

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME EXTENSION )  
TO FUNCTIONAL PLAN COMPLIANCE DEADLINES )  
FOR THE CITY OF OREGON CITY )  
)  
)

RESOLUTION NO. 02-3196  
  
Introduced by Mike Burton,  
Executive Officer

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 Urban Growth Management Functional Plan requires that all jurisdictions in the region make plan and implementing ordinance changes needed to come into compliance with Titles 1, 2, 4, 5, 6, and 8 of this Functional Plan by February 19, 1999; and

WHEREAS, the Urban Growth Management Functional Plan in Metro Code Section 3.07.850A provides that Metro Council may grant extensions of time for compliance with Functional Plan deadlines if the city or county demonstrates progress toward compliance or good cause for failure to comply by the deadline; and

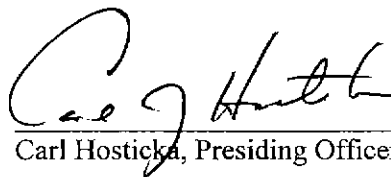
WHEREAS, the city of Oregon City has requested a time extension to complete work on comprehensive plan and implementing ordinance provisions to comply with requirements in Titles 1, 4, and 5; now therefore,

BE IT RESOLVED:

1. That the Council grants an extension of time to the city of Oregon City to comply with those requirements of Titles 1, 4, and 5 of the Urban Growth Management Functional Plan set forth in Exhibit A, attached and incorporated into this resolution, to December 31, 2002. The Council grants this extension based the findings of fact and conclusions of law contained in Exhibit A.

2. That the Council grants the extension subject to approval by Metro of a work program that includes a quarterly report to Metro on progress in implementing the work program and a report to the Council of any delay beyond a deadline in the work program.

ADOPTED by the Metro Council this 6<sup>th</sup> day of June, 2002.

  
Carl Hostick, Presiding Officer

APPROVED AS TO FORM:

  
Daniel B. Cooper, General Counsel



**Functional Plan Compliance Time Extensions For  
the City of Oregon City**

**Time Extensions to December 2002**

<u>Title</u>	<u>Functional Plan Element</u>
Title 1: Requirements for housing and employment accommodation	Minimum Densities Accessory Dwelling Units Design Type Boundaries Capacity Analysis
Title 4: Retail in employment and industrial areas	Employment Areas Retail Restrictions
Title 5: Requirements for rural reserves and green corridors	Green Corridor Policy

**Findings of Fact**

The Urban Growth Management Functional Plan in Metro Code Section 3.07.850B provides that Metro Council may grant extensions to timelines under this Functional Plan if a city or county has demonstrated progress toward compliance or proof of good cause for failing to complete the requirements on time.

The City has experienced staff shortages and high staff turnover in the past few years, which has affected its ability to comply with the requirements of the Functional Plan. However, compliance is one of the top planning goals for the Oregon City Commission and the Planning Department. To that end, the City has committed funds and hired a consulting firm to update its comprehensive plan, which includes compliance with the Functional Plan. Metro staff is participating in this effort. The compliance element is scheduled for completion in October 2002, and will be considered by the Planning Commission and the City Commission in November and December 2002.

This history and recent actions demonstrate both good cause for the city's delay in meeting the compliance deadline and progress toward achievement of compliance. Oregon City has met Metro Code 3.07.850B.

## **STAFF REPORT**

### **CONSIDERATION OF RESOLUTION NO. 02-3196 FOR THE PURPOSE OF GRANTING A TIME EXTENSION TO FUNCTIONAL PLAN COMPLIANCE DEADLINES FOR THE CITY OF OREGON CITY**

Date: May 9, 2002

Prepared and Presented by: Brenda Bernards

## **PROPOSED ACTION**

Adoption of Resolution No. 02-3196 granting an additional time extension to December 2002 to meet the requirements of the Functional Plan for the City Oregon City.

## **BACKGROUND AND ANALYSIS**

Metro Code 3.07.850B (Title 8 of the Functional Plan) provides that Metro Council may grant time extensions to Functional Plan requirements if a jurisdiction can demonstrate "progress toward compliance" or "good cause for failure to meet the deadline." The deadline for compliance with the requirements of Titles 1, 2, 4, 5 and 6 of the Functional Plan was February 1999. The city of Oregon City seeks an extension to December 2002, to complete its compliance work for Title 1: Requirements for housing and employment accommodation; Title 4: Retail in employment and industrial areas; and Title 5: Requirements for rural reserves and green corridors.

## **TIME EXTENSION REQUEST**

At its meeting of December 13, 2001, the Metro Council adopted Resolution No. 01-3123A granting additional time extensions to 14 jurisdictions to meet the requirements of the Functional Plan. At that time, the City of Oregon City was granted a time extension to December 2001 to comply with Title 5, to March 2002 to comply with Title 4 and to June 2002 to comply with Title 1.

As a condition of the time extension beyond December 2001 Oregon City had to meet the following conditions:

1. Before an extension is in effect, the City of Oregon City must submit to Metro:
  - A work program outlining the schedule for completion of the remaining compliance work that is reviewed and accepted by Metro staff; and
  - An assessment of the impact of delayed compliance that is reviewed and accepted by Metro staff.
2. A quarterly report must be prepared and submitted to Metro staff describing the progress in completing the remaining compliance work based on the work program. If the City is behind on its work program, the City must come before the Metro Council Community Planning Committee to submit its report.

In its quarterly report, the City of Oregon City indicated it had missed the December and March deadlines and will miss the June deadline. With the Quarterly Report, the City submitted a work program outlining a compliance program to December 2002, and an assessment of the impact of delayed compliance. At this time, the city is building at densities higher than 80% of maximum density and current zoning does not permit retail uses in the Employment Areas.

The primary reason for the delay in completing the compliance work is that the city has recently experienced a significant turnover in its planning staff. In order to overcome this, Oregon City has committed funds and recently hired a consulting firm to update the city's Comprehensive Plan which includes compliance with the Functional Plan. Metro staff is participating in this effort.

Completion of the city's compliance efforts is scheduled for December 2002. The city came before the Community Planning Committee at its May 7, 2002, meeting to submit its quarterly report and to request additional time to complete its Functional Plan compliance efforts Metro's requirements. Staff supports the city's request for an additional time extension to December 2002.

**BUDGET IMPACT**

Adoption of this resolution has no budget impact.

**EXECUTIVE OFFICER'S RECOMMENDATION**

It is recommend that the requested time extension to December 2002 be granted.



**METRO**

### **Extension of Compliance Deadlines**

Jurisdiction: Oregon City

Date: May 7, 2002

Contact: Christina Robertson

Telephone: 503-657-0891

Fax: 503-722-3880

Email: [crobertson@orcity.org](mailto:crobertson@orcity.org)

Requests for extensions of compliance deadlines set in the Urban Growth Management Functional Plan, as authorized in Title 8 of the plan, must be filed with Metro's Executive Officer on this application form.

Metro Code 3.07.850 sets forth the criteria and procedure for Metro Council consideration of extensions of compliance deadlines. The criteria, from Metro Code 3.07.850B, are as follows:

*The Council may grant an extension if it finds that: (1) the city or county is making progress toward accomplishment of its compliance work program; or (2) there is good cause for failure to meet the deadline for compliance.*

Please complete this application and submit it to

Mike Hogle  
Director, Regional Planning  
600 NE Grand Avenue  
Portland, OR 97232

**Part I (to be completed by the local government)**

- a. Describe progress made toward compliance with the Functional Plan requirement(s) for which the local government needs more time.
  
  
  
  
  
  
  
  
  
  
- b. Or, explain why the local government has not been able to meet the deadline set for compliance with the Functional Plan requirement(s).

The City of Oregon City has not been able to meet the deadline for compliance with the Functional Plan primarily due to unusually high levels of staff turnover in key planning positions. To address this situation, the City has developed a scope of work, committed funding and hired a consultant to assist the City in completing Metro compliance work along with an updating of the City's Comprehensive Plan. In the Scope of Work for the Comprehensive Plan Update, a specific task is dedicated to bringing the City of Oregon City into compliance with the Functional Plan. This task is to be completed by October 2002, leaving the months of November and December for adopting the necessary amendments for compliance. The City has allocated \$125,000 for the Comprehensive Plan Update. Metro staff is participating on the Comprehensive Plan Technical Advisory Committee for this effort.

**Part II (to be completed by Metro)**

- a. Metro staff recommendation

It is recommended that the City of Oregon City be granted an extension to December 2002 to complete its compliance work for Titles 1, 4 and 5 of the Urban Growth Management Functional Plan