

## Findings of Fact and Conclusions of Law

Ordinance No. 25-1522 amends the ‘Industrial and Other Employment Areas Map’ (a.k.a., the ‘Employment and Industrial Areas Map’ or the ‘Title 4 Map’) of Title 4, *Industrial and Other Employment Areas*, of Metro’s Urban Growth Management Functional Plan (UGMFP). The map amendments remove approximately 42 acres of Regionally Significant Industrial Area (RSIA) designation and approximately 17 acres Employment Area designation in the Montgomery Park neighborhood of the City of Portland, located between NW Nicolai St and NW Vaughn St. The following findings of fact and conclusions of law explain how the Metro Council’s decision to adopt this ordinance complies with applicable state and regional land use provisions.

### A. Statewide Planning Goals

#### *Goal 1 – Citizen Involvement:*

The amendments to the Title 4 Map do not modify any element of Metro’s existing public involvement program or reduce opportunities for public input. The amendments were considered at a Metro Technical Advisory Committee (MTAC) meeting on October 16, 2024. They were also considered at a public Metro Policy Advisory Committee (MPAC) meeting on December 11, 2024. Notice of the amendments were submitted to the Department of Land Conservation and Development (DLCD) Post Acknowledgement Plan Amendment (PAPA) system 35 days prior to the January 9, 2025, public hearing on the amendments with the Metro Council.

#### *Goal 2 – Land Use Planning:*

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

#### *Goal 3 – Agricultural Lands:*

The amendments do not reduce the supply of Goal 3 agricultural land. The amendments only concern lands that are already inside Metro’s UGB.

#### *Goal 4 – Forest Lands:*

The amendments do not reduce the supply of Goal 4 forest land. The amendments only concern lands that are already inside Metro’s UGB.

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

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

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

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

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

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

#### *Goal 8 – Recreational Needs:*

The amendments do not change any existing plan for meeting the recreational needs of the region’s residents and visitors; the amendments do, however, remove a Metro restriction on the City of Portland authorizing park uses in the Montgomery Park neighborhood. The amendments concern areas inside Metro’s UGB and not a destination resort on rural lands.

#### *Goal 9 – Economic Development:*

The amendments do not themselves change the planned land use designation or zoning for any property, nor do they reduce the supply of sites that may be used for employment (e.g., commercial or industrial) uses. The amendments also do not adopt or amend an economic opportunity analysis. The City of Portland will be

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responsible for demonstrating Goal 9 compliance as part of any City land use plan, zone change, or land use regulation amendment for the Montgomery Park neighborhood.

### *Goal 10 – Housing:*

The amendments do not change any housing related projection, policy, or standard. The City of Portland will be responsible for demonstrating Goal 10 compliance as part of any City land use plan, zone change, or land use regulation amendment for the Montgomery Park neighborhood.

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

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

### *Goal 12 – Transportation:*

The amendments do not themselves change a transportation system plan (e.g., Metro’s Regional Transportation Plan) or any transportation system requirements. The City of Portland will be responsible for demonstrating Goal 12 compliance as part of any City transportation system plan, land use plan, zone change, or land use regulation amendment for the Montgomery Park neighborhood.

### *Goal 13 – Energy Conservation:*

The amendments do not themselves change any energy utilization plan or regulation, nor do they change the allocation of land or uses permitted on land identified by Metro as having non-renewable energy sources or change a waste management program.

### *Goal 14 – Urbanization:*

The amendments do not change the location of a UGB, or any policy or regulation related to development of land outside a UGB. The amendments do not concern unincorporated communities or “exception lands”. The amendments only concern lands that are already in Metro’s UGB and only remove certain restrictions on the City of Portland for choosing to plan for and permit certain non-industrial and non-industrial land uses. The City will need to demonstrate that any plan or land use regulation choices they make for the subject area are consistent with applicable statewide planning goals.

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

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

### *Goal 16 – Estuarine Resources:*

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

### *Goal 17 – Coastal Shorelands:*

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

### *Goal 18 – Beaches and Dunes:*

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

### *Goal 19 – Ocean Resources:*

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

## **B. Metro Code**

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

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

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At its December 11, 2024, meeting, MPAC considered and voted to recommend approval by the Metro Council of the Title 4 Map amendment in Exhibit A.

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

MTAC considered the Title 4 Map amendments at its meeting on October 16, 2024, before recommending the amendment to MPAC.

### *3.07.450 – Employment and Industrial Areas Map*

*(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.*

As noted above, the ‘Employment and Industrial Areas Map’ is also known as the ‘Industrial and Other Employment Areas Map’ and as the ‘Title 4 Map’. Ordinance No. 25-1522 of the Metro Council amends the Title 4 Map pursuant to Subsection 3.07.450(g).

The amendments allow the City of Portland to permit certain non-industrial, non-residential uses such as parks, schools, places of assembly, medical/dental offices, and commercial retail uses, without the restrictions otherwise imposed by Title 4. Having uses such as parks, community centers, medical/dental offices, and retail commercial uses in the Montgomery Park neighborhood, in conjunction with the City’s planned streetcar extension and in close proximity to residential and employment land uses that are permitted by the City’s adopted ‘Montgomery Park Area Plan’ (MPAP), could help future residents Montgomery Park and existing residents of the wider area to meet their daily needs closer to home and to be less reliant on motor vehicle transportation. Nearby park space, community centers, education and health services, and retail commercial uses could also contribute to a stronger sense of place and encourage denser residential development in an under-developed area already in the UGB, thereby helping to decrease the demand for more costly outward urban sprawl.

Indeed, amending the Title 4 Map as shown in Exhibit A will allow the City to permit certain land uses that, together with the streetcar extension, active transportation facilities, mixed employment, and affordable, higher-density residential development planned for in MPAP, will better achieve the following Regional Framework Plan policies:

*1.1.1 Ensure and maintain a compact urban form within the UGB.*

*1.1.3 Facilitate infill and re-development [...] to use land and urban services efficiently, to support public transit, to promote successful, walkable communities, and to create equitable and vibrant communities.*

*1.1.7 Promote excellence in community design.*

*1.1.8 Promote a compact urban form as a key climate action strategy to reduce greenhouse gas emissions.*

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

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

*c. Ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that:*

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- ii. Makes biking and walking the most convenient, safe, and enjoyable transportation choices for short trips, encourages transit use, and reduces auto dependence and related greenhouse gas emissions.*
- iii. Provides access to neighborhood and community parks, trails, schools, walkways, bikeways, and other recreational and cultural areas and public facilities.*
- iv. Reinforces nodal, mixed use, neighborhood-oriented community designs to provide walkable access to a mix of destinations to support meeting daily needs, such as jobs, education, shopping, services, transit and recreation, social, and cultural activities.*
- v. Includes concentrated, high-density, mixed-use urban centers developed in relation to the region's transit system.*
- vi. Is responsive to needs for privacy, community, sense of place, and personal safety in an urban setting.*

*3.07.810 – Compliance with the Functional Plan*

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

The amendments to the Title 4 Map do not require a city or county to amend their comprehensive plan or land use regulations.