

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPRESSING)	RESOLUTION NO. 00-2965
METRO COUNCIL INTENT TO TAKE)	
ADDITIONAL TIME TO COMPLETE)	Introduced by Growth Management
METRO'S FISH AND WILDLIFE HABITAT)	Committee
CONSERVATION PROGRAM)	

WHEREAS, Title 3, Section 5 of the Urban Growth Management Functional Plan ("Functional Plan") directs Metro to undertake measures to conserve Fish and Wildlife Habitat; and

WHEREAS, beginning in late 1998, Metro staff developed a work program to facilitate completion of Title 3, Section 5 of the Functional Plan consistent with Statewide Planning Goal 5 and the Goal 5 implementing rule; and

WHEREAS, the Goal 5 implementing rule recognizes Metro's functional planning authority to identify and protect Goal 5 regional resources should the Council chose to do so; and

WHEREAS, in December 1999, Metro staff released a "Discussion Draft" entitled "Streamside CPR," a compilation of proposed measures to conserve, protect and restore riparian corridors in the Metro region; and

WHEREAS, in early 2000 Metro staff presented the Discussion Draft to local government officials and solicited comments on the Streamside CPR from the public; and

WHEREAS, comments from the government officials and the public recommended changes and improvements to the Discussion Draft; and

WHEREAS, subsequent to receiving the comments, the Metro Growth Management Committee requested input from the Metro Policy Advisory Committee on the schedule for completing Title 3, Section 5 of the Functional Plan. Specifically, the Growth Management

Committee asked MPAC whether Metro should take more time to review and refine concepts presented in the Discussion Draft which would result in a revised completion schedule of Winter/Spring of 2001; and

WHEREAS, MPAC recommended that Metro take additional time to complete Title 3, Section 5 of the Functional Plan; and

WHEREAS, Metro manages the Urban Growth Boundary according to requirements of state law and Metro Code; and

WHEREAS, the regulations to protect environmentally sensitive lands implementing Title 3, Section 5 of the Functional Plan may result in a reduction of the dwelling unit capacity of land inside the urban growth boundary; and

WHEREAS, as part of its five-year legislative review of the Urban Growth Boundary ("UGB"), Metro completed an Urban Growth Report in 1997 estimating the remaining housing capacity of the UGB; and

WHEREAS, in December of 1997, the Metro Council used the data in the 1997 Urban Growth Report to determine a need for 32,370 dwelling units that could not be otherwise be accommodated in the UGB in compliance with the first deadline in ORS 197.299; and

WHEREAS, in 1998, the Metro Council added 3,527 acres to the UGB, by ordinance, to provide capacity for approximately one-half of the dwelling units needed for a 20-year housing capacity inside the UGB, which DLCD Director Benner concluded met the second deadline in ORS 197.299; and

WHEREAS, on November 18, 1999, in Resolution 99-2855C, the Metro Council authorized the Executive Officer to request that the Land Conservation and Development

Commission grant an extension to the third deadline imposed by ORS 197.299 in order to complete and refine housing density estimates for environmentally sensitive lands, jobs/housing imbalances and estimated accessory dwelling units; and

WHEREAS, Resolution 99-2855C, Exhibit C contained a tentative schedule for adopting amendments to Title 3, Section 5 of the Functional Plan by May/ June 2000; and

WHEREAS, the LCDC granted Metro's requested extension on January 3, 2000 finding that the additional work needed to assess environmentally sensitive lands, jobs/housing imbalances and estimates for accessory dwelling units constituted good cause for extending the deadline to comply with ORS 197.299; and

WHEREAS, on March 2, 2000, the Metro Council adopted Resolution No. 00-2912 which in part stated that the Council anticipated that amendments to Title 3, Section 5 of the Functional Plan may become part of a program submitted to the National Marine Fisheries Service for steelhead and salmon recovery under NMFS final 4(d) rule; and

WHEREAS, in May, 2000 Metro requested that LCDC undertake periodic review of the Metro regional urban growth boundary. As part of the request, Metro submitted an evaluation and work program which identified three work tasks to be completed during periodic review; and

WHEREAS, in the proposed work program the capacity estimates related to environmentally sensitive lands assumed completion of Title 3, Section 5 of the Functional Plan and adoption of stream corridor regulations that would reduce housing density inside the UGB as part of Task 1; and

WHEREAS, at its June 8, 2000 work session, LCDC confirmed that further work on Metro's Fish and Wildlife Habitat Conservation program was just one of three separate bases

upon which the extension order was granted. The Commission indicated that completing Title 3, Section 5 of the Functional Plan was not required in order to complete Task 1 of the periodic review work program; and

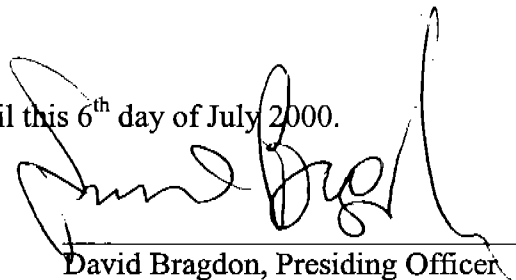
WHEREAS, the Metro Council anticipates that replacing any housing capacity that may be reduced by adoption of amendments to Title 3, Section 5 of the Functional Plan can occur during subsequent tasks of the periodic review work program consistent with the requirements of the Goal 5 implementing rule; now, therefore,

BE IT RESOLVED:

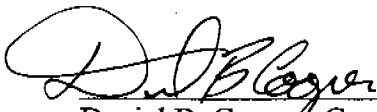
1. That the Metro Council accepts MPAC recommendation to take additional time to complete amendments to Title 3, Section 5 of the Functional Plan. The Council revises its estimated time for adopting its Fish and Wildlife Habitat Conservation policy to approximately Winter/Spring of 2001.

2. That the Executive Officer is authorized to extend the schedule for completing Metro Functional Plan amendments to protect Fish and Wildlife Habitat to approximately Winter/ Spring of 2001.

ADOPTED by the Metro Council this 6th day of July 2000.


David Bragdon, Presiding Officer

Approved as to Form:


Daniel B. Cooper, General Counsel

GROWTH MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 00-2965, FOR THE PURPOSE OF EXPRESSING METRO COUNCIL INTENT TO TAKE ADDITIONAL TIME TO COMPLETE METRO'S FISH AND WILDLIFE HABITAT CONSERVATION PROGRAM

Date: June 23, 2000

Presented by Councilor Park

Proposed Action: Resolution No. 00-2956 revises the prior Council approved timeline for adoption of Metro's Fish and Wildlife Habitat Conservation Program. The program addresses requirements of State Goal 5, and Metro's Title 3, section 5 of the Urban Growth Management Functional Plan. The prior estimate for functional plan adoption was May/June 2000. The revised estimate contemplates completion in winter 2000/01 or spring 2001.

Committee Action: At its June 20, 2000 meeting, the Growth Management Committee reviewed a draft version of Resolution No. 00-2956. After a brief discussion, the Committee voted 3-0 to directed staff to prepare a final version of the resolution and recommend Council adoption of same.

Factual Background and Analysis: Metro adopted Ordinance 96-647C, the Urban Growth Management Functional Plan, in November, 1996. Subsequent to that action, the **water quality** section of Title 3, of the same functional plan, was amended in June of 1998, giving local jurisdictions 18 months (January 2000) to comply with its provisions. Section 5 part C of title 3, Fish and Wildlife Habitat Protection, was **not** amended at that time, but was estimated to be completed within 18 months, as well.

In December of 1999, Growth Management Services Department staff issued a Discussion Draft of the Title 3 section 5 (Fish and Wildlife Habitat Protection), entitled Streamside CPR. It was then subjected to extensive public review during the spring of 2000.

During the same period Metro has been also completing requirements related to its legislative urban growth boundary review. In order to complete this process, an estimate of buildable lands must be produced, that in turn is predicated to environmental regulation that Metro enacts (e.g. Title 3 of the Urban Growth Management Functional Plan). Metro had contemplated adopting the Title 3, Section 5 policy by June of this

year, enabling it to also meet an October 31, 2000 deadline for completion of its legislative urban growth boundary review.

The Metro Policy Advisory Committee (MPAC) recommended (June 2000) that Metro take additional time to complete its Title 3 section 5 work, committing itself to having its own recommendations on the matter by December of 2000. The Land Conservation and Development Commission (LCDC) has indicated in conversation that it will not require Metro to finish its Title 3, section 5 work as a condition of finishing its legislative urban Growth Boundary review.

With adoption of resolution 00-2965, Metro agrees to take additional time to finish its Title 3, section 5 work, in order to ensure that the work meets all its policy and implementation objectives, including gaining maximum support from local jurisdictions. Functional plan adoption is now estimated to be between winter 2000/01 to spring 2001.

Existing Law: State Goal 5, Metro Urban Growth Management Functional Plan.

Budget Impact: The 2000/01 Growth Management Services Department budget was built based on the assumption that the Streamside CPR and functional plan would be finalized in June of 2000. Staff was then to begin Title 3 upland program design. The department will advise the Council on the expected staff and budget impact of extending this work.