



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 13, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Metro Plan Amendment
DLCD File Number 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 27, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Larry Ksionzyk, DLCD Community Development Planning Specialist
Richard Benner, Metro

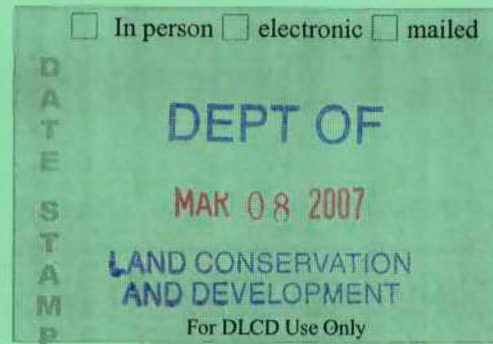
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FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Metro**

Local file number: **Ordinance 07-1137A**

Date of Adoption: **2/28/2007**

Date Mailed: **3/6/07** (formerly Ord 06-1124)

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/24/2006

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: Post-acknow plan amendment |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Title 4 of Metro's Urban Growth Management Functional Plan prescribes limitations on certain uses in industrial and employment areas and references a map which depicts boundaries for regulatory purposes. Ordinance No. 07-1137A (formerly Ordinance 06-1124) provides a process and sets criteria for making changes to designations of industrial and employment areas on the Title 4 map.

Does the Adoption differ from proposal? **Yes**, Please explain below:

Three changes from the 45-day draft ordinance: 1) Modified the freight capacity criterion in Section 3.07.450C(4) to allow mitigation that restores capacity; 2) Added a subsection (3.07.450D) that allows local governments to re-designate land that is entirely "environmentally constrained" or is built in uses not allowed by Title 4; and 3) Added a subsection (3.07.450G) to clarify that the Metro Council can make corrections to the Title 4 map at any time.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing? **Yes** **No**

If no, do the statewide planning goals apply? **Yes** **No**

If no, did Emergency Circumstances require immediate adoption? **Yes** **No**

004-06(15501)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Richard Benner**

Phone: (503) 797-1532 Extension:

Address: **600 NE Grand Ave**

Fax Number: **503-797-1792**

City: **Portland**

Zip: **97232-**

E-mail Address: **bennerr@metro.dst.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE)
SECTIONS 3.07.120, 3.07.130 AND 3.07.1120;) Ordinance No. 07-1137A
ADDING METRO CODE SECTION 3.07.450 TO)
ESTABLISH A PROCESS AND CRITERIA FOR) Introduced by Chief Operating Officer
CHANGES TO THE EMPLOYMENT AND) Michael J. Jordan, with the concurrence of
INDUSTRIAL AREAS MAP; AND DECLARING AN) Council President David Bragdon
EMERGENCY)

WHEREAS, Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (“UGMFP”) prescribes limitations on certain uses in Industrial Areas, Regionally Significant Industrial Areas and Employment Areas and makes reference to an “Employment and Industrial Areas Map,” which depicts the boundaries of these areas for regulatory purposes; and

WHEREAS, the Metro Council wishes to provide a process and criteria for making changes to the designations of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas on the Title 4 Employment and Industrial Areas Map; and

WHEREAS, the Metropolitan Policy Advisory Committee has reviewed the proposed amendments and recommends their approval; and

WHEREAS, the Council held a public hearing on the proposed amendments on January 18, 2007, and considered public comment on the amendments; now, therefore,

THE METRO COUNCIL ORDAINS as follows:

SECTION 1. Metro Code Sections 3.07.120 and 3.07.130 are amended to read as follows: Sections 3.07.120 and 3.07.130 of Title 1 (Requirements for Housing and Employment Accommodation) of the UGMFP are hereby amended as shown in Exhibit A, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

SECTION 2. Metro Code Section 3.07.450 is amended to read as follows: Section 3.07.450 is hereby added to Title 4 (Industrial and Other Employment Areas) of the UGMFP as shown in Exhibit B, attached and incorporated into this ordinance, to prescribe a process and criteria for amendments to the Employment and Industrial Areas Map.

SECTION 3. Metro Code Section 3.07.1120 is amended to read as follows: Section 3.07.1120 of Title 11 (Planning for New Urban Areas) of the UGMFP is hereby amended as shown in Exhibit C, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

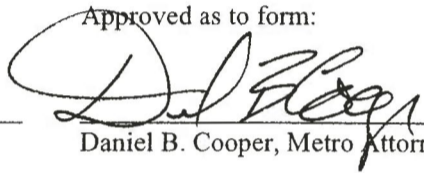
SECTION 4. The Findings of Fact and Conclusions of Law in Exhibit D, attached and incorporated into this ordinance, explain how these amendments comply with Metro’s Regional Framework Plan and state land use planning laws.

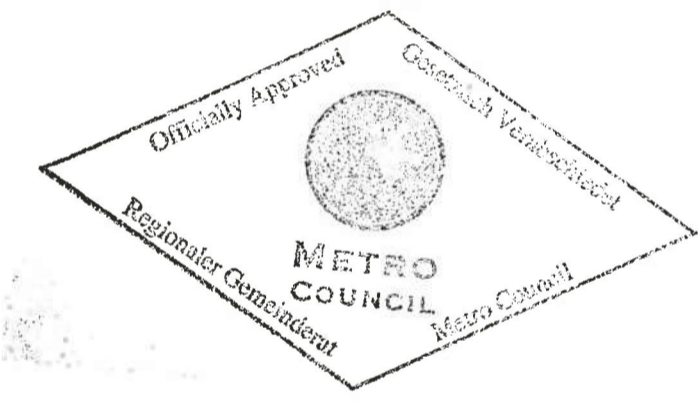
SECTION 5. This ordinance is necessary for the immediate preservation of public health, safety and welfare because, without this ordinance, there is no clear process for amending the Employment and Industrial Areas Map in Title 4 of the UGMFP and no specific criteria for such amendments. Metro has received a number of requests from local governments for amendments that involve economic development and need immediate attention. This ordinance provides a process and criteria for amendments to the map. Therefore, an emergency is declared to exist. This ordinance shall take effect immediately, pursuant to section 39(1) of the Metro Charter.

ADOPTED by the Metro Council this 22nd day of February, 2007.


David Bragdon, Council President

Attest: 
Christina Billington, Recording Secretary

Approved as to form: 
Daniel B. Cooper, Metro Attorney



**Exhibit A to Ordinance No. 07-1137A
Amendments to Title 1 of the Urban Growth Management Functional Plan**

TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION

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. 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.
- B. A city or 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.
- C. 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.
- D. 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.

Deleted: 3.01-7

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.

Exhibit B to Ordinance No. 07-1137A
Amendments to Title 4 Of the Urban Growth Management Functional Plan

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

Add the following section:

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 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 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 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 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of

~~the 1999 Oregon Highway Plan for state highways, and would not require added road capacity to stay within the standards or ratios 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 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, exceeds the assessed value of the land by a ratio of 1.5 to 1.

DE. The Chief Operating Officer shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C 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.

EF. After consultation with Metropolitan Policy Advisory Committee, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area

and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.

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

FH. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section better achieve the policies of the Regional Framework Plan. To approve an amendment, the Council must conclude that the amendment:

1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;
2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, and would not require added road capacity to stay within the standards or ratios 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.

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

**Exhibit C to Ordinance No. 07-1137A
Amendments to Title 11 of the Urban Growth Management Functional Plan**

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1120 Planning for Territory Added to the UGB

All territory added to the UGB as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

- A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.
- B. Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.
- C. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.
- D. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- E. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined

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Reserve Plan Requirements**

**Deleted: Urban Growth
Boundary**

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permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

- | F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.

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- | G. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

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- | H. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize the conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Areas, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.

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- | I. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

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J. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.

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K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:

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1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
3. Location of Habitat Conservation Areas;
4. General locations for mixed use areas, commercial and industrial lands;
5. General locations for single and multi-family housing;
6. General locations for public open space, plazas and neighborhood centers; and
7. General locations or alternative locations for any needed school, park or fire hall sites.

L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.

M. The plan amendments shall be coordinated among the city, county, school district and other service districts.

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Exhibit D to Ordinance No. 07-1137A
Findings of Fact and Conclusions of Law

Ordinance No. 07-1137A amends various provisions of the Urban Growth Management Functional Plan (“UGMFP”) in order to establish a process and criteria for amendments to the Employment and Industrial Areas Map of Title 4 (Industrial and Other Employment Areas). The ordinance also clarifies the process for adjusting UGMFP maps and tables (housing and employment capacities) following completion of planning under Title 11 (Planning for New Urban Areas) of territory added to the UGB. The practical effects of these changes are as follows:

- Title 4 now provides specific procedures for changes to Title 4’s Employment and Industrial Areas Map, some of which are initiated by cities and counties and others by the Metro Council
- Title 4 now provides specific criteria derived from the policies of the Regional Framework Plan for review of proposed changes to the Employment and Industrial Areas Map
- Titles 1 and 11 more clearly set forth the process for bringing maps and tables of the UGMFP into conformance with city and county planning under Title 11 of territory newly added to the UGB. The Metro Council assigns general design-type designations to the territory in the ordinance which adds the territory to the UGB. The city or county responsible for planning the new territory develops comprehensive plan and zoning designations that generally conform to Metro’s design-type designation. After adoption by the city or county, Metro conforms UGMFP maps and tables to the local maps.

Ordinance No. 07-1137A does not change any of the regulatory boundaries contained in the maps. The ordinance, therefore, does not change requirements under the functional plans as they apply to any particular property under Metro’s jurisdiction.

I. STATEWIDE PLANNING GOALS

Statewide Planning Goal 1 – Citizen Involvement: Metro provided notice of the proposed amendments to stakeholders and the general public by following the notification requirements in its acknowledged code. Metro provided notice to the Oregon Department of Land Conservation and Development Commission as provided in ORS 197.610 and OAR 660-018-0020. Metro sought and received comment from its Metropolitan Policy Advisory Committee (“MPAC”), which sought the advice of its Metropolitan Technical Advisory Committee (“MTAC”). On January 18, February 8 and February 15, 2007, the Metro Council held public hearings on the proposed ordinance. The Council concludes that these activities conform to Metro’s code and policies on citizen involvement and comply with Goal 1.

Statewide Planning Goal 2 – Land Use Planning: Metro sought and received comment from the local governments and special districts that comprise the metropolitan region. The Metro Charter establishes MPAC, composed principally of representatives of local governments, special districts and school districts in the region, and requires the Metro Council to seek its advice on amendments to the Regional Framework Plan and its components, such as the UGMFP. MPAC reviewed Ordinance No. 07-1137A and recommended revisions to the draft, some of which the Council adopted. The Council concludes that the ordinance complies with Goal 2.

Statewide Planning Goal 3 – Agricultural Lands: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the maps have no regulatory effect outside the UGB, the Council concludes that Goal 3 does not apply to the amendments.

Statewide Planning Goal 4 – Forest Lands: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the maps have no regulatory effect outside the UGB, the Council concludes that Goal 4 does not apply to the amendments.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the amendments made by the ordinance do not change the boundaries on any map that applies to resources protected by Goal 5, the Council concludes that the ordinance is consistent with Goal 5.

Statewide Planning Goal 6 – Air, Land and Water Resources Quality: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect resources protected by Goal 6. The Council concludes, therefore, that the amendments are consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect areas subject to natural disasters and hazards. The Council concludes, therefore, that the amendments are consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect recreational needs. The Council concludes, therefore, that the amendments are consistent with Goal 8.

Statewide Planning Goal 9 – Economic Development: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The ordinance does not change any of the regulatory boundaries contained in the maps and, therefore, does not change requirements under the functional plans as they apply to any particular industrial or employment land. Thus, although Goal 9 does not apply to Metro, the Council concludes that the ordinance is consistent with the goal.

Statewide Planning Goal 10 – Housing: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The ordinance does not apply to land available for housing. The Council concludes that Goal 10 does not apply to the amendments.

Statewide Planning Goal 11 – Public Facilities and Services: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 11 will apply to proposed changes to the Title 4 map pursuant to this ordinance, but this ordinance itself does not amend or affect any public facility plan. The Council concludes that the amendments are consistent with Goal 11.

Statewide Planning Goal 12 – Transportation: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 12 will apply to proposed changes to the Title 4 map pursuant to this ordinance, but this ordinance itself does not amend or affect the Regional Transportation Plan or any city or county transportation system plan. The Council concludes that the amendments are consistent with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect energy resources. The Council concludes, therefore, that the amendments are consistent with Goal 13.

Statewide Planning Goal 14 – Urbanization: Goal 14 governs the establishment and change of UGBs. Ordinance No. 07-1137A does not apply outside the UGB and does not apply to changes to the UGB. Goal 14 also requires management of “urbanizable land” within UGBs “to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.” The ordinance does not change any of the regulatory boundaries contained in the maps. For these reasons, the Council concludes that the amendments are consistent with Goal 14.

Statewide Planning Goal 15 – Willamette River Greenway: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 15 will apply to proposed changes to the Title 4 map pursuant to this ordinance for land that lies within the greenway, but this ordinance itself does not change any of the regulatory boundaries contained in the maps and, therefore, does not change requirements under the functional plans as they apply to any particular industrial or employment land. The Council concludes that the amendments are consistent with Goal 15.

II. REGIONAL FRAMEWORK PLAN

Policy 1.4 – Economic Opportunity: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policy 1.4 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.4.

Policy 1.5 – Economic Vitality: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policy 1.5 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.5.

Policy 1.13 – Participation of Citizens: The public involvement actions described above under Statewide Planning Goal 1 comply with Metro’s code and Policy 1.13.

Policy 1.15 – Centers: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policy 1.15 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.15.

Policies 2.20 – Regional Freight System – and 2.21 – Regional Freight System Investments: Ordinance No. 07-1137A amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Changes to the map and to subsequent land uses can have significant effects on the regional freight system. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policies 2.20 and 2.21 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with these policies.

Because Ordinance No: 07-1137A does not make any changes to design-type designations or the Title 4 map itself and addresses only process and criteria for future amendments to the Title 4 Employment and Industrial Areas Map, the following policies of the Regional Framework Plan do not apply to the ordinance:

- Policy 1.1 – Urban Form
- Policy 1.2 – Built Environment
- Policy 1.3 – Affordable Housing
- Policy 1.6 – Growth Management
- Policy 1.7 – Urban/Rural Transition
- Policy 1.8 – Developed Urban Land
- Policy 1.9 – Urban Growth Boundary
- Policy 1.10 – Urban Design
- Policy 1.11 – Neighbor Cities
- Policy 1.12 – Protection of Agriculture and Forest Resource Land
- Policy 1.16 – Residential Neighborhoods

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE)
SECTIONS 3.07.120, 3.07.130 AND 3.07.1120;) Ordinance No. 07-1137
ADDING METRO CODE SECTION 3.07.450 TO)
ESTABLISH A PROCESS AND CRITERIA FOR) Introduced by Chief Operating Officer
CHANGES TO THE EMPLOYMENT AND) Michael J. Jordan, with the concurrence of
INDUSTRIAL AREAS MAP; AND DECLARING AN) Council President David Bragdon
EMERGENCY)

WHEREAS, Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (“UGMFP”) prescribes limitations on certain uses in Industrial Areas, Regionally Significant Industrial Areas and Employment Areas and makes reference to an “Employment and Industrial Areas Map,” which depicts the boundaries of these areas for regulatory purposes; and

WHEREAS, the Metro Council wishes to provide a process and criteria for making changes to the designations of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas on the Title 4 Employment and Industrial Areas Map; and

WHEREAS, the Metropolitan Policy Advisory Committee has reviewed the proposed amendments and recommends their approval, and

WHEREAS, the Council held a public hearing on the proposed amendments on January 18, 2007, and considered public comment on the amendments; now, therefore,

THE METRO COUNCIL ORDAINS as follows:

SECTION 1. Metro Code Sections 3.07.120 and 3.07.130 are amended to read as follows: Sections 3.07.120 and 3.07.130 of Title 1 (Requirements for Housing and Employment Accommodation) of the UGMFP are hereby amended as shown in Exhibit A, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

SECTION 2. Metro Code Section 3.07.450 is amended to read as follows: Section 3.07.450 is hereby added to Title 4 (Industrial and Other Employment Areas) of the UGMFP as shown in Exhibit B, attached and incorporated into this ordinance, to prescribe a process and criteria for amendments to the Employment and Industrial Areas Map.

SECTION 3. Metro Code Section 3.07.1120 is amended to read as follows: Section 3.07.1120 of Title 11 (Planning for New Urban Areas) of the UGMFP is hereby amended as shown in Exhibit C, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

SECTION 4. The Findings of Fact and Conclusions of Law in Exhibit D, attached and incorporated into this ordinance, explain how these amendments comply with Metro’s Regional Framework Plan and state land use planning laws.

SECTION 5. This ordinance is necessary for the immediate preservation of public health, safety and welfare because, without this ordinance, there is no clear process for amending the Employment and Industrial Areas Map in Title 4 of the UGMFP and no specific criteria for such amendments. Metro has received a number of requests from local governments for amendments that involve economic development and need immediate attention. This ordinance provides a process and criteria for amendments to the map. Therefore, a emergency is declared to exist. This ordinance shall take effect immediately, pursuant to section 39(1) of the Metro Charter.

ADOPTED by the Metro Council this __ day of _____, 2007.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 07-1137
Amendments to Title 1 of the Urban Growth Management Functional Plan

TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION

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 3.01-7~~ 3.07-1, supplemented by capacity resulting from addition of territory to the UGB. 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.
- B. A city or 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.
- C. 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.
- D. 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.

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.

Exhibit B to Ordinance No. 07-1137
Amendments to Title 4 Of the Urban Growth Management Functional Plan

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

Add the following section:

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 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 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 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 Regional Freight System Map below standards in the Regional Transportation Plan, or

exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, and would not require added road capacity to stay within the standards or ratios;

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. The Chief Operating Officer shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C 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.
- E. After consultation with Metropolitan Policy Advisory Committee, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.
- F. The Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to better achieve the policies of the Regional Framework Plan. To approve an amendment, the Council must conclude that the amendment:
1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;
 2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in

the Regional Transportation Plan, or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, and would not require added road capacity to stay within the standards or ratios;

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

Exhibit C to Ordinance No. 07-1137
Amendments to Title 11 of the Urban Growth Management Functional Plan

TITLE 11: PLANNING FOR NEW URBAN AREAS

**3.07.1120 ~~Urban Growth Boundary Amendment Urban Reserve Plan~~
Requirements Planning for Territory Added to the UGB**

All territory added to the ~~Urban Growth Boundary~~ UGB as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

- A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.
- AB. Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.
- BC. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.
- CD. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- DE. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined

permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

- EF. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
- FG. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.
- GH. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to minimize the conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Areas, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.
- HI. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

- ±J. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.
- ±K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:
1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
 2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
 3. Location of Habitat Conservation Areas;
 4. General locations for mixed use areas, commercial and industrial lands;
 5. General locations for single and multi-family housing;
 6. General locations for public open space, plazas and neighborhood centers; and
 7. General locations or alternative locations for any needed school, park or fire hall sites.
- L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.
- ±M. The plan amendments shall be coordinated among the city, county, school district and other service districts.

Exhibit D to Ordinance No. 07-1137
Findings of Fact and Conclusions of Law

Ordinance No. 07-1137 amends various provisions of the Urban Growth Management Functional Plan (UGMFP) in order to establish a process and criteria for amendments to the Employment and Industrial Areas Map of Title 4 (Industrial and Other Employment Areas). The ordinance also clarifies the process for adjusting UGMFP maps and tables (housing and employment capacities) following completion of planning under Title 11 (Planning for New Urban Areas) of territory added to the UGB. The practical effects of these changes are as follows:

- Title 4 now provides specific procedures for changes to Title 4's Employment and Industrial Areas Map, some of which are initiated by cities and counties and others by the Metro Council
- Title 4 now provides specific criteria derived from the policies of the Regional Framework Plan for review of proposed changes to the Employment and Industrial Areas Map
- Titles 1 and 11 more clearly set forth the process for bringing maps and tables of the UGMFP into conformance with city and county planning under Title 11 of territory newly added to the UGB. The Metro Council assigns general design-type designations to the territory in the ordinance which adds the territory to the UGB. The city or county responsible for planning the new territory develops comprehensive plan and zoning designations that generally conform to Metro's design-type designation. After adoption by the city or county, Metro conforms UGMFP maps and tables to the local maps.

Ordinance No. 07-1137 does not change any of the regulatory boundaries contained in the maps. The ordinance, therefore, does not change requirements under the functional plans as they apply to any particular property under Metro's jurisdiction.

I. STATEWIDE PLANNING GOALS

Statewide Planning Goal 1 – Citizen Involvement: Metro provided notice of the proposed amendments to stakeholders and the general public by following the notification requirements in its acknowledged code. Metro provided notice to the Oregon Department of Land Conservation and Development Commission as provided in ORS 197.610 and OAR 660-018-0020. Metro sought and received comment from its Metropolitan Policy Advisory Committee (MPAC), which sought the advice of its Metropolitan Technical Advisory Committee (MTAC). On January 18, 2007, the Metro Council held a public hearing on the proposed ordinance. The Council concludes that these activities conform to Metro's code and policies on citizen involvement and comply with Goal 1.

Statewide Planning Goal 2 – Land Use Planning: Metro sought and received comment from the local governments and special districts that comprise the metropolitan region. The Metro Charter establishes MPAC, composed principally of representatives of local governments, special districts and school districts in the region, and requires the Metro Council to seek its advice on amendments to the Regional Framework Plan and its components, such as the

UGMFP. MPAC reviewed Ordinance No. 07-1137 and recommended revisions to the draft, some of which the Council adopted. The Council concludes that the ordinance complies with Goal 2.

Statewide Planning Goal 3 – Agricultural Lands: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the maps have no regulatory effect outside the UGB, the Council concludes that Goal 3 does not apply to the amendments.

Statewide Planning Goal 4 – Forest Lands: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the maps have no regulatory effect outside the UGB, the Council concludes that Goal 4 does not apply to the amendments.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the amendments made by the ordinance do not change the boundaries on any map that applies to resources protected by Goal 5, the Council concludes that the ordinance is consistent with Goal 5.

Statewide Planning Goal 6 – Air, Land and Water Resources Quality: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect resources protected by Goal 6. The Council concludes, therefore, that the amendments are consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect areas subject to natural disasters and hazards. The Council concludes, therefore, that the amendments are consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect recreational needs. The Council concludes, therefore, that the amendments are consistent with Goal 8.

Statewide Planning Goal 9 – Economic Development: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The ordinance does not change any of the regulatory boundaries contained in the maps and, therefore, does not change requirements under the functional plans as they apply to any particular industrial or employment land. Thus, although Goal 9 does not apply to Metro, the Council concludes that the ordinance is consistent with the goal.

Statewide Planning Goal 10 – Housing: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The ordinance does not apply to land available for housing. The Council concludes that Goal 10 does not apply to the amendments.

Statewide Planning Goal 11 – Public Facilities and Services: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 11 will apply to proposed changes to the Title 4 map pursuant to this ordinance, but this ordinance itself does not amend or affect any public facility plan. The Council concludes that the amendments are consistent with Goal 11.

Statewide Planning Goal 12 – Transportation: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 12 will apply to proposed changes to the Title 4 map pursuant to this ordinance, but this ordinance itself does not amend or affect the Regional Transportation Plan or any city or county transportation system plan. The Council concludes that the amendments are consistent with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect energy resources. The Council concludes, therefore, that the amendments are consistent with Goal 13.

Statewide Planning Goal 14 – Urbanization: Goal 14 governs the establishment and change of UGBs. Ordinance No. 07-1137 does not apply outside the UGB and does not apply to changes to the UGB. Goal 14 also requires management of “urbanizable land” within UGBs “...to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.” The ordinance does not change any of the regulatory

boundaries contained in the maps. For these reasons, the Council concludes that the amendments are consistent with Goal 14.

Statewide Planning Goal 15 – Willamette River Greenway: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 15 will apply to proposed changes to the Title 4 map pursuant to this ordinance for land that lies within the greenway, but this ordinance itself does not change any of the regulatory boundaries contained in the maps and, therefore, does not change requirements under the functional plans as they apply to any particular industrial or employment land. The Council concludes that the amendments are consistent with Goal 15.

II. REGIONAL FRAMEWORK PLAN

Policy 1.4 – Economic Opportunity: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policy 1.4 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.4.

Policy 1.5 – Economic Vitality: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policy 1.5 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.5.

Policy 1.13 – Participation of Citizens: The public involvement actions described above under Statewide Planning Goal 1 comply with Metro's code and Policy 1.13.

Policy 1.15 – Centers: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive

in part from Policy 1.15 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.15.

Policies 2.20 – Regional Freight System – and 2.21 – Regional Freight System Investments:
Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Changes to the map and to subsequent land uses can have significant effects on the regional freight system. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policies 2.20 and 2.21 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with these policies.

Because Ordinance No: 07-1137 does not make any changes to design-type designations or the Title 4 map itself and addresses only process and criteria for future amendments to the Title 4 Employment and Industrial Areas Map, the following policies of the Regional Framework Plan do not apply to the ordinance:

- Policy 1.1 – Urban Form
- Policy 1.2 – Built Environment
- Policy 1.3 – Affordable Housing
- Policy 1.6 – Growth Management
- Policy 1.7 – Urban/Rural Transition
- Policy 1.8 – Developed Urban Land
- Policy 1.9 – Urban Growth Boundary
- Policy 1.10 – Urban Design
- Policy 1.11 – Neighbor Cities
- Policy 1.12 – Protection of Agriculture and Forest Resource Land
- Policy 1.16 – Residential Neighborhoods

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1137, FOR THE PURPOSE OF AMENDING METRO CODE SECTIONS 3.07.120, 3.07.130 AND 3.07.1120; ADDING METRO CODE SECTION 3.07.450 TO ESTABLISH A PROCESS AND CRITERIA FOR CHANGES TO THE EMPLOYMENT AND INDUSTRIAL AREAS MAP; AND DECLARING AN EMERGENCY

Date: January 12, 2007

Prepared by: Richard Benner

BACKGROUND

Title 4 of the Urban Growth Management Functional Plan (UGMFP) places some limitations on uses and land divisions in Regionally Significant Industrial Areas (RSIAs), Industrial Areas and Employment Areas. The Title 4 "Employment and Industrial Areas Map" sets the boundaries of those 2040 Growth Concept design type designations and determines which land in the region is subject to Title 4 limitations. Local governments in the region rely upon the map to bring their comprehensive plans and land use regulations into compliance with Title 4. From time to time, a city or county wants to change its plan or zone designation for land on the Title 4 map. To remain in compliance with the UGMFP, these changes usually require an amendment to the map.

In recent weeks, Metro has received letters from cities requesting changes to the Title 4 map in order for those cities to allow uses on the subject properties that do not comply with Title 4. Also, the Metro Planning Department maintains an informal list of proposed map changes suggested by city and county planning departments. Neither Title 4 itself nor other provisions of the UGMFP provide a process or criteria to guide Metro Council review of these requests. In the absence of a specific process, all such requests require the Council to adopt an ordinance, through its customary process, to amend the Title 4 map, regardless how large or small, significant or insignificant. Because neither Title 4 itself nor the Regional Framework Plan (RFP) specifies criteria or particular policies in the RFP to guide consideration of proposed Title 4 map amendments, it is unclear which policies of the RFP apply to the request. Because the policies of the RFP are general in nature, cities and counties, landowners and the Council itself, face a large degree of uncertainty when considering a proposal.

Proposed Ordinance No. 07-1137 addresses these issues by providing procedures and criteria for consideration of proposed amendments to the map. The ordinance offers two procedures for map amendments. Smaller proposals (based upon size of the subject property) are left for cities and counties to decide on their own. Metro can participate in city or county land use hearing to express any concerns it has. If a city or county makes an amendment, Metro later conforms the Title 4 map to the local change. Larger proposals come to the Metro Council for consideration. In addition, the Council remains free to consider changes to the map – to make small adjustment or correct errors, for example – at any time, as it has done in the past. The ordinance also provides criteria to guide these local and Council decisions. The criteria are derived from the policies of the RFP and the preface to Title 4.

The proposed amendments to Title 1 (Requirements for Housing and Employment Accommodation) and Title 11 (Planning for New Urban Areas) conform those titles to the amendments to Title 4 and clarify the process for adding land to the Title 4 map following local planning for new urban areas under Title 11.

ANALYSIS/INFORMATION

1. **Known Opposition:** Two principal issues have been raised by some cities, counties and stakeholders with the proposed ordinance and previous versions of it:
 - Sending any proposed map amendments to the Metro Council means there will be decisions at two levels – local and regional – subject to two sets of criteria and two potential appeals to LUBA. This, of course, is an issue with the current situation as well.
 - The criteria are seen as either too strict, meaning few proposed map amendments will meet them and prevent appropriate changes, or too lenient, meaning many amendments will meet them and inappropriately reduce the employment land base.
2. **Legal Antecedents:** The Metro Council adopted Title 4 and the Employment and Industrial Areas Map in 1996 as part of the UGMFP. The Council amended Title 4 and the map on December 5, 2002, to establish RSIA's. Statewide Planning Goal 14 requires Metro to ensure capacity for employment within the UGB. Changes to the process or criteria for Title 4 maps amendments may indirectly raise issues over the adequacy of the UGB's employment capacity.
3. **Anticipated Effects:** Adoption of the ordinance would likely speed the consideration of proposed amendment of the Title 4 map, reduce the number of changes that must come to the Metro Council for decision, reduce the uncertainty over criteria for decision-making, and reduce the number of appeals to LUBA. Adoption of the ordinance is unlikely to raise issues under Goal 14, although decisions on specific proposed map amendments may.
4. **Budget Impacts:** Adoption of the ordinance would likely reduce local and Metro costs of processing proposed amendments to the Title 4 map.

RECOMMENDED ACTION

Adopt Ordinance No. 07-1137, after consideration of amendments to the ordinance that may be recommended by MPAC at its January 24, 2007, meeting.