtain agreements from landowners and others to devote a portion of new residential capacity to affordable housing.
- 1.3.12 Help ensure opportunities for low-income housing types throughout the region so that families of modest means are not obliged to live concentrated in a few neighborhoods, because concentrating poverty is not desirable for the residents or the region.
- 1.3.13 Consider investment in transit, pedestrian and bicycle facilities and multi-modal streets as an affordable housing tool to reduce household transportation costs to leave more household income available for housing.
- 1.3.14 For purposes of these policies, “affordable housing” means housing that families earning less than 50 percent of the median household income for the region can reasonably afford to rent and earn as much as or less than 100 percent of the median household income for the region can reasonably afford to buy.

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

1.4 Employment Choices and Opportunity

It is the policy of the Metro Council to:

- 1.4.1 Locate expansions of the UGB for industrial or commercial purposes in locations consistent with this plan and where, consistent with state statutes and statewide goals, an assessment of the type, mix and wages of existing and anticipated jobs within subregions justifies such expansion.
- 1.4.2 Balance the number and wage level of jobs within each subregion with housing cost and availability within that subregion. Strategies are to be coordinated with the planning and implementation activities of this element with Policy 1.3, Housing Choices and Opportunities and Policy 1.8, Developed Urban Land.
- 1.4.3 Designate, with the aid of leaders in the business and development community and local governments in the region, as Regionally Significant Industrial Areas those areas with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs.
- 1.4.4 Require, through the Urban Growth Management Functional Plan, that local governments exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas from incompatible uses.
- 1.4.5 Facilitate investment in those areas of employment with characteristics that make them especially suitable and valuable for traded-sector goods.

F. Repeal Chapter 1 (Land Use) Policy 1.6

G. Repeal Chapter 1 (Land Use) Policy 1.15

Exhibit A to Ordinance No. 10-1244

AMENDMENTS TO THE REGIONAL FRAMEWORK PLAN

A. Add the following:

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

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

It is also the policy of the Metro Council to:

Use performance measures and performance targets to:

- a. Evaluate the effectiveness of proposed policies, strategies and actions to achieve the desired Outcomes
- b. Inform the people of the region about progress toward achieving the Outcomes
- c. Evaluate the effectiveness of adopted policies, strategies and actions and guide the consideration of revision or replacement of the policies, strategies and actions; and

Publish a report on progress toward achieving the desired Outcomes on a periodic basis.

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

1.1 Compact Urban Form

It is the policy of the Metro Council to:

~~1.1.1 Balance the region's growth by:~~

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

1.1.1 Encourage and facilitate a compact urban form within the UGB.

1.1.2 Adopt and implement a strategy of investments and incentives to use land within the UGB more efficiently.

1.1.3 Facilitate infill and re-development, particularly within Centers, Corridors, Station Communities, Main Streets and Employment Areas, to use land and urban services efficiently, to support public transit, to promote successful, walkable communities and to achieve the appropriate activity levels along the Activity Spectrum in the State of the Centers Report of January, 2009.

1.1.4 Encourage elimination of unnecessary barriers to compact, mixed-use, pedestrian-friendly and transit-supportive development within Centers, Corridors, Station Communities and Main Streets.

1.1.5 Promote the distinctiveness of the region's cities and the stability of its neighborhoods.

1.1.6 Enhance compact urban form by developing the Intertwine, an interconnected system of parks, greenspaces and trails readily accessible to people of the region.

1.1.8 Promote excellence in community design.

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

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

It is the policy of the Metro Council to:

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

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

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

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

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

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

Recognize that the success of the 2040 Growth Concept depends upon the success of the region’s Centers, Corridors, Station Communities and Main Streets as the principal centers of urban life in the region. Recognize that each Center, Corridor, Station Community and Main Street has its own character and stage of development and its own aspirations; each needs its own strategy for success.

1.2.2 Work with local governments, community leaders and state and federal agencies to develop an investment strategy for Centers, Corridors, Station Communities and Main Streets with a program of investments in public works, essential services and community assets, that will enhance their roles as the centers of public life in the region. The strategy shall:

- a. Give priority in allocation of Metro’s investment funds to Centers, Corridors, Station Communities and Main Streets;
- b. Link Metro’s investments so they reinforce one another and maximize contributions to Centers, Corridors, Station Communities and Main Streets;
- c. Coordinate Metro’s investments with complementary investments of local governments and with state and federal agencies so the investments reinforce one another , maximize contributions to Centers, Corridors, Station Communities and Main Streets and help achieve local aspirations; and
- d. Include an analysis of barriers to the success of investments in particular Centers, Corridors, Station Communities and Main Streets.

1.2.3 Encourage employment opportunities in Centers, Corridors, Station Communities and Main Streets by:

- a. Improving access within and between Centers, Corridors, Station Communities and Main Streets;

- b. Encouraging cities and counties to allow a wide range of employment uses and building types, a wide range of floor-to-area ratios and a mix of employment and residential uses; and
- c. Encourage investment by cities, counties and all private sectors by complementing their investments with investments by Metro.

1.2.4 Work with local governments, community leaders and state and federal agencies to employ financial incentives to enhance the roles of Centers, Corridors, Station Communities and Main Streets and maintain a database of incentives and other tools that would complement and enhance investments in particular Centers, Corridors, Station Communities and Main Streets.

1.2.5 Measure the success of regional efforts to improve Centers and Centers, Corridors, Station Communities and Main Streets and report results to the region and the state and revise strategies, if performance so indicates, to improve the results of investments and incentives.

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

1.3 Housing Choices and Opportunities

It is the policy of the Metro Council to:

1.3.1 Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors.

1.3.2 As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations:

- a. Allow a diverse range of housing types;
- b. Make housing choices available to households of all income levels; and
- c. Allow affordable housing, particularly in Centers and Corridors and other areas well-served with public services.

1.3.3 Reduce the percentage of the region's households that are cost-burdened, meaning those households paying more than 50 percent of their incomes on housing and transportation.

1.3.4 Maintain voluntary affordable housing production goals for the region, to be revised over time as new information becomes available and displayed in Chapter 8 (Implementation), and encourage their adoption by the cities and counties of the region.

1.3.45 Encourage local governments to consider the following tools and strategies to achieve the affordable housing production goals:

- a. Density bonuses for affordable housing;

- b. A no-net-loss affordable housing policy to be applied to quasi-judicial amendments to the comprehensive plan;
- c. A voluntary inclusionary zoning policy;
- d. A transferable development credits program for affordable housing;
- e. Policies to accommodate the housing needs of the elderly and disabled;
- f. Removal of regulatory constraints on the provision of affordable housing; and
- g. Policies to ensure that parking requirements do not discourage the provision of affordable housing.

1.3.56 Require local governments in the region to report progress towards increasing the supply of affordable housing and seek their assistance in periodic inventories of the supply of affordable housing.

1.3.67 Work in cooperation with local governments, state government, business groups, non-profit groups and citizens to create an affordable housing fund available region wide in order to leverage other affordable housing resources.

1.3.78 Provide technical assistance to local governments to help them do their part in achieving regional goals for the production and preservation of housing choice and affordable housing.

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

1.3.910 When expanding the Urban Growth Boundary, assigning or amending 2040 Growth Concept design type designations or making other discretionary decisions, seek agreements with local governments and others to improve the balance of housing choices with particular attention to affordable housing.

1.3.101 Consider incentives, such as priority for planning grants and transportation funding, to local governments that obtain agreements from landowners and others to devote a portion of new residential capacity to affordable housing.

1.3.112 Help ensure opportunities for low-income housing types throughout the region so that families of modest means are not obliged to live concentrated in a few neighborhoods, because concentrating poverty is not desirable for the residents or the region.

1.3.123 Consider investment in transit, pedestrian and bicycle facilities and multi-modal streets as an affordable housing tool to reduce household transportation costs to leave more household income available for housing.

1.3.14 For purposes of these policies, “affordable housing” means housing that families earning less than 50 percent of the median household income for the region can reasonably afford to rent and earn as much as or less than 100 percent of the median household income for the region can reasonably afford to buy.

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

1.4 ~~Economic~~Employment Choices and Opportunity

It is the policy of the Metro Council to:

- 1.4.1 Locate expansions of the UGB for industrial or commercial purposes in locations consistent with this plan and where, consistent with state statutes and statewide goals, an assessment of the type, mix and wages of existing and anticipated jobs within subregions justifies such expansion.
- 1.4.2 Balance the number and wage level of jobs within each subregion with housing cost and availability within that subregion. Strategies are to be coordinated with the planning and implementation activities of this element with Policy 1.3, Housing ~~and Affordable Housing, Choices and Opportunities~~ and Policy 1.8, Developed Urban Land.
- 1.4.3 Designate, with the aid of leaders in the business and development community and local governments in the region, as Regionally Significant Industrial Areas those areas with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs.
- 1.4.4 Require, through the Urban Growth Management Functional Plan, that local governments exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas from incompatible uses.
- 1.4.5 Facilitate investment in those areas of employment with characteristics that make them especially suitable and valuable for traded-sector goods.

F. Repeal Chapter 1 (Land Use) Policy 1.6

~~1.6 — Growth Management~~

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

- ~~1.6.1 — Manage the urban land supply in a manner consistent with state law by:~~
 - ~~a. — Encouraging the evolution of an efficient urban growth form.~~
 - ~~b. — Providing a clear distinction between urban and rural lands.~~
 - ~~c. — Supporting interconnected but distinct communities in the urban region.~~

- d. ~~Recognizing the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region.~~
- e. ~~Being consistent with the 2040 Growth Concept and helping attain the region's objectives.~~

G. Repeal Chapter 1 (Land Use) Policy 1.15

1.15—Centers

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

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

Exhibit B of Ordinance No. 10-1244

Placeholder for Title 14 Map (showing urban and rural reserves
and new UGB, if amended)

To be completed December 2010

Exhibit C of Ordinance No. 10-1244

Placeholder conditions to be placed on UGB expansion areas, if any.

To be completed fall 2010

Exhibit D to Ordinance No. 10-1244

TITLE 1: HOUSING CAPACITY

3.07.110 Purpose and Intent

The Regional Framework Plan calls for a compact urban form and efficient use of land. It is the purpose of Title 1 to accomplish these policies in areas of the region where housing is allowed. Title 1 directs each city and county to maintain or increase its capacity and to take action if necessary to accommodate its share of regional growth.

3.07.120 Housing Capacity

- A. Each city shall maintain or increase its capacity for housing, as determined by cumulating the minimum dwelling unit densities of all zoning districts that allow housing. If a city annexes territory designated by a county to allow housing, the city shall ensure through its land use regulations there is no net loss of housing capacity from the level allowed in the territory by the county. The city shall add the housing capacity of the annexed territory to the city's total housing capacity and shall report the change to Metro.
- B. Each county shall maintain or increase its capacity for housing, as determined by cumulating the minimum dwelling unit densities of all zoning districts that allows housing. If a city annexes county territory designated to allow housing, the county may subtract the housing capacity of the annexed territory from its total housing capacity and report the change to Metro.
- C. If the Metro Council adds territory to the UGB which it designates for housing, the city or county responsible for planning the territory under section 3.07.1120 of this chapter shall, upon adoption of the planning and land use regulations, add the housing capacity of the territory to the city or county's total housing capacity within Metro and report the capacity to Metro.
- D. Each city and county shall adopt and maintain or increase a minimum dwelling unit density for each zoning district in which dwelling units are allowed within the UGB. If a city

or county has not adopted a minimum density for a zoning district prior to March 31, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.

- E. A city or county may not approve a division of land or a development application that would result in housing density below the minimum density for the zoning district. A city or county may not prohibit the division of a lot or parcel that is at least twice the size of the minimum dwelling unit density in any zoning district in which dwellings are authorized.
- F. A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in each zoning district that allows detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes.

3.07.130 Transfer of Capacity

A city or county may reduce the housing capacity of any zoning district so long as the city or county simultaneously increases the minimum zoned capacity of another zoning district by an amount equal to or greater than the reduction in the reduction district upon a demonstration that:

- 1. The capacity to be transferred is reasonably likely to occur in the receiving zoning district within the 20-year planning period of Metro's last capacity analysis under ORS 197.299; and
 - 2. The transfer does not reduce the housing capacity of the Central City or a Regional Center, Town Center, Corridor or Station Community.
- A. Notwithstanding subsection A, a city or county may reduce the housing capacity of any zoning district without increasing minimum zoned capacity in another district for one or more of the following purposes:
- 1. To re-zone the area for industrial use and limit uses consistent with Title 4 of this chapter;

2. To protect natural resources pursuant to Titles 3 or 13 of this chapter; or

3. To allow a regionally significant educational or medical facility similar in scale to those listed in section 3.07.1340D(5) (i) of Title 13 of this chapter.

C. A city or county may transfer housing capacity to another city or county inside the UGB upon a demonstration that:

1. The transfer will not result in a reduction of total regional housing capacity;
2. The capacity to be transferred is reasonably likely to occur in the receiving zoning district within the 20-year planning period of Metro's last capacity analysis under ORS 197.299; and
3. The transfer does not reduce the housing capacity of the Central City or a Regional Center, Town Center, Corridor or Station Community.

D. A city or county may seek a transfer of capacity as authorized in subsection C by filing an application on a form provided by Metro. After receipt of a complete application, Metro shall set the matter for a public hearing before the Metro Council and shall notify MPAC and those persons who request notification of requests for transfers of capacity.

E. The Metro Council shall hold a public hearing to consider the request for a transfer of capacity. Any person may participate in the hearing. The Metro Council may set terms and conditions upon approval of a transfer so long as they relate to the criteria in subsection C and are incorporated into the Metro Council's order.

F. The Metro Council shall issue an order with its conclusions and analysis and send a copy to the local governments involved in the transfer and any person who participated in the hearing before the Metro Council. Any person who participated in the hearing may seek review of the Metro Council's order as a land use decision under ORS 197.015(10) (a) (A) .

Exhibit ~~ID~~ to Ordinance No. 10-1244

**TITLE 1: ~~REQUIREMENTS FOR HOUSING AND EMPLOYMENT~~
~~ACCOMMODATION~~CAPACITY**

3.07.110 Purpose and Intent

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

3.07.120 Housing and Employment Capacity

- A. ~~Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table 3.07-1, supplemented by capacity resulting from addition of territory to the UGB~~maintain or increase its capacity for housing, as determined by cumulating the minimum dwelling unit densities of all zoning districts that allow housing. Local governments shall use data provided by Metro unless the Metro Council or the Chief Operating Officer determines that data preferred by a city or county is more accurate. If a city annexes territory designated by a county to allow housing, the city shall ensure through its land use regulations there is no net loss of housing capacity from the level allowed in the territory by the county. The city shall add the housing capacity of the annexed territory to the city's total housing capacity and shall report the change to Metro.
- B. ~~A city or~~ Each county shall ~~determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling units are authorized. A city or county may use a higher number of dwellings than the minimum density for a zoning district if development in the five years prior to the determination has actually occurred at the higher number~~maintain or increase its capacity for housing, as determined by cumulating the minimum dwelling unit densities of all zoning districts that allows housing. If

a city annexes county territory designated to allow housing, the county may subtract the housing capacity of the annexed territory from its total housing capacity and report the change to Metro.

C. If the Metro Council adds territory it designates for housing to the UGB, the city or county responsible for planning under section 3.07.1120 of the Metro Code, shall, upon adoption of the planning and land use regulations, add the housing capacity of the territory to the city or county's total housing capacity within Metro and shall report the capacity to Metro.

~~CD.~~ If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory. Each city and county shall adopt and maintain or increase a minimum dwelling unit density for each zoning district in which dwelling units are allowed within the UGB. If a city or county has not adopted a minimum density for a zoning district prior to March 31, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density..

~~DE.~~ After completion of its initial determination of capacity, each city or county shall report changes in its capacity by April 15 of the first calendar year following completion of its initial determination and by April 15 of every following year. A city or county may not approve a division of land or a development application that would result in housing density below the minimum density for the zoning district. A city or county may not prohibit the division of a lot or parcel that is at least twice the size of the minimum dwelling unit density in any zoning district in which dwellings are authorized.

F. A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in each zoning district that allows detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes.

3.07.130 Design Type Boundaries Requirement

~~For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map or on maps adopted by ordinances adding territory to the UGB:~~

~~Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.~~

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

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

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

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

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

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

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

~~Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.~~

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

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

~~3.07.140 Measures to Increase Development Capacity~~

~~A.—Each city and county shall adopt a minimum dwelling unit density, as prescribed in this subsection, for each zoning district in which dwelling units are authorized inside the UGB:~~

~~1.—Any city or county minimum density standard deemed to comply with the Urban Growth Management Functional Plan pursuant to Section 3.07.810 prior to January 1, 2003, shall be deemed to comply with this subsection.~~

~~2.—A city or county shall not approve a subdivision or development application that will result in a density below the minimum density for the zoning district.~~

~~3.—A city or county may change the dwelling unit density of any zoning district so long as the zoning district continues to comply with this subsection and so long as the city or county continues to provide at least the overall capacity for housing for the city or county specified in Table 3.07-1.~~

~~B.—A city or county shall not prohibit the partition or subdivision of a lot or parcel that is at least twice the size of the minimum size for new lots or parcels in any zoning district in which dwelling units are authorized.~~

~~C.—A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in a zoning district and for each detached or attached single-family dwelling unit in a Regional Center or Station Community. The authorization may be subject to reasonable regulation for siting and design purposes.~~

~~D.—In order to assist Metro to evaluate the effectiveness of Title 1 in aid of accomplishment of the 2040 Growth Concept, and to comply with state progress reporting requirements in ORS 197.301, by April 15 of each even-numbered year beginning 2004, each city and county shall report to Metro the actual density of new residential development per net developed acre authorized in those~~

~~zoning districts that allow residential development in the preceding 24 months.~~

3.07.150—Transfer of Capacity

~~A. A city or county may amend its comprehensive plan and land use regulations to reduce the housing capacity of any zoning district so long as the city or county simultaneously increases the minimum zoned capacity of another zoning district by an amount equal to or greater than the reduction in the reduction district upon a demonstration that:~~

- ~~1. The capacity to be transferred is reasonably likely to occur in the receiving zoning district within the 20-year planning period of Metro's last capacity analysis under ORS 197.299; and~~
- ~~2. The transfer does not reduce the housing capacity of the Central City or a Regional Center, Town Center, Corridor or Station Community.~~

~~B. Notwithstanding subsection A, a city or county may reduce the housing capacity of any zoning district without increasing minimum zoned capacity in another district for one or more of the following reasons:~~

- ~~1. To re-zone the area for industrial use and limit uses consistent with Title 4 of this chapter;~~
- ~~2. To protect natural resources pursuant to Titles 3 or 13 of this chapter; or~~
- ~~3. To allow a regionally significant educational or medical facility similar in scale to those listed in section 3.07.1340D(5)(i) of Title 13 of this chapter.~~

~~C. A city or a county may transfer housing capacity for housing or employment shown on Table 3.07-1 to another city or county inside the UGB upon a demonstration that:~~

- ~~1. The transfer complies with the policies of the Regional Framework Plan will not result in a reduction of total regional housing capacity;~~
- ~~2. The transfer will not reduce the capacity of the region for housing or employment specified on Table~~

~~3.07-1 to be transferred is reasonably likely to occur in the receiving zoning district within the 20-year planning period of Metro's last capacity analysis under ORS 197.299; and~~

3. ~~The housing or employment capacity to be transferred is reasonably likely to occur at the receiving site within the 20-year planning period of Metro's last UGB capacity review under ORS 197.299; and~~

4. ~~The transfer does not move reduce the housing capacity from a designated Center to an Inner or Outer Neighborhood, or from of a Regional Center to a, Town Center, Corridor, Station Community or Main Street.~~

BD. A city or county may seek a transfer of capacity as authorized in subsection AC by filing an application on a form provided ~~for that purpose~~ by Metro. After receipt of a complete application, Metro shall set the matter for a public hearing before the Metro Council and shall notify MPAC and those persons who request notification of requests for transfers of capacity.

CE. The Metro Council shall hold a public hearing to consider the request for a transfer of capacity. Any person may participate in the hearing. The Metro Council may set terms and conditions upon approval of a transfer so long as they relate to the criteria in subsection AC and are incorporated into the Metro Council's order.

~~D.D.~~ F. The Metro Council shall issue an order with its conclusions and analysis and send a copy to the local governments involved in the transfer and any person who participated in the hearing before the Metro Council. Any person who participated in the hearing may seek review of the Metro Council's order as a land use decision under ORS 197.015(10) (a) (A).

~~3.07.160 Local Plan Accommodation of Expected Growth Capacity for Housing and Employment Performance Standard~~

~~All cities and counties within Metro shall demonstrate that:~~

~~A. The provisions required in Section 3.07.140 of this title have been included in comprehensive plans and implementing ordinances; and~~

- ~~B. Using the computation method in Section 3.07.120, calculated capacities will achieve the target capacities for dwelling units and full-time and part-time jobs contained in Table 3.07-1; and~~
- ~~C. Effective measures have been taken to reasonably assure that the calculated capacities will be built for dwelling units and jobs; and~~
- ~~D. Expected development has been permitted at locations and densities likely to be achieved during the 20-year planning period by the private market or assisted housing programs, once all new regulations are in effect.~~

~~3.07.170 Design Type Density Recommendations~~

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

~~Central City - 250 persons per acre
Regional Centers - 60 persons per acre
Station Communities - 45 persons per acre
Town Centers - 40 persons per acre
Main Streets - 39 persons per acre
Corridor - 25 persons per acre
Employment Areas - 20 persons per acre
Industrial Areas - 9 employees per acre
Regionally Significant Industrial Area - 9 employees per acre
Inner Neighborhoods - 14 persons per acre
Outer Neighborhoods - 13 persons per acre~~

Table 3.07-1
Zoned Capacity for Housing and Employment Units—Year 1994 to 2017
Section 3.07.120(A)(1)(b)

City or County	Dwelling Unit Capacity	Job Capacity
Beaverton	13,635	21,368
Cornelius	1,285	3,054
Durham	243	522
Fairview	2,929	7,063
Forest Grove	3,054	5,943
Gladstone	880	1,569
Gresham ³	20,020	27,679
Happy Valley ⁴	5,705	1,418
Hillsboro ⁵	16,106	59,566
Johnson City	38	82
King City ⁶	461	470
Lake Oswego	4,049	13,268
Maywood Park	12	5
Milwaukie	3,188	3,650
Oregon City	9,750	8,298
Portland ³	72,136	209,215
Rivergrove	20	0
Sherwood	5,216	9,518
Tigard	6,308	17,801
Troutdale	3,260	7,222
Tualatin ⁷	4,054	12,301
West Linn	3,732	1,935
Wilsonville ²	4,425	15,030
Wood Village	458	1,074
Clackamas County ^{1,3}	13,340	31,901
Multnomah County ⁸	0	0
Washington County ⁴	51,649	55,921
Regional Total	246,053	516,873

¹Standards apply to the urban unincorporated portion of the county only.

²Wilsonville has not completed its capacity analysis (as of October 2002), 1996 Title 1 data used.

³Includes capacity for Pleasant Valley Concept Plan, former Urban Reserve Nos. 4 and 5.

⁴Includes capacity for former Urban Reserve Nos. 14 and 15.

⁵Includes capacity for former Urban Reserve No. 55.

⁶Includes capacity for former Urban Reserve No. 47.

⁷Includes capacity for former Urban Reserve No. 43.

⁸Capacity for unincorporated Multnomah County is included in the capacities of the Cities of Gresham, Portland and Troutdale.

Exhibit E to Ordinance No. 10-1244

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

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

3.07.420 Protection of Regionally Significant Industrial Areas

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

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers - such as financial, insurance, real estate, legal, medical and dental offices - to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches,

agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

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

C. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight System Map in the 2035 Regional Transportation Plan or require added road capacity to prevent falling below the standards.

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

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

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

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph 2 of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed, with uses described in subsection B of this section.
4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.
- G. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection E of this section, a city

or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

3.07.430 Protection of Industrial Areas

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

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

2. Training facilities whose primary purpose is to provide training to meet industrial needs.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight System Map in the 2035 Regional Transportation Plan. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment

and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

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

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

a. To provide public facilities and services;

b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

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

3.07.440 Protection of Employment Areas

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

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

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

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

1. The ordinance authorized those uses on January 1, 2003;

2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and

3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.
- E. A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:
1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
 2. Meet the Maximum Permitted Parking - Zone A requirements set forth in Table 3.08-3 of Title 4 of the Regional Transportation Functional Plan.

3.07.450 Employment and Industrial Areas Map

- A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.
- B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer (COO) shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.
- C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:
1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;
 2. The amendment will not reduce the employment capacity of the city or county;

3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;
 4. The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on the Regional Freight System Map in the 2035 Regional Transportation Plan below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;
 5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and
 6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.
- D. A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:
1. The entire property is not buildable due to environmental constraints; or
 2. The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and
 3. The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by this title, exceeds the assessed value of the land by a ratio of 1.5 to 1.

- E. The COO shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C or D of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.

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

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

- H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:
 - 1. Would not reduce the employment capacity of the city or county;

 - 2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on the Regional Freight System Map in the 2035 Regional Transportation Plan below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;

3. Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;
 4. Would not reduce the integrity or viability of a traded sector cluster of industries;
 5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and
 6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.
- I. Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.
 - J. The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.
 - K. By January 31 of each year, the COO (COO) shall submit a written report to the Council and MPAC on the cumulative effects on employment land in the region of the amendments to the Employment and Industrial Areas Map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects.

3.07.460 Large Sites for Industrial Use

- A. For purposes of this section, "developed" means construction has begun on one or more buildings that will accommodate industrial uses.
- B. The COO shall maintain an inventory of sites that are:

- a. Contiguous lots or parcels in the same ownership totaling 50 acres or more;
 - b. Designated on the Employment and Industrial Areas Map or zoned for industrial;
 - c. Suitable for industries that prefer large sites; and
 - d. Vacant but for buildings or uses on the site at the time the site was added to the UGB.
- C. A city or county with land use planning authority over a large site on the Employment and Industrial Areas Map shall limit division of any lot or parcel 50 acres or larger that is part of the site as provided in paragraphs (2), (3) and (4) of subsection E of section 3.07.420 or subsection D of section 3.07.430, whichever is applicable. A city or county may not allow division of a lot or parcel smaller than 50 acres that is part of the site.
- D. A city or county with land use planning authority over a site on the Employment and Industrial Areas Map shall inform the COO when a site is developed.
- E. Following notification pursuant to subsection D that a large site on the inventory is developed, the COO shall work with cities and counties to create a new site consistent with subsection B within the UGB. If, within one year following the notification, the COO is unable to create a new large site within the UGB, the COO shall file an application pursuant to section 3.07.1435 of this chapter to expand the UGB to add a new large site.
- F. The COO shall revise the Employment and Industrial Areas Map by order to add new large sites created pursuant to subsection E or added the UGB and to remove sites that no longer qualify as large sites under subsection B.

Exhibit E to Ordinance No. 10-1244

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

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

3.07.420 Protection of Regionally Significant Industrial Areas

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

- B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers - such as financial, insurance, real estate, legal, medical and dental offices - to ensure that they serve primarily the needs of workers in the area. One such

measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

2. Training facilities whose primary purpose is to provide training to meet industrial needs.

C. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on Metro's the Regional Freight Network System Map, November, 2003, below standards set in the 20042035 Regional Transportation Plan or require added road capacity to prevent falling below the standards.

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

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

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

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

up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection EF of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

3.07.430 Protection of Industrial Areas

- A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:
1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
 2. Training facilities whose primary purpose is to provide training to meet industrial needs.
- B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's the Regional Freight Network System Map, November, 2003 in the 2035 Regional Transportation Plan. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

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

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

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

2. Lots or parcels ~~larger than~~ 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

a. To provide public facilities and services;

b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render

the remainder more practical for a permitted use;
or

d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

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

3.07.440 Protection of Employment Areas

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

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

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

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

1. The ordinance authorized those uses on January 1, 2003;

2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and
 3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.
- E. A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:
1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
 2. Meet the Maximum Permitted Parking - Zone A requirements set forth in Table ~~3.07-23.08-3~~ of Title ~~24~~ of the ~~Urban Growth Management~~Regional Transportation Functional Plan.

3.07.450 Employment and Industrial Areas Map

- A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.
- B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer (COO) shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in ~~§~~section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.
- C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by ~~Title 4~~this title upon a demonstration that:
 1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;

2. The amendment will not reduce the jobs employment capacity of the city or county ~~below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by the city or county;~~
 3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;
 4. The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 the Regional Freight System Map in the 2035 Regional Transportation Plan below ~~standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways standards in the plan,~~ unless mitigating action is taken that will restore performance to RTP ~~and OHP~~ standards within two years after approval of uses;
 5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and
 6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.
- D. A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 this title upon a demonstration that:
1. The entire property is not buildable due to environmental constraints; or

2. The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and
 3. The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by Title 4~~this title~~, exceeds the assessed value of the land by a ratio of 1.5 to 1.
- E. The ~~Chief Operating Officer~~COO shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C or D of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.
 - F. After consultation with ~~Metropolitan Policy Advisory Committee~~MPAC, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.
 - G. The Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to make corrections in order to better achieve the policies of the Regional Framework Plan.
 - H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:

1. Would not reduce the jobs employment capacity of the city or county ~~below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;~~
 2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 the Regional Freight System Map in the 2035 Regional Transportation Plan below ~~standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways standards in the plan,~~ unless mitigating action is taken that will restore performance to RTP ~~and OHP~~ standards within two years after approval of uses;
 3. Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;
 4. Would not reduce the integrity or viability of a traded sector cluster of industries;
 5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and
 6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.
- I. Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.
 - J. The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.

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

3.07.460 Large Sites for Industrial Use

- A. For purposes of this section, "developed" means construction has begun on one or more buildings that will accommodate industrial uses.
- B. The COO shall maintain an inventory of sites that are:
- a. Contiguous lots or parcels in the same ownership totaling 50 acres or more;
 - b. Designated on the Employment and Industrial Areas Map or zoned for industrial;
 - c. Suitable for industries that prefer large sites; and
 - d. Vacant but for buildings or uses on the site at the time the site was added to the UGB.
- C. A city or county with land use planning authority over a large site on the Employment and Industrial Areas Map shall limit division of any lot or parcel 50 acres or larger that is part of the site as provided in paragraphs (2), (3) and (4) of subsection E of section 3.07.420 or subsection D of section 3.07.430, whichever is applicable. A city or county may not allow division of a lot or parcel smaller than 50 acres that is part of the site.
- D. A city or county with land use planning authority over a site on the Employment and Industrial Areas Map shall inform the COO when a site is developed.
- E. Following notification pursuant to subsection D that a large site on the inventory is developed, the COO shall work with cities and counties to create a new site consistent with subsection B within the UGB. If, within one year following the notification, the COO is unable to create a new large site within the UGB, the COO shall

file an application pursuant to section 3.07.1425 of this chapter to expand the UGB to add a new large site.

F. The COO shall revise the Employment and Industrial Areas Map by order to add new large sites created pursuant to subsection E or added the UGB and to remove sites that no longer qualify as large sites under subsection B.

Exhibit F of Ordinance No. 10-1244

Placeholder for Title 4 Map (Industrial and Other Employment Areas)

To be completed fall 2010

Exhibit G of Ordinance No. 10-1244

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

3.07.610 Purpose

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

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

- A. In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:
 - 1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;
 - 2. Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and
 - 3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D.
- B. The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:
 - 1. Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;

2. For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;
 3. For a Corridor designated for future high-capacity transit in the Regional Transportation Plan (RTP), include the area identified during the system expansion planning process in the RTP; and
 4. Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and Metro in the manner set forth in subsection A of section 3.07.820 of this chapter.
- C. An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:
1. Physical and market conditions in the area;
 2. Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;
 3. The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;
 4. Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and
 5. For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.
- D. A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street shall consider the diagnosis completed under subsection C and include at least the following elements:

1. Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;
2. Revisions to its comprehensive plan and land use regulations, if necessary, to allow:
 - i. In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in section 3.07.640; and
 - ii. In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;
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 section 3.08.230 of the Regional Transportation Functional Plan (RTFP) that includes:
 - i. The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;
 - ii. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and
 - iii. A parking management program consistent with section 3.08.410 of the RTFP.

E. A city or county that has completed all or some of the requirements of subsections B, C and D may seek recognition of that compliance from Metro by written request to the Chief Operating Officer (COO).

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

1. Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or

2. Investments in areas other than Centers, Corridors, Station Communities and Main Streets.

3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates

- A. A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:
 1. Established a boundary pursuant to subsection B of section 3.07.620; and
 2. Adopted land use regulations to allow the mix and intensity of uses specified in section 3.07.640.
- B. A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:
 1. Established a boundary pursuant to subsection B of section 3.07.620;
 2. Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in section 3.07.640; and
 3. A plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to section 3.08.230 of the Regional Transportation Functional Plan (RTFP) that includes:
 - i. Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;
 - ii. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and

- iii. A parking management program consistent with section 3.08.410 of the RTFP.

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

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

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

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

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

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

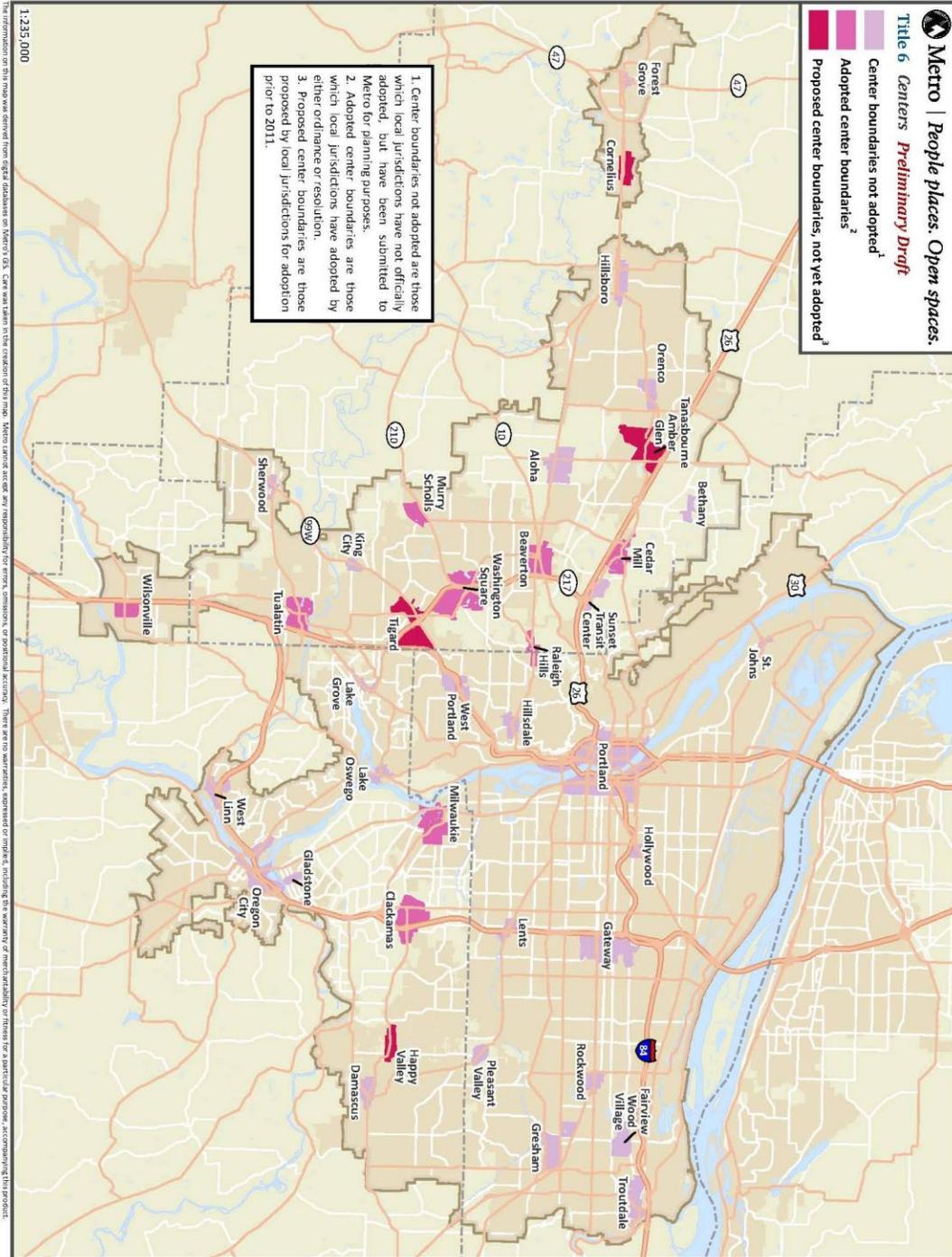
- 1. The types of housing listed in the "needed housing" statute, ORS 197.303(1);
- 2. The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and
- 3. Accessory dwellings pursuant to section 3.07.120 of this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

3.07.650 Centers, Corridors, Station Communities and Main Streets Map

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

Exhibit H of Ordinance No. 10-1244

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



TITLE 8: COMPLIANCE PROCEDURES

3.07.810 Compliance With the Functional Plan

- A. The purpose of this section is to establish a process for determining whether city or county comprehensive plans and land use regulations comply with requirements of the Urban Growth Management Functional Plan. The Council intends the process to be efficient and cost-effective and to provide an opportunity for the Metro Council to interpret the requirements of its functional plan. Where the terms "compliance" and "comply" appear in this title, the terms shall have the meaning given to "substantial compliance" in Section 3.07.1010.
- B. Cities and counties shall amend their comprehensive plans and land use regulations to comply with the functional plan, or an amendment to the functional plan, within two years after its acknowledgement of the plan or amendment, or after any later date specified by the Metro Council in the ordinance adopting or amending the functional plan. The Chief Operating Officer (COO) shall notify cities and counties of the acknowledgment date and compliance dates described in subsections C and D.
- C. After one year following acknowledgment of a functional plan requirement cities and counties that amend their comprehensive plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.
- D. Cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirement shall, after one year following acknowledgment of the requirement, make land use decisions consistent with that requirement. The Chief Operating Officer shall notify cities and counties of the date upon which functional plan requirements become applicable to land use decisions at least 120 days before that date. For the purposes of this subsection, "land use decision" shall have the meaning of that term as defined in ORS 197.015(10).
- E. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan upon the expiration of the appropriate

appeal period specified in ORS 197.830 or 197.650 of, if an appeal is made, upon the final decision on appeal. Once the amendment is deemed to comply, the functional plan shall no longer apply to land use decisions made in conformance with the amendment.

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

3.07.820 Review by the Chief Operating Officer

- A. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to the COO at least 45 days prior to the first evidentiary hearing on the amendment. The COO may request, and if so the city or county shall submit, an analysis of compliance of the amendment with the functional plan. If the COO submits comments on the proposed amendment to the city or county, the comment shall include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with functional plan. The COO shall send a copy of comment to those persons who have requested a copy.
- B. If the COO concludes that the proposed amendment does not comply with the functional plan, the COO shall advise the city or county that it may:
 - (1) Revise the proposed amendment as recommended in the COO's analysis;
 - (2) Seek an extension of time, pursuant to Section 3.07.830, to bring the proposed amendment into compliance with the functional plan; or
 - (3) Seek an exception pursuant to section 3.07.840.

3.07.830 Extension of Compliance Deadline

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

person may file a written comment in support or opposition to the extension.

- B. The COO may grant an extension if the city or county is making progress toward compliance or there is good cause for failure to meet the deadline for compliance. Within 30 days after the filing of a complete application for an extension, the COO shall issue an order granting or denying the extension. The COO shall not grant more than two extensions of time to a city or county and shall grant no extension of more than one year. The COO shall send the order to the city or county and any person who filed a written comment.
- C. The COO may establish terms and conditions for the extension in order to ensure that compliance is achieved in a timely and orderly fashion and that land use decisions made by the city or county during the extension do not undermine the ability of the city or county to achieve the purposes of the functional plan requirement. A term or condition must relate to the requirement of the functional plan to which the COO has granted the extension.
- D. The city or county applicant or any person who filed written comment on the extension may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is filed, the Council shall hold a hearing to consider the appeal. After the hearing, the Council shall issue an order granting or denying the extension and shall send copies to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10) (a) (A).

3.07.860 Exception from Compliance

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

1. it is not possible to achieve the requirement due to topographic or other physical constraints or an existing development pattern;
 2. this exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;
 3. the exception will not reduce the ability of another city or county to comply with the requirement; and
 4. the city or county has adopted other measures more appropriate for the city or county to achieve the intended result of the requirement.
- C. The COO may grant an exception to the housing capacity requirements in sections 3.07.120 or 3.07.130 if:
- a. the city or county has completed the analysis of capacity for dwelling units required by subsections 3.07.120;
 - b. it is not possible to achieve the targets due to topographic or other physical constraints, an existing development pattern, or protection of natural resources pursuant to Titles 3 or 13 of this chapter; and
 - c. this exception and other exceptions to the targets will not render the targets unachievable region-wide.
- D. The COO may establish terms and conditions for the exception in order to ensure that it does not undermine the ability of the region to achieve the purposes of the requirement. A term or condition must relate to the requirement of the functional plan to which the Council grants the exception. The COO shall incorporate the terms and conditions into the order on the exception.
- E. The city or county applicant or a person who filed a written comment on the exception may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is filed, the Council shall hold a hearing to consider the appeal. After the hearing, the Council shall issue an order granting or denying the

exception and send a copy to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10) (a) (A).

3.07.850 Enforcement of Functional Plan

- A. The Metro Council may initiate enforcement if a city or county has failed to meet a deadline for compliance with a functional plan requirement or if it has good cause to believe that a city or county is engaging in a pattern or a practice of decision-making that is inconsistent with the functional plan or ordinances adopted by the city or county to implement the plan, or the terms or conditions in an extension or an exception granted pursuant to section 3.07.830 or 3.07.840, respectively. The Council may consider whether to initiate enforcement proceedings upon the request of the COO or a Councilor. The Council shall consult with the city or county before it determines there is good cause to proceed to a hearing under subsection B.
- B. If the Metro Council concludes that there is good cause, the Council President shall set the matter for a public hearing before the Council within 90 days of its conclusion. The COO shall publish notice of the hearing in a newspaper of general circulation in the city or county and send notice to the city or county, MPAC, the Department of Land Conservation and Development and any person who requests a copy of such notices.
- C. The COO shall prepare a report and recommendation on the pattern or practice, with a proposed order, for consideration by the Council. The COO Officer shall publish the report at least 14 days prior to the public hearing and send a copy to the city or county and any person who requests a copy.
- D. At the conclusion of the hearing, the Council shall adopt an order that dismisses the matter if it decides the city or county complies with the requirement. If the Council decides the city or county has failed to meet a deadline for compliance with a functional plan requirement or has engaged in a pattern or a practice of decision-making that is inconsistent with the functional plan, ordinances adopted by the city or county to implement the plan, or terms or conditions of an extension or an exception granted

pursuant to sections 3.07.830 or 3.07.840, respectively, the Council may adopt an order that:

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

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

3.07.860 Citizen Involvement in Compliance Review

- A. Any citizen may contact Metro staff or the COO or appear before the Metro Council to raise issues regarding local functional plan compliance, to request Metro participation in the local process, or to request the COO to appeal a local enactment for which notice is required to be given to the Chief Operating Officer pursuant to subsection A of section 3.07.820. Such contact may be oral or in writing and may be made at any time.
- B. In addition to considering requests as described in A above, the Council shall at every regularly scheduled Council meeting provide an opportunity for citizens to address the Council on any matter related to this functional plan. The COO shall maintain a list of persons who request notice of COO reviews, reports and orders under this chapter and shall send requested documents as provided in this chapter.
- C. Cities, counties and the Council shall comply with their own adopted and acknowledged Citizen Involvement Requirements (Citizen Involvement) in all decisions, determinations and actions taken to implement and comply with this functional plan. The Chief Operating Officer shall publish a Citizen Involvement fact sheet, after consultation with the Metro Committee for Citizen Involvement, that describes all opportunities for citizen involvement in Metro's growth management procedures as well as the implementation and enforcement of this functional plan.

3.07.870 Compliance Report and Order

- A. The COO shall submit a report to the Metro Council by March 1 of each calendar year on compliance by cities and

counties with the Urban Growth Management Functional Plan. The COO shall send a copy of the report to each city and county within Metro.

- B. A city, county or person who disagrees with a determination in the compliance report may seek review of the determination by the Council by written request to the COO. The Council shall review the request at a regularly scheduled meeting and shall notify the requestor and the affected city or county of the date of the review. The notification shall state that the Council does not have authority to:

(1) Determine whether previous amendments of comprehensive plans or land use regulations made by a city or county comply with functional plan requirements if those amendments already comply pursuant to subsections F and G of Section 3.07.810; or

(2) Reconsider a determination in a prior order issued under this section that a city or county complies with a requirement of the functional plan.

- C. Following its review, the Council shall adopt an order that determines whether the city or county complies with the functional plan requirements raised in the request. The order shall be based upon the Chief Operating Officer's report submitted pursuant to subsection A and upon testimony at the public hearing pursuant to subsection B, with which functional plan requirements each city and county complies. The COO shall send a copy of the order to the requestor, the affected city or county and any person who participated in the Council review.

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

TITLE 8: COMPLIANCE PROCEDURES

3.07.810 Compliance With the Functional Plan

- A. The purpose of this section is to establish a process for determining whether city or county comprehensive plans and land use regulations comply with requirements of the Urban Growth Management Functional Plan. The Council intends the process to be efficient and cost-effective and to provide an opportunity for the Metro Council to interpret the requirements of its functional plan. Where the terms "compliance" and "comply" appear in this title, the terms shall have the meaning given to "substantial compliance" in Section 3.07.1010.
- B. Cities and counties shall amend their comprehensive plans and land use regulations to comply with the functional plan, or an amendment to the functional plan, within two years after its acknowledgement of the plan or amendment by the Land Conservation and Development Commission, or after any later date specified by the Metro Council in the ordinance adopting or amending such other date specified in the functional plan. The Chief Operating Officer (COO) shall notify cities and counties of the acknowledgment date and compliance dates described in subsections C and D.
- ~~C. Notwithstanding subsection B of this section, cities and counties shall amend their comprehensive plans and land use regulations to comply with Sections 3.07.310 to 3.07.340 of Title 3 of the Urban Growth Management Functional Plan by January 31, 2000, and with the requirements in Sections 3.07.710 to 3.07.760 of Title 7 of the Urban Growth Management Functional Plan by January 18, 2003.~~
- ~~DC. Cities and counties that amend their comprehensive plans or land use regulations after the effective date of the functional plan shall make the amendments in compliance with the functional plan. After one year following acknowledgment of a functional plan requirement adopted or amended by the Metro Council after January 1, 2005, cities and counties that amend their comprehensive plans and land use regulations shall make such amendments in compliance with the new functional plan requirement. ~~The Chief Operating Officer shall notify cities and counties of the effective date.~~~~

~~DE. If a functional plan requirement was adopted or amended by the Metro Council after December 12, 1997, cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirement shall, after one year following acknowledgment of the requirement, make land use decisions consistent with that requirement. Notwithstanding the previous sentence, however, cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirements of Title 13 of this chapter, Metro Code Sections 3.07.1310 to 3.07.1370, shall make land use decisions consistent with those requirements after two years following their acknowledgment. The Chief Operating Officer shall notify cities and counties of the date upon which functional plan requirements become applicable to land use decisions at least 120 days before that date. The notice shall specify which functional plan requirements become applicable to land use decisions in each city and county.~~ For the purposes of this subsection, "land use decision" shall have the meaning of that term as defined in ORS 197.015(10).

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

~~FG. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan as provided in subsection EF only if the city or county provided notice to the COO Chief Operating Officer as required by subsection A of Section 3.07.820(A).~~

~~3.07.820 Compliance Review by the Chief Operating Officer~~

~~A. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed~~

~~amendment to the COO a~~At least 45 days prior to the first evidentiary hearing on ~~thean~~ amendment ~~to a comprehensive plan or land use regulation which a city or county must submit to the Department of Land Conservation and Development pursuant to ORS 197.610(1) or OAR 660-025-0130(1), the city or county shall submit the proposed amendment to the Chief Operating Officer. The Chief Operating Officer shall review the proposed amendment for compliance with the functional plan. The COO~~Chief Operating Officer may request, and if so the city or county shall submit, an analysis of compliance of the amendment with the functional plan. If the ~~COO~~Chief Operating Officer submits comments on the proposed amendment to the city or county, the comment shall include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with functional plan requirements. The ~~COO~~Chief Operating Officer shall send a copy of ~~its analysis and recommendation~~comment to those persons who have requested a copy.

- B. If the ~~COO~~Chief Operating Officer concludes that the proposed amendment does not comply with the functional plan, the ~~COO~~Chief Operating Officer shall advise the city or county that it may:
- ~~(1) R~~revise the proposed amendment as recommended in the ~~COO's~~Chief Operating Officer's analysis;
 - ~~(2) S~~seek an extension of time, pursuant to Section 3.07.8350, to bring the proposed amendment into compliance with the functional plan; or
 - ~~(3) S~~seek an exception pursuant to section 3.07.840.~~review of the noncompliance by MPAC and the Metro Council, pursuant to Sections 3.07.830 and 3.07.840.~~

3.07.830 Review of Compliance by Metropolitan Policy Advisory Committee

- ~~A. A city or county may seek review of the Chief Operating Officer's conclusion of noncompliance under Section 3.07.820B by MPAC and the Metro Council. The city or county shall file an application for MPAC review on a form provided for that purpose by the Chief Operating Officer. Upon receipt of a completed application, the Chief Operating Officer shall set the matter on the MPAC agenda and notify those persons who request notification of MPAC reviews.~~

~~B. The Chief Operating Officer may seek review of city or county compliance with a functional plan requirement by MPAC and the Metro Council after the deadline for compliance with that requirement. The Chief Operating Officer shall file an application for MPAC review on the form described in subsection A and shall set the matter on the MPAC agenda. The Council President shall notify the city or county and those persons who request notification of MPAC reviews.~~

~~C. MPAC may hold a public hearing on the issue of compliance. If MPAC holds a hearing, any person may testify. MPAC shall attempt to resolve any apparent or potential inconsistency between the proposed amendment and the functional plan. MPAC shall prepare a report to the Metro Council that sets forth reasons for the inconsistency. The Chief Operating Officer shall send a copy of the report to the city or county and those persons who request a copy.~~

~~3.07.840 Review by Metro Council~~

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

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

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

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

~~E. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A).~~

3.07.8350 Extension of Compliance Deadline

A. A city or county may seek an extension of time for compliance with athe functional plan requirement. The city or county shall file an application for an extension on a form provided ~~for that purpose~~ by the ~~COO~~Chief Operating Officer. Upon receipt of an application, the ~~COO~~Council President shall set the matter for a public hearing before ~~the Metro Council and~~ shall notify the city or county, MPAC, the Department of Land Conservation and Development and those persons who request notification of applications for extensions. Any person may file a written comment in support or opposition to the extension.

B. ~~The Metro Council shall hold a public hearing to consider the extension. Any person may testify at the hearing. The Council~~The COO may grant an extension if ~~it finds that:~~ ~~(1) the city or county is making progress toward accomplishment of its compliance work program;~~ or ~~(2) there is good cause for failure to meet the deadline for compliance.~~ Within 30 days after the filing of a complete application for an extension, the COO shall issue an order granting or denying the extension. The COO shall not grant more than two extensions of time to a city or county and shall grant no extension of more than one year. The COO shall send the order to the city or county and any person who filed a written comment.

C. The ~~COO~~Metro Council may establish terms and conditions for the extension in order to ensure that compliance is achieved in a timely and orderly fashion and that land use decisions made by the city or county during the extension do not undermine the ability of the city or county to achieve the purposes of the functional plan requirement ~~or of the region to achieve the 2040 Growth Concept~~. A term or condition must relate to the requirement of the functional plan to which the ~~Council~~COO has granted the extension. ~~The Council shall incorporate the terms and conditions into its order on the extension. The Council shall not grant more than two extensions of time to a city or a county. The Council shall not grant an extension of time for more than one year.~~

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

3.07.860 Exception from Compliance

A. A city or county may seek an exception from compliance with a functional plan requirement by filing an application on a form provided ~~for that purpose~~ by the ~~COO~~Chief Operating Officer. ~~An application for an exception to the requirement in subsection 3.07.150D to increase dwelling unit and job capacity to the targets set forth in Table 3.07-1 must be filed between March 1 and March 31 of each calendar year in order to allow the Metro Council to consider the application concurrently with other such applications.~~ Upon receipt of an application, the Council President shall notify the city or county set the matter for a public hearing before the Metro Council and shall notify MPAC, the Department of Land Conservation and Development and those persons who request notification of

requests for exceptions. Any person may file a written comment in support of or opposition to the exception.

B. ~~The Metro Council shall hold a public hearing to determine whether the exception meets the following criteria:~~

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

~~1a.~~ it is not possible to achieve the requirement due to topographic or other physical constraints or an existing development pattern;

~~2b.~~ this exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;

~~3e.~~ the exception will not reduce the ability of another city or county to comply with the requirement; and

~~4d.~~ the city or county has adopted other measures more appropriate for the city or county to achieve the intended result of the requirement.

~~C2.~~ The ~~COOouncil~~ may grant an exception to the housing capacity requirements in subsections 3.07.1240A or 3.07.130 ~~to increase dwelling unit and job capacity to the targets set forth in Table 3.07-1~~ if it finds:

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

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

c. this exception and other exceptions to the targets will not render the targets unachievable region-wide.

DE. The ~~Council~~ COO may establish terms and conditions for the exception in order to ensure that it does not undermine the ability of the region to achieve the purposes of the requirement-2040 Growth Concept. A term or condition must relate to the requirement of the functional plan to which the Council grants the exception. The ~~COO~~ Council shall incorporate the terms and conditions into ~~theits~~ order on the exception.

E. The city or county applicant or a person who filed a written comment on the exception may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is files, the Council shall hold a hearing to consider the appeal. After the hearing, the Council shall issue an order granting or denying the exception with its conclusion and analysis and send a copy to the applicant and any person who participated in the hearing~~city or county, MPAC, the Department of Land Conservation and those persons who have requested a copy of the order~~. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10) (a) (A).

3.07.8570 Enforcement of Functional Plan

A. The Metro Council may initiate enforcement proceedings ~~under this section~~ if a city or county has failed to meet a deadline for compliance with a functional plan requirement in an extension granted pursuant to Section 3.07.850 or if it has good cause to believe that a city or county is engaging in a pattern or a practice of decision-making that is inconsistent with the functional plan or ~~local~~ ordinances adopted by the city or county to implement the plan, or ~~with~~ the terms or conditions in an extension or an exception granted pursuant to section 3.07.830 or 3.07.840, respectively. The Council may consider whether to initiate enforcement proceedings upon the request of the ~~COO~~ Chief Operating Officer or a Councilor. The Council shall consult with the city or county before it determines there is good cause to proceed to a hearing under subsection B ~~of this section~~.

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

newspaper of general circulation in the city or county and send notice to the city or county, MPAC, the Department of Land Conservation and Development and any person who requests a copy of such notices.

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

D. ~~If the Metro Council concludes that the city or county has not engaged in a pattern or practice of decision-making that that is inconsistent with the functional plan or local ordinances adopted by the city or county to implement the plan or with terms or conditions of an extension granted pursuant to Section 3.07.850, the Council shall enter an order dismissing the matter. At the conclusion of the hearing, the Council shall adopt an order that dismisses the matter if it decides the city or county complies with the requirement. If the Council decides~~concludes that the city or county has failed to meet a deadline for compliance with a functional plan requirement or has engaged in such a pattern or a practice of decision-making that is inconsistent with the functional plan, ordinances adopted by the city or county to implement the plan, or terms or conditions of an extension or an exception granted pursuant to sections 3.07.830 or 3.07.840, respectively, the Council may adopt ~~shall issue~~ an order that:

1. Dsets forth the noncompliance and directs changes in the city or county ordinances necessary to remedy the pattern or practice; or

2. includes a remedy authorized in ORS 268.390(7).

E. ~~The Council shall issue its order, with analysis and conclusions, not later than 30 days following the public hearing and on the matter. The Chief Operating Officer shall send a copiesy of the order to the city or county, MPAC, the Department of Land Conservation and Development and any person who requests a copy.~~

3.07.8690 Citizen Involvement in Compliance Review

A. Any citizen may contact Metro staff or the ~~COO~~Chief Operating Officer or appear before the Metro Council to

raise issues regarding local functional plan compliance, to request Metro participation in the local process, or to request the ~~COO Metro Council~~ to appeal a local enactment for which notice is required to be given to the Chief Operating Officer pursuant to ~~subsection A of s~~Section 3.07.820A. Such contact may be oral or in writing and may be made at any time. ~~during or at the conclusion of any city or county proceeding to amend a comprehensive plan or implementing ordinance for which notice is required to be given to the Chief Operating Officer. All such requests to participate or appeal made in writing shall be forwarded to the Metro Council.~~

- B. In addition to considering requests as described in A above, the ~~Metro~~Council shall at every regularly scheduled Council meeting provide an opportunity for citizens to address the Council on any matter related to this functional plan. The ~~COO~~Chief Operating Officer shall maintain a list of persons who request notice of ~~COO~~ reviews, ~~and copies of~~ reports and orders under this chapter and shall send requested documents as provided in this chapter.
- C. Cities, counties and the ~~Metro~~Council shall comply with their own adopted and acknowledged Citizen Involvement Requirements (Citizen Involvement) in all decisions, determinations and actions taken to implement and comply with this functional plan. The Chief Operating Officer shall ~~at least annually~~ publish ~~and distribute~~ a Citizen Involvement fact sheet, after consultation with the Metro Committee for Citizen Involvement, that ~~fully~~ describes all opportunities for citizen involvement in Metro's ~~Regional~~ ~~g~~Growth ~~m~~Management ~~procedures~~Process as well as the implementation and enforcement of this functional plan.

3.07.8780 Compliance Report and Order

- A. The ~~COO~~Chief Operating Officer shall submit a report to the Metro Council by ~~March~~December 31 of each calendar year on compliance by cities and counties with the Urban Growth Management Functional Plan. The COO shall send a copy of the report to each city and county within Metro. The report shall include an accounting of compliance with each requirement of the functional plan by each city and county in Metro. The report shall recommend action that would

~~bring a city or county into compliance with the functional plan requirement and shall advise the city or county whether it may seek an extension pursuant to Section 3.07.850 or an exception pursuant to Section 3.07.860. The report shall also include an evaluation of the implementation of this chapter and its effectiveness in helping achieve the 2040 Growth Concept.~~

- B. ~~Upon receipt of the compliance report, the Metro Council shall set a public hearing for the purpose of receiving testimony on the report and determining whether a city or county has complied with the requirements of the functional plan. The Chief Operating Officer shall notify all cities and counties, the Department of Land Conservation and Development and any person who requests notification of the hearing of the date, time and place of the hearing. A city, county or person who disagrees with a determination in the compliance report may seek review of the determination by the Council by written request to the COO. The Council shall review the request at a regularly scheduled meeting and shall notify the requestor and the affected city or county of the date of the review. The notification shall state that the Council does not have jurisdiction authority to:~~

(1) ~~to D~~determine whether previous amendments of comprehensive plans or land use regulations made by a city or county comply with functional plan requirements if those amendments already comply pursuant to subsections F and G of Section 3.07.810; i or

(2) ~~to R~~reconsider a determination in a prior order issued under this section pursuant to subsection C that a city or county complies with a requirement of the functional plan. ~~Any person may testify, orally or in writing, at the public hearing.~~

- C. Following ~~the public hearing~~its review, the ~~Metro~~ Council shall ~~adopt~~enter an order that determines whether the city or county complies with ~~the~~which functional plan requirements ~~each city and county complies~~raised in the request. The order shall be based upon the Chief Operating Officer's report submitted pursuant to subsection A and upon testimony at the public hearing pursuant to subsection B, with which functional plan requirements each city and county complies. ~~The order may rely upon the report for~~

~~its findings of fact and conclusions of compliance with a functional plan requirement. If the Council receives testimony during its public hearing that takes exception to the report on the question of compliance, the order shall include supplemental findings and conclusions to address the testimony. The COO Chief Operating Officer shall send a copy of theits order to the requestor, the affected cityies orand countyies and any person who testifies, orally or in writing, at the public hearing participated in the Council review.~~

~~D. Omission from the order of recognition by the Council of compliance by a city or county with a functional plan requirement shall not constitute a determination under Section 3.07.870A that the city or county has engaged in a pattern or practice of decision-making that is inconsistent with the requirement.~~

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

Exhibit J to Ordinance No. 10-1244

TITLE 9: PERFORMANCE MEASURES

Title 9 is repealed.

Exhibit K to Ordinance No. 10-1244

TITLE 10: FUNCTIONAL PLAN DEFINITIONS

3.07.1010 Definitions

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

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

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

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

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

¹ On file in the Metro Council office.

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

- (ii) "Native vegetation" or "native plant" means any vegetation listed as a native plant on the Metro Native Plant List as adopted by Metro Council resolution and any other vegetation native to the Portland metropolitan area provided that it is not listed as a nuisance plant or a prohibited plant on the Metro Native Plant List.
- (jj) "Net acre" means an area measuring 43,560 square feet which excludes:
- Any developed road rights-of-way through or on the edge of the land; and
 - Environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected under statewide planning Goal 5 in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a Federal fill and removal permit under Section 404 of the Clean Water Act. These excluded areas do not include lands for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and
 - All publicly-owned land designated for park and open spaces uses.
- (kk) "Net developed acre" consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses.
- (ll) "Net vacant buildable land" means all vacant land less all land that is: (1) within Water Quality Resource Areas; (2) within Habitat Conservation Areas; (3) publicly owned by a local, state or federal government; (4) burdened by major utility easements; and (5) necessary for the provision of roads, schools, parks, churches, and other public facilities.
- (mm) "Perennial streams" means all primary and secondary perennial waterways as mapped by the U.S. Geological Survey.
- (nn) "Performance measure" means a measurement derived from technical analysis aimed at determining whether a planning policy is achieving the expected outcome or intent associated with the policy.
- (oo) "Person-trips" means the total number of discrete trips by individuals using any mode of travel.
- (pp) "Persons per acre" means the intensity of building development by combining residents per acre and employees per acre.
- (qq) "Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. As used in Title 13 of this functional plan, "practicable" means available and capable of being done

after taking into consideration cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions.

- (rr) "Primarily developed" means areas where less than 10% of parcels are either vacant or underdeveloped.
- (ss) "Property owner" means a person who owns the primary legal or equitable interest in the property.
- (tt) "Protected Water Features"

Primary Protected Water Features shall include:

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

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

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

- (yy) "Retail" means activities which include the sale, lease or rent of new or used products to the general public or the provision of product repair or services for consumer and business goods.
- (zz) "Riparian area" means the water influenced area adjacent to a river, lake or stream consisting of the area of transition from a hydric ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics.
- (aaa) "Rural reserve" means an area designated rural reserve by Clackamas, Multnomah or Washington County pursuant to OAR 660-027.
- (bbb) "Significant negative impact" means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the Water Quality Resource Area, to the point where existing water quality functions and values are degraded.
- (ccc) "Straight-line distance" means the shortest distance measured between two points.
- (ddd) "Stream" means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.
- (eee) "Substantial compliance" means city and county comprehensive plans and implementing ordinances, on the whole, conforms with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.
- (fff) "Title 3 Wetlands" means wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands added to city or county adopted Water Quality and Flood Management Area maps consistent with the criteria in Title 3, section 3.07.340(E)(3). Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.
- (ggg) "Top of bank" means the same as "bankfull stage" defined in OAR 141-085-0010(2).
- (hhh) "Urban development value" means the economic value of a property lot or parcel as determined by analyzing three separate variables: assessed land value, value as a property that could generate jobs ("employment value"), and the Metro 2040 design type designation of property. The urban development value of all properties containing regionally significant fish and wildlife habitat is depicted on the Metro Habitat Urban Development Value Map referenced in Metro Code section 3.07.1340(E).
- (iii) "UGB" means an urban growth boundary adopted pursuant to ORS chapter 197.

- (jjj) "Underdeveloped parcels" means those parcels of land with less than 10% of the net acreage developed with permanent structures.
- (kkk) "Urban reserve" means an area designated urban reserve by the Metro Council pursuant to OAR 660 Division 27.
- (lll) "Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television.
- (mmm) "Vacant land" means land identified in the Metro or local government inventory as undeveloped land.
- (nnn) "Variance" means a discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property.
- (ooo) "Visible or measurable erosion" includes, but is not limited to:
- Deposits of mud, dirt sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
 - Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
 - Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.
- (ppp) "Water feature" means all rivers, streams (regardless of whether they carry year-round flow, i.e., including intermittent streams), springs which feed streams and wetlands and have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.
- (qqq) "Water Quality and Flood Management Area" means an area defined on the Metro Water Quality and Flood Management Area Map, to be attached hereto². These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water quality. This area has been mapped to generally include the following: stream or river channels, known and mapped wetlands, areas with flood-prone soils adjacent to the stream, floodplains, and sensitive water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for areas of less than 25% slope, and 200 feet from

² On file in Metro Council office.

top of bank on either side of the stream for areas greater than 25% slope, and 50 feet from the edge of a mapped wetland.

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

Exhibit L to Ordinance No. 10-1244

Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserve Procedures) is repealed.

Exhibit M to Ordinance No. 10-1244

Title 14 is added to the Urban Growth Management Functional Plan

TITLE 14: URBAN GROWTH BOUNDARY

3.07.1405 Purpose

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

3.07.1410 Urban Growth Boundary

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

3.04.1420 Legislative Amendment to UGB - Procedures

- A. Legislative amendments follow periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment. The Metro Council shall initiate a legislative amendment to the UGB when required by state law and may initiate a legislative amendment when it determines there is a need to add land to the UGB.
- B. Except as otherwise provided in this title, the Council shall make legislative amendments to the UGB by ordinance in the manner prescribed for ordinances in Chapter VII of

the Metro Charter. For each legislative amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other advisory committees and the general public.

- C. Notice to the public of a proposed legislative amendment of the UGB shall be provided as prescribed in section 3.07.1465.
- D. Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the COO shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The COO shall provide copies of the report to all households located within one mile of the proposed amendment area and to all cities and counties within the district at least 20 days prior to the hearing. The report shall address:
 - 1. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality;
 - 2. Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory; and
 - 3. The cost impacts on existing residents of providing needed public facilities and services, police and fire services, public schools, emergency services and parks and open spaces.

3.07.1425 Legislative Amendment to the UGB - Criteria

- A. This section sets forth the factors and criteria for amendment of the UGB from state law and the Regional Framework Plan. Compliance with this section shall constitute compliance with statewide planning Goal 14 (Urbanization) and the Regional Framework Plan.
- B. The Council shall determine whether there is a need to amend the UGB. In determining whether a need exists, the Council may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. The Council's determination shall be based upon:

1. Demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinated with affected local governments; and
 2. Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph; and
 3. A demonstration that any need shown under paragraphs 1 and 2 of this subsection cannot reasonably be accommodated on land already inside the UGB.
- C. If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:
1. Efficient accommodation of identified land needs;
 2. Orderly and economic provision of public facilities and services;
 3. Comparative environmental, energy, economic and social consequences; and
 4. Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.
 5. Equitable and efficient distribution of housing and employment opportunities throughout the region;
 6. Contribution to the purposes of Centers and Corridors;
 7. Protection of farmland that is most important for the continuation of commercial agriculture in the region;
 8. Avoidance of conflict with regionally significant fish and wildlife habitat; and
 9. Clear transition between urban and rural lands, using natural and built features to mark the transition.

- D. The Council may consider land not designated urban or rural reserve for possible addition to the UGB only if it determines that:
 - 1. Land designated urban reserve cannot reasonably accommodate the need established pursuant to subsection B of this section; or
 - 2. The land is subject to a concept plan approved pursuant to section 3.07.1110 of this chapter, involves no more than 50 acres not designated urban or rural reserve and will help the concept plan area urbanize more efficiently and effectively.
- E. The Council may not add land designated rural reserve to the UGB.
- F. The Council may not amend the UGB in such a way that would create an island of urban land outside the UGB or and island of rural land inside the UGB.

3.07.1430 Major Amendments - Procedures

- A. A city, a county, a special district or a property owner may initiate a major amendment to the UGB by filing an application on a form provided by Metro. The COO will accept applications for major amendments between February 1 and March 15 of each calendar year except that calendar year in which the Council is completing its analysis of buildable land supply under ORS 197.299(1). Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may accept an application at other times by a vote of five members of the Council.
- B. Except for that calendar year in which the Council is completing its analysis of buildable land supply, the COO shall give notice of the March 15 deadline for applications for major amendments not less than 120 days before the deadline and again 90 days before the deadline in a newspaper of general circulation in Metro and in writing to each city and county in Metro and anyone who has requested notification. The notice shall explain the consequences of failure to file before the deadline and shall specify the Metro representative from whom additional information may be obtained.

- C. With the application, the applicant shall provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465. The list shall be certified as true and accurate as of the specified date by a title company, a county assessor or designate of the assessor or the applicant.
- D. The applicant shall provide a written statement from the governing body of each city or county with land use jurisdiction over the area and any special district that has an agreement with that city or county to provide an urban service to the area that it recommends approval or denial of the application. The Council may waive this requirement if the city, county or special district has a policy not to comment on major amendments, or has not adopted a position within 120 days after the applicant's request for the statement. The governing body of a local government may delegate the decision to its staff.
- E. The COO will determine whether an application is complete and will notify the applicant of the determination within seven working days after the filing of the application. The COO will dismiss an application and return application fees if a complete application is not received within the 14 days after the notice of incompleteness.
- F. Within 14 days after receipt of a complete application, the COO will:
 - 1. Set the matter for a public hearing before a hearings officer for a date no later than 55 days following receipt of a complete application; and
 - 2. Notify the public of the public hearing as prescribed in section 3.07.1465 of this title.
- G. The COO shall submit a report and recommendation on the application to the hearings officer not less than 15 days before the hearing and send copies to the applicant and others who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven days prior to the hearing.
- H. If the proposed major amendment would add more than 100 acres to the UGB, the COO shall prepare a report on the effect of the proposed amendment on existing residential

neighborhoods in the manner prescribed in subsection D of section 3.07.1420.

- I. An applicant may request postponement of the hearing within 20 days after filing a complete application. The COO may postpone the hearing for no more than 60 days. If the applicant fails to request rescheduling within 90 days after the request for postponement, the application shall be considered withdrawn and the COO will return the unneeded portion of the fee deposit assessed pursuant to section 3.07.1460.
- J. Participants at a hearing before a hearings officer need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.
- K. Failure of the applicant to appear at the hearing shall be grounds for dismissal of the application unless the applicant requests a continuance prior to the hearing. The applicant has the burden of demonstrating that the proposed amendment complies with the criteria.
- L. The hearings officer shall provide the following information to participants at the beginning of the hearing:
 - 1. The criteria applicable to major amendments and the procedures for the hearing;
 - 2. A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal; and
 - 3. A statement that failure to raise an issue in a manner sufficient to afford the hearings officer and participants an opportunity to respond to the issue precludes appeal of that issue.
- M. The hearing shall be conducted in the following order:
 - 1. Presentation of the report and recommendation of the COO;

2. Presentation of evidence and argument by the applicant;
 3. Presentation of evidence and argument in support of or opposition to the application by other participants; and
 4. Presentation of rebuttal evidence and argument by the applicant.
- N. The hearings officer may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the hearings officer grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.
- O. If new evidence is submitted at the continued hearing, the hearings officer may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the hearings officer grants the request, the record shall be left open for at least seven days. Any participant may respond to new evidence during the period the record is left open.
- P. Cross-examination by parties shall be by submission of written questions to the hearings officer, who shall give participants an opportunity to submit such questions prior to closing the hearing. The hearings officer may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.
- Q. A verbatim record shall be made of the hearing, but need not be transcribed unless necessary for appeal.
- R. The hearings officer may consolidate applications for hearing after consultation with Metro staff and applicants. If the applications are consolidated, the hearings officer shall prescribe rules to avoid duplication or inconsistent findings, protect the rights of all participants, and allocate the charges on the basis of cost incurred by each applicant.

- S. Within 15 days following the close of the record, the hearings officer shall submit a proposed order, with findings of fact and conclusions of law and the record of the hearing, to the COO, who shall make it available for review by participants.
- T. Within seven days after receipt of the proposed order from the hearings officer, the COO shall set the date and time for consideration of the proposed order by the Council, which date shall be no later than 40 days after receipt of the proposed order. The COO shall provide written notice of the Council meeting to the hearings officer and participants at the hearing before the hearings officer, and shall post notice of the hearing at Metro's website, at least 10 days prior to the meeting.
- U. The Council shall consider the hearings officer's report and recommendation at the meeting set by the COO. The Council will allow oral and written argument by those who participated in the hearing before the hearings officer. Argument must be based upon the record of those proceedings. Final Council action shall be as provided in section 2.05.045 of the Metro Code. The Council shall adopt the order, or ordinance if the Council decides to expand the UGB, within 15 days after the Council's consideration of the hearings officer's proposed order.

3.07.1435 Major Amendments - Expedited Procedures

- A. The COO may file an application at any time to add land to the UGB for industrial use, pursuant to section 3.07.460, by major amendment following the expedited procedures in this section. The application under this section remains subject to subsections C, D, H, M and Q of section 3.07.1430.
- B. Within 10 days after receipt of a complete application, the Council President will:
 - 1. Set the matter for a public hearing before the Council for a date no later than 55 days following receipt of a complete application; and
 - 2. Notify the public of the public hearing as prescribed in section 3.07.1465.

- C. The COO shall submit a report and recommendation on the application to the Council not less than 15 days before the hearing and send copies to those who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven days prior to the hearing.
- D. Participants at the hearing need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.
- E. The Council President shall provide the following information to participants at the beginning of the hearing:
 - 1. The criteria applicable to major amendments and the procedures for the hearing;
 - 2. A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal.
- F. The Council President may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the Council President grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.
- G. If new evidence is submitted at the continued hearing, the Council President may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the Council President grants the request, the record shall be left open for at least seven days. Any participant may respond to new evidence during the period the record is left open.
- H. The Council President may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

- I. Within 15 days following the close of the record, the Council shall adopt:
 - 1. An ordinance, with findings of fact and conclusions of law, that amends the UGB to add all or a portion of the territory described in the application; or
 - 2. A resolution adopting an order, with findings of fact and conclusions of law, that denies the application.

3.07.1440 Major Amendments - Criteria

- A. The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299. Land may be added to the UGB under sections 3.07.1430 and 3.07.1440 only for public facilities and services, public schools, natural areas and other non-housing needs and as part of a land trade under subsection D. An applicant under section 3.07.1430 must demonstrate compliance with this purpose and these limitations.
- B. The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections B, C, D, E, F and G of section 3.07.1425. The applicant shall also demonstrate that:
 - 1. The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land;
 - 2. If the amendment would add land for public school facilities, a conceptual school plan as described in subsection C(5) of section 3.07.1120 of this chapter has been completed; and
 - 3. If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot reasonably be created by land assembly or reclamation of a brownfield site.
- C. If the application was filed under section 3.07.1435, the applicant shall demonstrate that the amendment is consistent with any Concept Plan for the area developed pursuant to section 3.07.1110 of this chapter.

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

3.07.1445 Minor Adjustments - Procedures

- A. Minor adjustments make small changes to the UGB so that land within the UGB functions more efficiently and effectively. A city, a county, a special district, Metro or a property owner may initiate a minor adjustment to the UGB by filing an application on a form provided by Metro. The application shall include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application shall also include the positions on the application of appropriate local governments and special districts, in the manner required by subsection D of section 3.07.1430.
- B. The COO will determine whether an application is complete and shall notify the applicant of the determination within ten working days after the filing of the application. If the application is not complete, the applicant shall complete it within 14 days of notice of incompleteness. The COO will dismiss an application and return application fees if a complete application is not received within 14 days of the notice of incompleteness.
- C. Notice to the public of a proposed minor adjustment of the UGB shall be provided as prescribed in section 3.07.1465.
- D. The COO shall review the application for compliance with the criteria in section 3.07.1450 and shall issue an order with analysis and conclusions within 90 days of receipt of a complete application. The COO shall send a copy of the order to the applicant, the city or county with jurisdiction over the land that is the subject of the application, to each member of the Council and any person who requests a copy.
- E. The applicant or any person who commented on the application may appeal the COO's order to the Council by filing an appeal on a form provided by Metro within 14 days after receipt of the order. A member of the Council may

request in writing within 14 days of receipt of the order that the decision be reviewed by the Council. The Council shall consider the appeal or Councilor referral at a public hearing held not more than 60 days following receipt of a timely appeal or referral.

- F. Notice to the public of a Council hearing on a proposed minor adjustment to the UGB shall be provided as prescribed in section 3.07.1465.
- G. Following the hearing, the Council shall uphold, deny or modify the COO's order. The Council shall issue an order with its analysis and conclusions and send a copy to the appellant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy.

3.07.1450 Minor Adjustments - Criteria

- A. The purpose of this section is to provide a mechanism to make small changes to the UGB in order to make land within it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and Regional Framework Plan policies applicable to minor adjustments.
- B. Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.
- C. To make a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro shall find that:
 - 1. The adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;
 - 2. Adjustment of the UGB will make the provision of public facilities and services easier or more efficient;
 - 3. Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic

or social consequences than urbanization of land within the existing UGB;

4. Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
 5. The adjustment will help achieve the 2040 Growth Concept;
 6. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB; and
 7. If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is designated rural reserve or for agriculture or forestry pursuant to a statewide planning goal.
- D. To approve a minor adjustment to make the UGB coterminous with property lines, natural or built features, Metro shall find that:
1. The adjustment will result in the addition of no more than two net acres to the UGB;
 2. Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;
 3. Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
 4. The adjustment will help achieve the 2040 Growth Concept; and
 5. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.
- E. Where the UGB is intended to be coterminous with the 100-year floodplain, as indicated on the map of the UGB maintained by Metro's Data Resource Center, Metro may

adjust the UGB in order to conform it to a more recent delineation of the floodplain. To approve such an adjustment, Metro shall find that:

1. The delineation was done by a professional engineer registered by the State of Oregon;
 2. The adjustment will result in the addition of no more than 20 net acres to the UGB;
 3. The adjustment will help achieve the 2040 Growth Concept; and
 4. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.
- F. If a minor adjustment adds more than two acres of land available for housing to the UGB, Metro shall designate an appropriate average density per net developable acre for the area.
- G. The COO shall submit a report to the Council at the end of each calendar year with an analysis of all minor adjustments made during the year. The report shall demonstrate how the adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept.

3.07.1455 Conditions of Approval

- A. Land added to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 shall be subject to the requirements of sections 3.07.1120 and 3.07.1130 of this chapter.
- B. If the Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it shall:
1. In consultation with affected local governments, designate the city or county responsible for adoption of amendments to comprehensive plans and land use regulations to allow urbanization of each area added to the UGB, pursuant to Title 11. If local governments have an agreement in a concept plan developed pursuant to Title 11 that establishes responsibility for adoption of amendments to comprehensive plans and land

use regulations for the area, the Council shall assign responsibility according to the agreement.

2. Establish the 2040 Growth Concept design type designations applicable to the land added to the UGB, including the specific land need, if any, that is the basis for the amendment. If the design type designation authorizes housing, the Council shall designate an appropriate average density per net developable acre consistent with the need for which the UGB is expanded.
 3. Establish the boundaries of the area that shall be included in the planning required by Title 11. A planning area boundary may include territory designated urban reserve, outside the UGB.
 4. Establish the time period for city or county compliance with the requirements of Title 11, which shall be two years following the effective date of the ordinance adding the area to the UGB unless otherwise specified.
- C. If the Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it may establish other conditions it deems necessary to ensure the addition of land complies with state planning laws and the Regional Framework Plan. If a city or county fails to satisfy a condition, the Council may enforce the condition after following the notice and hearing process set forth in section 3.07.870 of this chapter.

3.07.1460 Fees

- A. Each application submitted by a property owner or group of property owners pursuant to this title shall be accompanied by a filing fee in an amount to be established by the Council. Such fee shall not exceed Metro's actual cost to process an application. The fee may include administrative costs, the cost of a hearings officer and of public notice.
- B. The fee for costs shall be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development and other interested persons.

- C. Before a hearing is scheduled, an applicant shall submit a fee deposit. In the case of an application for a minor adjustment pursuant to section 3.07.1445, the applicant shall submit the fee deposit with the application.
- D. The unexpended portion of an applicant's deposit, if any, shall be returned to the applicant at the time of final disposition of the application. If hearings costs exceed the amount of the deposit, the applicant shall pay to Metro an amount equal to the costs in excess of the deposit prior to final action by the Council.
- E. The Council may, by resolution, reduce, refund or waive the fee, or portion thereof, if it finds that the fee would create an undue hardship for the applicant.

3.07.1465 Notice Requirements

- A. For a proposed legislative amendment under section 3.07.1420, the COO shall provide notice of the public hearing in the following manner:
 - 1. In writing to the Department of Land Conservation and Development and local governments of the Metro region at least 45 days before the first public hearing on the proposal; and
 - 2. To the general public at least 45 days before the first public hearing by an advertisement no smaller than 1/8-page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website.
- B. For a proposed major amendment under sections 3.07.1430 or 3.07.1435, the COO shall provide notice of the hearing in the following manner:
 - 1. In writing at least 45 days before the first public hearing on the proposal to:
 - a. The applicant;
 - b. The director of the Department of Land Conservation and Development;
 - c. The owners of property that is being considered for addition to the UGB; and

- d. The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;
 2. In writing at least 30 days before the first public hearing on the proposal to:
 - a. The local governments of the Metro area;
 - b. A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site, and to any other person who requests notice of amendments to the UGB; and
 3. To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.
- C. The notice required by subsections A and B of this section shall include:
 1. A map showing the location of the area subject to the proposed amendment;
 2. The time, date and place of the hearing;
 3. A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;
 4. A statement that interested persons may testify and submit written comments at the hearing;
 5. The name of the Metro staff to contact and telephone number for more information;

6. A statement that a copy of the written report and recommendation of the COO on the proposed amendment will be available at reasonable cost 20 days prior to the hearing; and
 7. A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings;
 8. For proposed major amendments only:
 - a. An explanation of the proposed boundary change;
 - b. A list of the applicable criteria for the proposal; and
 - c. A statement that failure to raise an issue at the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.
 9. For the owners of property described in subsection B(1)(c) of this section, the information required by ORS 268.393(3).
- D. For a proposed minor adjustment under section 3.07.1445, the COO shall provide notice in the following manner:
1. In writing to the director of the Department of Land Conservation and Development at least 45 days before the issuance of an order on the proposal;
 2. In writing at least 20 days before the issuance of an order on the proposal to:
 - a. The applicant and the owners of property subject to the proposed adjustment;
 - b. The owners of property within 500 feet of the property subject to the proposed adjustment;
 - c. The local governments in whose planning jurisdiction the subject property lies or whose planning jurisdiction lies adjacent to the subject property;

- d. Any neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes the area subject to the proposed amendment and which is officially recognized as entitled to participate in land use decisions by the city or county whose jurisdictional boundary includes the subject property; and
 - e. Any other person requesting notification of UGB changes.
- E. The notice required by subsection D of this section shall include:
- 1. A map showing the location of the area subject to the proposed amendment;
 - 2. A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;
 - 3. A statement that interested persons may submit written comments and the deadline for the comments;
 - 4. The name of the Metro staff to contact and telephone number for more information; and
 - 5. A list of the applicable criteria for the proposal.
- F. The COO shall notify each county and city in the district of each amendment of the UGB.

Exhibit N to Ordinance No. 10-1244

**CHAPTER 3.09
LOCAL GOVERNMENT BOUNDARY CHANGES**

3.09.010 Purpose and Applicability

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

3.09.020 Definitions

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

- (a) "Adequate level of urban services" means a level of urban services adequate to support the numbers of dwelling units and jobs specified in the ordinance adopted by the Metro Council that added the area to be incorporated, or any portion of it, to the UGB.
- (b) "Affected entity" means a county, city or district for which a boundary change is proposed or is ordered.
- (c) "Affected territory" means territory described in a petition.
- (d) "Boundary change" means a major or minor boundary change involving affected territory lying within the jurisdictional boundaries of Metro or the boundaries of the urban reserves designated by Metro prior to June 30, 1997.
- (e) "Deliberations" means discussion among members of a reviewing entity leading to a decision on a proposed boundary change at a public meeting for which notice was given under this chapter.
- (f) "District" means a district defined by ORS 198.710 or any district subject to Metro boundary procedure act under state law.
- (g) "Final decision" means the action by a reviewing entity whether adopted by ordinance, resolution or other means which is the determination of compliance of the

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

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

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

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

(k) "Petition" means any form of action that initiates a boundary change.

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

(m) "Urban reserve" means land designated by Metro pursuant to ORS 195.137 et seq. for possible addition to the UGB in the long term.

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

3.09.030 Notice Requirements

(a) The notice requirements in this section apply to all boundary change decisions by a reviewing entity except expedited decisions made pursuant to section 3.09.045. These requirements apply in addition to, and do not supersede, applicable

requirements of ORS Chapters 197, 198, 221 and 222 and any city or county charter provision on boundary changes.

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

(c) The notice required by subsection (b) shall:

- (1) Describe the affected territory in a manner that allows certainty;
- (2) State the date, time and place where the reviewing entity will consider the boundary change; and
- (3) State the means by which any person may obtain a copy of the reviewing entity's report on the proposal.

(d) A reviewing entity may adjourn or continue its final deliberations on a proposed boundary change to another time. For a continuance later than 28 days after the time stated in the original notice, notice shall be reissued in the form required by subsection (b) of this section at least five days prior to the continued date of decision.

(e) A reviewing entity's final decision shall be written and authenticated as its official act within 30 days following the decision and mailed or delivered to Metro and to all necessary parties. The mailing or delivery to Metro shall include payment to Metro of the filing fee required pursuant to section 3.09.060.

3.09.040 Requirements for Petitions

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

- (1) The jurisdiction of the reviewing entity to act on the petition;
- (2) A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
- (3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
- (4) For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

(b) A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

3.09.045 Expedited Decisions

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

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

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

- (1) The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;

- (2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
- (3) The proposed effective date of the boundary change.

(d) To approve a boundary change through an expedited process, the city shall:

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

(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB. Neither a city nor a

district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

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

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

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

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

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

3.09.060 Ministerial Functions of Metro

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

(b) The Metro Chief Operating Officer (COO) shall cause notice of all final boundary change decisions to be sent to the

appropriate county assessor and elections officer, the Oregon Secretary of State and the Oregon Department of Revenue. Notification of public utilities shall be accomplished as provided in ORS 222.005(1).

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

3.09.070 Changes to Metro's Boundary

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

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

(c) Hearings shall be conducted consistent with the requirements of section 3.09.050.

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

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

- (1) The affected territory lies within the UGB;
- (2) The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
- (3) The proposed change is consistent with any applicable cooperative or urban service

agreements adopted pursuant to ORS Chapter 195 and any concept plan.

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

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

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

(b) A petition to incorporate a city that includes territory within Metro's jurisdictional boundary may include territory that lies outside Metro's UGB. However, incorporation of a city with such territory shall not authorize urbanization of that territory until the Metro Council includes the territory in the UGB pursuant to Metro Code Chapter 3.01.

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

- (1) Incorporation of the new city complies with applicable requirements of ORS 221.020, 221.031, 221.034 and 221.035;
- (2) The petitioner's economic feasibility statement must demonstrate that the city's proposed permanent rate limit would generate sufficient operating tax revenues to support an adequate level of urban services, as required by ORS 221.031; and
- (3) Any city whose approval of the incorporation is required by ORS 221.031(4) has given its approval or has failed to act within the time specified in that statute.

Clark County

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

LEGEND

Metropolitan Region

- Central City
- Regional Centers
- Town Centers
- Neighborhoods
- Employment Areas
- Industrial Areas
- Regionally Significant Industrial Areas
- Corridors
- Main Streets
- Station Community
- Station Community Core
- Potential Regional Throughways
- Planned & Existing HCT Lines
- Proposed Light Rail Alignments
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- Rail Distribution Network
- Urban Reserves
- Rural Reserves
- Parks and Natural Areas
- Urban Growth Boundary
- Neighboring Cities

