

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME) RESOLUTION NO. 99-2877
EXTENSION TO THE CITIES OF FAIRVIEW)
AND WILSONVILLE FOR COMPLIANCE) Introduced by Executive Officer
WITH TITLE 3 OF THE URBAN GROWTH) Mike Burton
MANAGEMENT FUNCTIONAL PLAN)

WHEREAS, the Metro Council adopted the Urban Growth Management Functional Plan for early implementation of the 2040 Growth Concept on November 21, 1996, by Ordinance No. 96-647C; and

WHEREAS, the Metro Council amended Ordinance No. 96-647C to amend Title 3 of the Urban Growth Management Functional Plan and adopted the Title 3 Model Ordinance and Water Quality and Flood Management Maps on June 18, 1998; and

WHEREAS, the Urban Growth Management Functional Plan requires that all jurisdictions in the region make comprehensive plan and implementing ordinance changes needed to come into compliance with Title 3 of the Functional Plan by December 18, 1999; and


WHEREAS, the Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extension to timelines under the Functional Plan “if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time;” and

WHEREAS, the cities of Fairview and Wilsonville have requested time extensions to complete Title 3 compliance work based on evidence showing “substantial progress or proof of good cause” for failing to meet the December 18, 1999 deadline for compliance with Title 3 of the Functional Plan and have submitted timelines showing when the work will be completed, now therefore,

BE IT RESOLVED:


1. That the cities of Fairview and Wilsonville shall receive time extensions for compliance with Title 3 of the Functional Plan as shown in Exhibit A.
2. That any further requests for time extensions or requests for Functional Plan exceptions made by the above named jurisdictions shall be determined as delineated in Metro Code 3.07.820, Sections B and C.

ADOPTED by the Metro Council this 9th day of December, 1999.



Rod Monroe, Presiding Officer

APPROVED AS TO FORM:



Daniel B. Cooper, General Counsel

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EXHIBIT A

Title 3 Functional Plan time extensions have been requested by the Cities of Fairview and Wilsonville.

City of Fairview

October 2000

The City of Fairview has in place a number of protection regulations for wetlands, flood management and conservation areas. This includes a Riparian Buffer Overlay ranging from 26 to 35 feet in width, a Floodplain Overlay and a Significant Environmental Concern Zone. An analysis of the work necessary to modify Fairview's regulations to come into compliance with the Title 3 requirements has been completed. The City anticipates completing the policy work by April 2000, completing the inventory work for the stream and wetlands buffers and flood management areas by June 2000 and completing the adoption process by October 2000.

City of Wilsonville

June 2000

The City of Wilsonville has entered into a contract with the Fishman Environmental Services and CDA Consulting Group to complete a natural resources inventory and protection plan for all land within the City limits and adjacent urban reserve areas. This will bring the City into compliance with Title 3. In addition, the City is in final hearings to amend its Development Code to address balanced cut and fill in the floodplains and to prohibit the creation of new building lots in floodplains. The City has erosion controls in place.

STAFF REPORT

*CONSIDERATION OF RESOLUTION NO. 99-2877
GRANTING TIME EXTENSIONS FOR THE CITIES OF
FAIRVIEW AND WILSONVILLE FOR COMPLIANCE WITH
TITLE 3 OF THE URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN*

Date: November 22, 1999

**Presented by: Mary Weber
Prepared by: Brenda Bernards**

PROPOSED ACTION

Adoption of Resolution No. 99-2877 granting timeline extensions to the Functional Plan compliance deadline for the Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation for the cities of Fairview and Wilsonville.

BACKGROUND AND ANALYSIS

Metro Code 3.07.820.C (Title 8 of the Functional Plan) provides that Metro Council may grant time extensions to Functional Plan requirements if a jurisdiction can demonstrate "substantial progress or proof of good cause for failing to complete the requirements on time."

On June 18, 1999, the cities and counties reported on their progress for compliance with the requirements of Title 3 of the Functional Plan. Throughout the region, the local jurisdictions have made considerable progress in dealing with flood management, erosion and sediment control and protection of the water quality resource areas. Each jurisdiction has elements of the requirements in place and is working towards amending current standards to be consistent with Title 3. The cities of Fairview and Wilsonville had anticipated meeting the requirements of Title 3 by the December 18, 1999 deadline for implementation. However, as the cities progressed in their work, it became clear that the deadline could not be met. The letters requesting the time extensions are attached to this report.

Compliance Progress

Although these jurisdictions have requested time extensions to complete the requirements of Title 3, both Fairview and Wilsonville have some of the requirements of this Title currently in place. The following summarizes the progress of the cities. Both have met the Metro Code criterion for "substantial progress or proof of good cause for failing to complete" Functional Plan compliance (Metro Code 3.07.820.C).

City of Fairview

Extension Request: October 2000

The City of Fairview has in place a number of protection regulations for wetlands, flood management and conservation areas. This includes a Riparian Buffer Overlay ranging from 26 to 35 feet in width, a Floodplain Overlay and a Significant Environmental Concern Zone. An analysis of the work necessary to modify Fairview's regulations to come into compliance with the Title 3 requirements has been completed. The City anticipates completing the policy work by April 2000, completing the inventory work for the stream and wetland buffers and flood management areas by June 2000 and completing the adoption process by October 2000.

City of Wilsonville

Extension Request: June 2000

The City of Wilsonville has entered into a contract with the Fishman Environmental Services and CDA Consulting Group to complete a natural resources inventory and protection plan for all land within the City limits and adjacent urban reserve areas. This will bring the City into compliance with Title 3. In addition, the City is in final hearings to amend its Development Code to address balanced cut and fill in the floodplains and to prohibit the creation of new building lots in floodplains. The City has erosion controls in place.

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

The Functional Plan implementation time extension requests for the requirements of Title 3 from Fairview and Wilsonville are recommended for approval. Any further requests for time extensions or requests for Functional Plan exceptions made by these jurisdictions would be determined as delineated in Metro Code 3.07.820, Sections B and C.

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NOV 19 1999

November 18, 1999

Ms. Brenda Bernards
Senior Planner
Metro
600 N.E. Grand Avenue
Portland, Oregon 97232-2736

Dear Brenda:

In your letter of November 15, 1999 you asked that we provide additional information regarding our request for extension of our timeline for complying with Title 3.

It seems appropriate to mention that the City of Fairview has had in-place for some time a number of significant protection regulations for wetlands, flood management and conservation areas. Our Riparian Buffer Overlay Zone protects lands within 35 feet of Fairview Creek, No-Name Creek, Columbia Slough and Fairview Lake, and lands within 26 feet of Osburn Creek. This riparian zone was one of the first such protective regulations in the region and has been effective in protecting our riparian areas for many years. In addition, we have a separate Floodplain Overlay that protects floodplains from adverse development, along with our Significant Environmental Concern Zone that identifies areas of special concern and limits development therein. I am attaching copies of those regulations for your reference.

Also attached is your analysis of work that needs to occur to modify our regulations to satisfy Title 3. We would propose to complete the policy/definitional work on the first two pages by April, 2000, with inventory work for the riparian areas and flood management areas completed by June. Notice to Metro and State regarding post acknowledgement would occur in July. Adoption of new standards would begin in September and be completed in October, 2000.

If you have any further questions please do not hesitate to ask.

Sincerely,


John Andersen, AICP
Director, Community Development Department

Attachments: FMC 19.100, 19.105, 19.106
Bernard's Title 3 Analysis



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

October 4, 1999

Wilsonville, Oregon

Mr. Ray Valone, Senior Planner
Metro Growth Management Services
600 NE Grand Avenue
Portland, OR 97232

OCT - 6 1999

Mr. Valone:

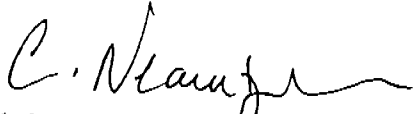
The City of Wilsonville would like to formally request a six-month extension (June 18, 2000) to comply with the requirements of Title 3 of the Metro Urban Growth Management Functional Plan. We have begun work on this project in conjunction with other significant natural resource-related planning issues. Recently we entered into a contract with Fishman Environmental Services and CDA Consulting Group to complete a natural resources inventory and protection plan for all land within the City limits, and adjacent urban reserve areas. This is obviously an ambitious work program that will bring the City into compliance with not only Title 3 but also Statewide Planning Goal 5 and the Endangered Species Act.

The consulting team will be completing the inventory work in the next week and we will be holding the first in a series of public workshops on October 12, 1999. The complexity of this combination of regulatory requirements will undoubtedly create the need for lengthy discussion and substantial public input. We had originally hoped to meet the December deadline for Title 3 compliance, but the reality of the situation is dictating a longer timeline than originally anticipated.

Additional to the work that is now being done by consultants and City staff on this project, we are making progress in some other ways as well. Revisions to many parts of the City's Development Code are already being reviewed in public hearings before our Planning Commission. These revisions include a balanced cut and fill standard for flood plain development and a prohibition of the creation of additional building lots in flood plains. Both of those provisions are expected to assist in our efforts to implement Title 3. It should also be noted that the City has regulated development in primary and secondary open space areas since 1980, and most areas governed by Title 3 are already regulated by those open space standards.

We intend to keep the work program for Title 3, Goal 5, and the Endangered Species Act intact as one large project for fear of losing momentum and creating confusion and the possibility of conflicting policy. The good news is we are well underway with our compliance project and will meet the requirements of Title 3 of the Urban Growth Management Functional Plan in the timeline described above. We appreciate your cooperation in helping the City to receive a six-month extension to meet these requirements. If you have any questions or concerns, please contact me at 570-1574.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Neamtzu", with a long, sweeping horizontal stroke at the end.

Chris Neamtzu, Associate Planner

cc: Arlene Loble, City Manager
Mayor Lehan and City Council
Planning Commission
Stephan Lashbrook AICP, Planning Director