

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME)
EXTENSION FOR TITLE 11 OF THE URBAN)
GROWTH MANAGEMENT FUNCTIONAL)
PLAN COMPLIANCE DEADLINE FOR THE)
CITY OF FOREST GROVE)

RESOLUTION NO. 05-3590

Introduced by
Councilor Susan McLain

WHEREAS, the Metro Council adopted Ordinance No. 02-969B on December 5, 2002 and Ordinance No. 02-985A on December 12, 2002 which amended the Urban Growth Boundary (UGB), approved an UGB Land Swap Proposal prepared by the City of Forest Grove and placed conditions on the addition of land to the UGB;

WHEREAS, the conditions included requirements that the City of Forest Grove complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan, section 3.07.1120 for the area and that the planning be completed within two years or March 2005;

WHEREAS, the Urban Growth Management Functional Plan in Metro Code Section 3.07.850A provides that the 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 Forest Grove has requested a time extension to complete planning work to comply with Title 11; now therefore,

BE IT RESOLVED:


1. That the Council grants an extension of time to the City of Forest Grove to comply with the requirements of Title 11 of the Urban Growth Management Functional Plan set forth in Exhibit A, attached and incorporated into this resolution, to June 2006 for Tasks 1 and 2 and June 2007 for Task 3. The Council grants this extension based on the Findings of Fact 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 2nd day of June, 2005.



David Bragdon, Council President



Dep. Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney

**Exhibit A to Resolution 05-3590
Title 11 Functional Plan Compliance Time Extensions
for the City of Forest Grove
and
Findings of Fact**

Time Extension to June 2006

Title

Title 11 Planning for New Urban Areas

Task

1. Completion of comprehensive plan amendments
2. Completion of a plan to rezone properties inside UGB to compensate for loss of industrial lands for the lands that have been removed from the UGB

Time Extension to June 2007

Title

Title 11 Planning for New Urban Areas

Task

3. Recommendations to the Metro Council about appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves

Findings of Fact

The Urban Growth Management Functional Plan in Metro Code Section 3.07.850B provides that the Metro Council may grant extensions to timelines 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 not had staff available to conduct the Title 11 planning work due to a staff shortage. The City also did not have sufficient funds to hire a consultant to conduct the work. The City is committed to completing its Title 11 planning responsibilities. Past projects will be completed soon freeing up staff. The City's Community Development Department is also seeking funding for consulting assistance as part of its budget request for the next fiscal year. In addition, the developer interested in the UGB area is willing to assist should additional funding not be forthcoming.

This history and the City's recent actions demonstrate a good cause for the City's delay in meeting the compliance deadline. The City of Forest Grove has met Metro Code 3.07.850B.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3590 FOR THE PURPOSE
GRANTING A TIME EXTENSION FOR TITLE 11 OF THE URBAN
GROWTH MANAGEMENT FUNCTIONAL PLAN COMPLIANCE DEADLINE FOR
THE CITY OF FOREST GROVE

Date: May 13, 2005

Prepared by: Sherry Oeser

BACKGROUND

In December 2002, the Council adopted Ordinance No. 02-985A amending Metro's Urban Growth Boundary (UGB) to swap land in Forest Grove, removing land already in the UGB while adding approximately the same amount of land to the UGB on the northern edge of the city.

The Council also adopted conditions for UGB amendments as part of Ordinance No. 02-985A and Ordinance No. 02-969B. The conditions included a requirement that the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (UGMFP) section 3.07.1120 (Title 11 Planning for New Urban Areas) be completed within two years or March 2005. A second condition requires that any local government with Title 11 planning responsibilities for an area brought into the UGB recommend "appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves...."

Metro Code 3.07.850 allows the Council to grant extensions of time for compliance with Functional Plan deadlines 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.

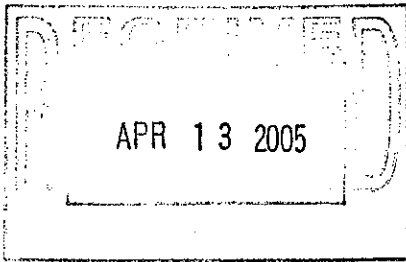
The City of Forest Grove submitted a request for a time extension to complete Title 11 planning. (See Attachment 1). After reviewing the extension request, staff concludes that there is good cause for failure to meet the deadline for compliance due to lack of staff and recommends that the extension be granted.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time
2. **Legal Antecedents:** Metro Code 3.07.850 (Extension of Compliance Deadline), Metro Code 3.07.1120 (Urban Growth Boundary Amendment Urban Reserve Plan Requirements), Ordinance No. 02-969B, Ordinance No. 02-985A
3. **Anticipated Effects:** Adoption of the resolution will allow the City of Forest Grove additional time to complete required Functional Plan planning work. The resolution requires the city submit a work plan to Metro for approval and submit quarterly progress reports to Metro. The City is required to report to the Council on any delay beyond the deadline in the work program.
4. **Budget Impacts:** None

RECOMMENDED ACTION

Adoption of Resolution No. 05-3590



Extension of Compliance Deadlines

Jurisdiction: CITY OF FOREST GROVE

Date: APRIL 12, 2005

Contact: JON HOLAN, CD DIRECTOR

Telephone: (503) 992-3224

Fax: (503) 992-3202

Email: JHOLAN@CI.FOREST-GROVE.OR.US

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 Chief Operating 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

Michael Jordan
Chief Operating Officer
Metro
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.

No progress to date.

- b. Or, explain why the local government has not been able to meet the deadline set for compliance with the Functional Plan requirement(s).

As explained in attached letter, difficult to pursue due to other projects in process, limited staff, and budgetary constraints to obtain consulting assistance. However, the biggest reason is the Metro Council request for potential long-term Urban Growth Boundary changes raises fundamental policy issues for the City as well as broader ag/urban questions that have not yet been addressed. These policy issues will be addressed within the next one to two years. Further, Metro staff direction to conceptually address Title 11 requirements for these potential UGB expansion areas raises other issues that require additional consulting assistance and significant staff analysis.

As indicated in the letter, the City's request is two-fold:

1. Grant an extension for two to three years to complete the two to three fundamental requirements established by Metro Council as part of its action in adopting the Forest Grove UGB amendment in 2002; and
2. Separate the long-term UGB requirement from the other two fundamental requirements.

Part II (to be completed by Metro)

- a. Metro staff recommendation

Staff concludes that there is good cause for failure to meet the deadline for compliance due to lack of staff and recommends that the extension be granted. Staff also recommends separating Tasks 1 and 2 from Task 3 and setting different deadlines; June 2006 for Tasks 1 and 2 and June 2007 for Task 3.

April 12, 2005

Michael Jordan
Chief Operating Officer
Metro
600 N.E. Grand Avenue
Portland, OR 97232-2736

Re: Request for Time Extension for Forest Grove to comply with Metro Requirements pertaining to 2002 UGB Amendments

Dear Mr. Jordan:

As you are aware, Metro Council approved Ordinance Number 02-985A to amend the Urban Growth Boundary in the Forest Grove area. The Council also approved Ordinance Number 02-969B which in part includes General Condition D of Exhibit M to the ordinance. Generally, what these ordinances require of Forest Grove are the following three tasks:

- Completion of comprehensive plan amendments to address Title 11 requirements for the area being brought into the Urban Growth Boundary;
- Completion of a plan to rezone properties inside the UGB to compensate for the loss of industrial lands for the lands that have been removed from the UGB; and
- Recommendations to Metro Council about appropriate long-range boundaries for consideration by Metro Council in future expansion of the UGB or designation of urban reserves.

This was to be completed by March, 2005. Further, in a discussion with Ray Valone, it is my understanding that the recommendation about long-range boundaries should generally address the provisions of Title 11.

I would like to make two requests related to the above requirements:

1. Pursuant to Metro Code Section 3.07.850, the City requests a two to three year extension depending on the outcome of the second request. Attached is the form for making this request.

The City has been unable to move forward on the matter for several reasons. Staff is limited with just the Director and Senior Planner available to work on this project. Unfortunately, during this time period, staff has been devoted to creating a new

development code with new design guidelines, Goal 5 activities (including performing site specific ESEE analysis for Forest Grove and Cornelius), Commercial Corridor project (TGM funded with specific guidelines), annexations, budget and administration and other activities that prevents us from devoting the time needed for this process. Further, the Senior Planner position was vacant for five months during this time period and the new planner is still gearing up. In addition, we were not able to hire a consultant to assist staff in the development of the comprehensive plan amendments due to the other commitments we had (development code and Goal 5) and Council policy concerning the use and funding of consultants due to budget constraints. We also were not offered any assistance by developers, property owners or other parties to help complete the process.

However, a more significant constraint is to address the long-range boundary request made by the Metro Council. This raises the concern of whether the City should seek any expansion of the UGB in the future. If so, then there exists the urban/agricultural issue about UGB expansion in an area of productive farmland.

The City Council adopted a Vision Statement in the 1993. In part, it called for maintaining the small town atmosphere of the community. While this goal focused on maintaining a unique, friendly community with a relaxed personality and turn-of-the-century charm, any direction towards expansion of the UGB may challenge that direction.

The City has begun the process of revisiting the Vision Statement. In January, City staff completed a citizen survey and Annual Town Hall meeting related to the matter. We are currently in the process to recruit citizens and other interested parties to participate on a committee to develop the new Vision Statement. The Council has already approved the composition of the Committee and general process for this effort. The completion of the Committee's work will provide better direction as to issue of long-term growth in the community. We anticipate that its will complete its work in 8 months to one year.

Aside from the policy issue discussed above, the effort to complete such a long-term projection appears to be complex in light of the need to address, even conceptually, the Title 11 provisions. The fundamental issue of land use type and mix will require judicious review by the City. It brings up whether the City's current balance of land uses is appropriate and whether the City would be seeking more residential, commercial or industrial land. This in turn would influence where the City would view the appropriate location for UGB expansion (assuming expansion is appropriate). This requires extensive research and consultant assistance that we have not had the opportunity to budget due to competing and more urgent needs.

2. Due to the above situation, the second request is to separate the long-term boundary request from the other two requirements. Staff views the planning for the UGB area and industrial redesignation as a more straight forward task as compared with the long-range question. The UGB area is essentially vacant, relatively small and would be for a singular land use (residential). Because of its location, collector and arterial road

locations are established for the area. Existing utility services are adjacent to the area and school impacts are relatively minor. The industrial redesignation would likely focus on two industrial areas where residentially planned lands are adjacent to these areas.

If the efforts can be separated, it would allow us to move more quickly and easily to accomplish the comprehensive plan efforts for the UGB area and industrial redesignation tasks. It would also put the long-term effort more in line with the City's visioning process. In addition, it would be timely in light of Washington County/Hillsboro future efforts on the ag/urban policy study that they have received state funding to pursue.

I believe that we can complete the effort, particularly if the long-term matter can be separated, in the next two years for the following reasons:

- The first two tasks are relatively straight forward.
- Past projects will have been completed to open up availability of staff. This includes adoption of the development code, completion of the Commercial Corridor study and incorporation of the Tualatin Basin Goal 5 program into the City's Comprehensive Plan and implementing ordinances.
- Community Development Department is seeking consulting assistance as part of its budget request.
- If we are unable to get budget approval, the developer interested in the UGB area is willing to commit assistance to staff to complete the comprehensive plan amendments for the UGB area and industrial redesignation. However, their interest in participating depends on the separation of task one and two from task three.

If the tasks cannot be separated then it will require additional time to conclude the Vision Statement process, urban/ag study, and then, if appropriate, conduct the analysis needed to satisfy Metro's requirements to conceptually comply with the Title 11 requirements.

If you have any further questions, please do not hesitate to contact me at (503) 992-3224.

Sincerely,



Jon Holan
Community Development Director

Cc Richard Kidd, Mayor
Michael Sykes, City Manager