

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 SHERWOOD)

RESOLUTION NO. 05-3591

Introduced by
Councilor Carl Hosticka

WHEREAS, the Metro Council adopted Ordinance No. 02-969B on December 5, 2002 and Ordinance No. 02-986A on December 12, 2002 which amended the Urban Growth Boundary (UGB) to add Study Area 59 and to add land for a road improvement around state highway 99W in the Sherwood area and placed conditions on the addition of land to the UGB;

WHEREAS, the conditions included requirements that the City of Sherwood 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 Sherwood 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 Sherwood 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 March 2006 for Task 1 and March 2007 for Task 2. 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

Rex Burkholder
Dep. Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney

**Exhibit A to Resolution 05-3591
Title 11 Functional Plan Compliance Time Extensions
for the City of Sherwood
and
Findings of Fact**

Time Extension to March 2006

Title

Title 11 Planning for New Urban Areas

Task

1. Completion of concept planning for study area 59 including comprehensive plan and zoning code amendments

Time Extension to March 2007

Title

Title 11 Planning for New Urban Areas

Task

2. Completion of concept planning for road alignment in area around state highway 99W

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 is making progress on Task 1, concept planning for study area 59, but needs additional time to complete the work. The City has completed the public involvement plan, existing conditions inventory, policy evaluation and draft evaluation criteria. A charrette is planning for July 2005 with a preferred alternative selected by September. The City expects that comprehensive plan and zoning code amendments will be completed in 2005, however, budget constraints for consultant services are a concern. The City of Sherwood has voter-approved annexations which will determine the availability of land for city services.

The concept planning for the 99W road alignment has not begun due to staff and funding limitations. The Sherwood City Council identified Areas 59 and 54-55 as higher priorities to address school and housing needs. The City recently sent a letter to 99W area property owners to allow them the option to initiate concept plans with city staff providing in-kind services. No response has been received to date.

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 Sherwood has met Metro Code 3.07.850B.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3591 FOR THE PURPOSE
GRANTING A TIME EXTENSION FOR TITLE 11 OF THE URBAN
GROWTH MANAGEMENT FUNCTIONAL PLAN COMPLIANCE DEADLINE FOR
THE CITY OF SHERWOOD

Date: May 16, 2005

Prepared by: Sherry Oeser

BACKGROUND

In December 2002, the Council adopted Ordinance No. 02-969B and 02-986A amending Metro's Urban Growth Boundary (UGB) to add Study Area 59 and to add land for a road improvement around state highway 99W in the Sherwood area. The Council also adopted conditions for UGB amendments as part of these ordinances. These 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.

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 Sherwood submitted a request for a time extension to complete Title 11 planning. (See Attachment 1). After reviewing the extension request, staff concludes that the city is making progress toward completing its work program and that the extension should 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. 02-986A
3. **Anticipated Effects:** Adoption of the resolution will allow the City of Sherwood 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. 05-3591



METRO

Extension of Compliance Deadlines

Jurisdiction: City of Sherwood

Date: May 5, 2005

Contact: Kevin A. Cronin, AICP

Telephone: 503-625-4242

Fax: 503-625-5524

Email: cronink@ci.sherwood.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.*

Title 11 – New Urban Area Planning
Deadline: March 2005

Area 59: (Edy & Elwert Road) - \$50,000 Budget
Project Initiation – December 2004
Expected Completion: December 2005

The City is sponsoring the concept planning process for Area 59. The City has completed the public involvement plan, existing conditions inventory, policy evaluation, and draft evaluation criteria. A charrette is planned for July 2005 with a preferred alternative selected by September 2005. Comprehensive Plan and zoning code amendments are expected to be completed in December 2005. The City has made substantial progress with a staff planner dedicated as project manager. However, budget constraints for consultant services are still a concern. Sherwood has voter annexation, which will determine the availability of land for city services.

99W Areas

Expected Completion: Not Available

The 99W Areas, which are two, fairly small areas located on either side of a state highway, were brought into the regional UGB to solve transportation problems and are designated as industrial. City staff has not initiated concept planning as a result of staff and funding limitations, but also because the City has ample light industrial land for future development. The City Council has identified Area 59 and 54-55 as more pressing for schools and residential. In March 2005 the City sent a letter to the 99W Area property owners to allow them the option to initiate concept plans with city staff providing in-kind services. No response has been received to date. Existing city resources will not cover expected expenses for two concept plans. Unless a funding source is identified, the concept plans will not be completed.

- 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 did not hire a full time long range planner until August 2004. After a management reorganization was completed a few months later the Planning Supervisor position was created with management responsibility over the long range planning program. A major initiative of this program is to complete three concept plans, which includes Area 48 (Quarry Area) with the City of Tualatin and Area 54-55 (Brookman Road). The City is applying for TGM Grants to fund both concept plans.

Part II (to be completed by Metro)

a. Metro staff recommendation

Staff concludes that the city is making progress toward completing its work program and that the extension should be granted.

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