

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING TIME) RESOLUTION NO 99-2851
EXTENSIONS FOR THE CITIES OF)
HILLSBORO, CORNELIUS, TUALATIN AND) Introduced by Executive Officer Mike
BEAVERTON AND WASHINGTON COUNTY) Burton
FOR COMPLIANCE WITH TITLE 3 OF THE
URBAN GROWTH 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 Nos. 96-647C and 97-715B to amend Title 3 of the Urban Growth Management Functional Plan and amend the Regional Framework Plan, Appendix A 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 extensions 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 Hillsboro, Cornelius, Tualatin and Beaverton and Washington County 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 detailed timelines showing when the work will be completed, now therefore,

BE IT RESOLVED:

1. That the Cities of Hillsboro, Cornelius, Tualatin and Beaverton and Washington County 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 ____ day of _____ 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 Washington County and the Cities of Beaverton, Cornelius, Hillsboro, and Tualatin

Washington County and the nine cities within the urbanized portion of the County are working with the Unified Sewer Agency (USA) to come into compliance with the requirements of Title 3. The County and the cities are in substantial compliance with floodplain requirements and in compliance with erosion control requirements but need to complete work on the protection of water quality resource areas. The correspondence from the jurisdictions requesting the time extensions is attached.

Washington County

October 2000

Washington County and Beaverton have signed an intergovernmental agreement that assigns Title 3 responsibility for the Cedar Hills/Cedar Mill and Raleigh Hills/Garden Home areas of the County to the City while the County will be responsible for the Aloha/Reedville/Cooper Mountain areas. The agreement calls for a November 1, 2000 completion for the Title 3 work, including adoption by the Washington County Commission. In the other urbanized areas, the County is working with the adjacent City, that has Title 1 responsibilities, to enter into agreements to undertake the compliance work for Title 3. The timeframes for completion of the Title 3 work will be coincident with each city's Title 3 work or no later than November 1, 2000.

City of Beaverton

July 2000

The City's time extension request is to July 2000 to accommodate its process for amending the Comprehensive Plan and Development Code. A series of public meetings have been scheduled or proposed.

The City has also requested an exception to the requirements of Title 3 for the Beaverton Regional Center and the Murray Scholls Town Center. This request is not part of Resolution No. 99-2851.

City of Cornelius

October 2000

The City is requesting a time extension until October 2000. Cornelius is in the midst of periodic review with a targeted completion date of December 1999. This effort has been the primary focus for the City staff. Cornelius anticipates beginning the public hearing process for Title 3 in January 2000.

City of Hillsboro

October 2000

The time extension to October 2000 is requested to accommodate the City's process for amending the Comprehensive Plan and Development Code. The City is scheduled to begin a comprehensive plan revision and preparation of a new City land use code. Title 3 is part of the City's update. The revisions and adoption are to be completed mid year 2000.

City of Tualatin

October 2000

The time extension to October 2000 is requested to adopt the standards and any additional land use policies and regulations into the City's Comprehensive Plan and land use codes. The City process includes educational and reviews sessions of Title 3 materials for the Tualatin Planning Advisory Committee. This Committee will make a recommendation to City Council. The City anticipates that the necessary amendments could be in place as early as July 2000.

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STAFF REPORT

*CONSIDERATION OF RESOLUTION NO. 99-2851
GRANTING TIME EXTENSIONS FOR THE CITIES OF
HILLSBORO, CORNELIUS, TUALATIN AND BEAVERTON
AND WASHINGTON COUNTY FOR COMPLIANCE WITH
TITLE 3 OF THE URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN*

Date: October 4, 1999

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

PROPOSED ACTION

Adoption of Resolution No. 99-2851 granting timeline extensions to the Functional Plan compliance deadline for the Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation (Title 3) requirements for Washington County and the cities of Beaverton, Cornelius, Hillsboro and Tualatin.

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.

Washington County and the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard and Tualatin are working with the Unified Sewerage Agency (USA) to come into compliance with the requirements of Title 3. They are in substantial compliance with floodplain requirements and in compliance with erosion control requirements but need to complete work on the protection of water quality resource areas.

Extension Requests

Washington County and the cities of Beaverton, Cornelius, Hillsboro and Tualatin have requested a time extension to completing the requirements of Title 3 of the Functional Plan.

Washington County – extension to October 2000
City of Beaverton – extension to July 2000
City of Cornelius – extension to October 2000
City of Hillsboro – extension to October 2000
City of Tualatin – extension to October 2000

Compliance Progress

The County and cities, working with USA has prepared an approach for coming into substantial compliance with Title 3. Initially, Metro staff had concerns regarding the proposed approach for steep slopes that allowed up to 50 percent encroachment with mitigation without first completing an alternative analysis. The County, cities and USA are continuing to work with Metro staff to refine the approach and to date many of our concerns have been addressed in a revised staff proposal. Two important changes have been made. First, the mitigation table is gone. Now the incentive to implement the mitigation measures would be a reduction in the size requirement for water quality facilities, such as stormwater detention ponds, rather than a reduction in the width of the vegetated buffer. Second, the allowed encroachment in degraded or marginal vegetated buffers is now proposed to be no more than 20 percent of the Title 3 requirement and only in degraded and marginal steep slope areas. The encroachment would only be permitted if there were full enhancement (revegetation) of the remaining vegetated buffer.

USA intends to amend its Design and Construction Standards by December 18, 1999 to comply with Title 3. USA has hired a land use lawyer and consulting firm to assist it with this work. Once the standards are in place, the cities and County will need to make amendments to their codes. It is unclear at this time at what point the cities and County will implement the new standards into their local permitting process, whether it will be at the time of USA adopts its standards or once local code amendments are complete. This work is expected to be completed by mid-October.

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 Washington County and the cities of Beaverton, Cornelius, Hillsboro and Tualatin 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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RECEIVED

JUN 18 1999

EXECUTIVE OFFICER

June 16, 1999

Mike Burton, Executive Officer
Metro
600 NE Grand Avenue
Portland, OR 97232

RE: Progress Report on Hillsboro Compliance with Title 3, Metro Urban Growth
Management Functional Plan

Dear Mr. Burton:

As you may know, the City of Hillsboro is participating with Washington County, other cities in Washington County and the Unified Sewerage Agency (USA) to present a common streams, floodplains, and water quality protection program that substantially complies with Title 3 ("common program"). Metro received copies of the report titled "Metro Title 3 Substantial Compliance Recommendations" by the Washington County Planning Directors Title 3 Implementation Committee dated June 16, 1999 that describe the features of the proposed common program. The program will enable the participating jurisdictions to substantially comply with Title 3 requirements. In accordance with Metro Code Sec. 3.04.820.G (Title 8 of the Metro Functional Plan), this letter and the report comprise our progress report toward achieving Hillsboro comprehensive plan and land use regulation compliance with Title 3 of the Functional Plan.

Briefly, the common program contains standards for flood and erosion control and for water quality protection. Consistent with Title 3, the key water quality provision of this common program requires a vegetated corridor along streams and around wetlands and allows for varied stream and wetland corridor widths depending on type of stream and adjoining topography. It also allows "buffer-averaging" and buffer width reductions, if certain enhancement for mitigation measures are taken which improve stream hydrology. Stream hydrology is an important component of a comprehensive approach to enhanced fish habitat.

If the common program is endorsed by participating local governments, we will take the program to our City Council for consideration and action in June-July of this year. Subsequent to formal City Council action, we will initiate any necessary Title 3 amendments to our comprehensive plan and land use regulations as part of our upcoming comprehensive plan revision and preparation of a new City land use code scheduled to start this Fall pursuant to City Periodic Review obligations. Therefore, we might not be able to meet the December, 1999 deadline for adopting the necessary Title 3 plan and regulatory amendments. The plan revision and new land use code preparation and adoption will be completed mid year 2000.



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000
TDD 692-0574

October 4, 1999

Ms. Brenda Bernards
Metro Growth Management Department
600 NE Grand Ave.
Portland, OR 97232-2736

FAX 10/4/99 797-1911

RE: Clarify Requested Deadline For Title 3

Dear Brenda:

Per the City of Tualatin letter dated September 14, 1999 an extension of the December 18, 1999 deadline to comply with Title 3 was requested to October 31, 2000. As stated in the letter we do not believe it will take that long, but to avoid having to request another extension if problems are encountered, we requested October 31 which matched the requested deadlines for the City of Hillsboro and Washington County.

This letter explains our timing of adoption. The City of Tualatin is working cooperatively with the Unified Sewerage Agency (USA), Washington County and the cities in Washington County to address T-3 in a unified manner. We are actively participating with USA in the Washington County Planning Directors' Subcommittee on developing flexible standards to comply with T-3.

The City of Tualatin anticipates that USA will adopt standards in December 1999 and those standards will be effective the next day and the City of Tualatin will comply with those standards the next day in accordance with our intergovernmental agreement.

The City then anticipates going through our city process to adopt the standards and any additional land use policies and regulations in 2000. That process would include educational sessions, review of the proposed T-3 materials and a recommendation by the Tualatin Planning Advisory Committee to the City Council. TPAC meets once per month and their recommendation would be at the March 9, 2000 meeting.

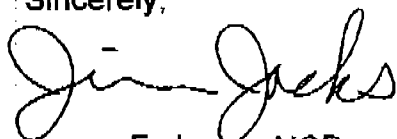
The City Council step would again include educational sessions, review of the proposed T-3 materials and a public hearing. It is expected the hearing would be continued at least one time based on a citizen request. The hearing on the proposed changes to the Tualatin Community Plan and its implementing ordinances would be concluded on June 12, 2000. The ordinance effectuating the proposed amendments would be presented to Council at their July 10, 2000 meeting.

Title 3 Time Extension
October 4, 1999
Page 2

The above schedule could proceed quicker if no opposition exists and if the educational and review sessions are efficient, clear and understandable.

Should you have questions, please call me at 692-2000 extension 510.

Sincerely,



James F. Jacks, AICP
Planning Director

c: City Manager

file: Regional Agencies, Metro, 2040, Title 3

wdocs\Metr2040\1999\Title3\Ltr 2 Bernards Clarify Deadline of Req 4 Ext to T-3 to 10-31-00



City of Cornelius
1355 N. Barlow Street
P.O. Box 608
Cornelius, Oregon 97113

Phone: 503/357-9112
FAX: 503/357-7775

September 27, 1999

Attn. Barbara Linssen
Metro Regional Government
600 NE Grand Avenue
Portland, Oregon 97232-2736

Dear Metro,

The City of Cornelius hereby requests an extension for substantial compliance with Title 3 until October 31, 2000. The City requests this extension based on the following factors.

First, the City is in the midst of periodic review with a targeted completion date of December 20, 1999. This has been a primary focus for the City of Cornelius this past year and the City staff is working diligently to complete periodic review.

Second, the City of Cornelius has been part of the joint Title 3 activity with USA and the cities of Washington County. Based on the work program established through this cooperative effort, it appears that all jurisdictions may be in substantial compliance by the end of the year. However, additional time is necessary to provide for notification consistent with Measure 56 and to amend any conflicting development code text amendments for internal consistency.

Finally, the City of Cornelius has only one planner on staff at this time. The City is in the process of hiring an additional staff planner however the additional assistance will not be available until late in 1999.

The City of Cornelius feels strongly that working together with the jurisdictions within Washington County in a cooperative effort will result in a more effective implementation of Title 3 and ultimately result in improved water quality. Please support the request for extension and the cooperative effort that is taking place in Washington County.

Sincerely,

Tracy Lee
Cornelius Planning Director

Attachment

January 2000. Following Periodic Review, the City will mail out a Citywide measure 56 public hearing notice to implement legislative amendments to support Title 3. Pursuant to BM 56 legislation, Metro reimbursement processes will be followed.

February – October 2000

January – February, 2000. The City begins the public hearing process with the Planning Commission (not scheduled at this time).

July 2000. The Planning Commission makes final recommendation to City Council.

August 2000. Pending no appeal of the Planning Commission recommendation, the City Council will consider the recommendation to adopt amendments to meet substantial compliance with Title 3.

August – October 2000. Additional time to amend any conflicting development code text amendments for internal consistency. This action requires a measure 56 public notice.

October, 2000. Title 3 is complete.



WASHINGTON COUNTY
OREGON

Metro Growth Mgmt.

JUN 21 1999

June 17, 1999

Ms. Brenda Bernards
Senior Regional Planner
Growth Management Services Department
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Title 3

Dear Ms. Bernards:

Washington County, Metro and the City of Beaverton were involved early this year in a discussion about the City of Beaverton assuming, by intergovernmental agreement, a number of planning responsibilities associated with the requirements of Metro's Urban Growth Management Functional Plan. That discussion explicitly covered consideration of Metro Title 3 compliance and the need to secure Metro approval of a time extension for compliance.

Subsequent to those discussions and with the knowledge and support of Metro staff, Washington County and the City of Beaverton enacted an Intergovernmental Agreement (IGA) which assigned a number of planning tasks to the City of Beaverton.

The IGA, among other things, assigned Title 3 responsibility for CPO1 and CPO3 (Cedar Hills/Cedar Mill and Raleigh Hills/Garden Home, generally) to the City of Beaverton for completion by November 1, 2000. Washington County continued our jurisdiction for CPO6 (Aloha/Reedville/Cooper Mountain, generally) for completion of Title 3 by November 1, 2000.


As you are aware, the IGA and other discussions with the cities of Washington County have recently focused on assigning Title 1 Table 1 and Title 3 responsibilities for urban unincorporated Washington County to an appropriate city. There is agreement on Title 1 Table 1 issues and we are now proceeding to draft IGAs/MOUs which will assign these responsibilities to cities. Presumably the timeframes for completion of Title 3 will be coincident with each city's Title 3 work or no later than November 1, 2000.

Ms. Brenda Bernards
June 17, 1999
Page 2

As we contemplate the Title 3 work and through our discussion with cities, we anticipate utilizing the Metro Title 3 Substantial Compliance approach as proposed by USA and the Washington County Planning Directors.

Should you have questions, please call.

Sincerely,

A handwritten signature in cursive script that reads "Brent Curtis". The signature is written in black ink and is positioned above the printed name and title.

Brent Curtis
Planning Manager

cc: John Rosenberger
John Jackson
Lori Faha
City Planning Directors
Hal Bergsma



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: (503) 526-2481 V/TDD FAX: (503) 526-2571

RECEIVED

JUN 18 1999

EXECUTIVE OFFICER

ROB DRAKE
MAYOR

June 17, 1999

Mike Burton
Executive Director
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Mr. Burton:

The City of Beaverton's Urban Growth Management Functional Plan Compliance Report update for Title 3 accompanies this letter. The City's report has been prepared in accordance with Metro code Section 3.07.820 that states:

On or before six months prior to the 18-month deadline established in this section, cities and counties shall transmit to Metro the following:

- 1. An evaluation of their local plans, including any relevant existing regulations and the amendments necessary to comply with the Title 3 of this functional plan;*
- 2. Copies of all applicable comprehensive plans, maps and implementing ordinances as proposed to be amended;*
- 3. Findings that explain how the amended city and county comprehensive plans, maps and implementing ordinances will achieve the standards required in Title 3 of this functional plan.*

This information is being submitted within the time frame established by Metro.

On November 18, 1998, the City submitted a full compliance report, which included information on the status of Title 3. At that time, the City reported that Washington County's Unified Sewerage Agency (USA) had proposed a work program for a joint approach to implement Title 3 within their urban service district. In December the Washington County Planning Directors agreed to form a joint committee with USA to address Title 3 implementation.

The committee's final report and recommendations for joint implementation of Metro's Title 3 program was recently (June 16, 1999) presented to the Washington County Planning Directors. Following the presentation, the next steps are as follows:

1. Each Planning Director was asked to present the report to their respective administration and/or Council.
2. Each jurisdiction's Council will be asked to review the report and consider whether to:
 - a. Support joint implementation through amended USA policies;
 - b. Modify the recommendations to allow the jurisdiction to support a joint implementation policy; or
 - c. Reject the committee's report and pursue a single jurisdiction program for compliance.

Mike Burton
June 17, 1999
Page 2

3. The USA Board will consider each jurisdiction's recommendations. USA has the option to:
 - a. Amend the USA Design and Construction Standards manual;
 - b. Make no amendments; or
 - c. Amend the manual with some modifications but not others.

How the City will implement Title 3 currently depends on City Council recommendations and USA's decisions. Since these decisions are currently pending, the City has included a rough draft of an implementation schedule. As the steps outlined above progress, the City will continue to update Metro. It should be noted that each jurisdiction, in accordance with their Intergovernmental Agreement with USA, would be required to enforce the new standards should USA amend their Design and Construction manual. Based on the Washington County Planning Director's response and decisions that will follow with public input, the City's proposed final adoption date is expected to exceed Metro's December 18, 1999 deadline. The projected timeline for implementation is enclosed. The City continues to request an extension to July 1, 2000.

Enclosed is information, which details the City's analysis and provides justification for the requested time extension. Also enclosed is a copy of the Washington County Planning Director's committee report detailing the proposed joint implementation package.

In the November 18, 1998 Compliance Report, the City also made a request for an exception to Title 3 for the Regional and Town Centers. Pending the outcome of the USA joint implementation recommendations discussed above, the City continues to request this exception to Title 3. Over the next six to twelve months, the City will continue to update you on this matter.

The City appreciates the ongoing support received from Metro, as our approach to Title 3 has been refined during the past year. If you have any questions regarding the City's progress toward implementation, please contact Veronica Smith, Associate Planner in the Policy Division of the Community Development Department, at 526-2458.

Sincerely,



Rob Drake
Mayor

RD/VS/pal

- c: City Council
Joe Grillo
Veronica Smith
John Jackson, USA

Enclosures

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City of Beaverton
Updated Compliance Report: Title 3 Implementation
June 18, 1999

January – June 1999

January 5 – June 10, 1999. The Washington Planning Directors form a committee in conjunction with Unified Sewerage Agency (USA) and develop a Title 3 joint implementation program for ten cities and urban Washington County.

June 16, 1999. The committee presents the report to the Washington County Planning Directors and makes it available to Metro staff and the public.

July – December 1999

July 21, 1999. Scheduled Beaverton Planning Commission work session on a joint implementation strategy. The Planning Commission will recommend that the Beaverton City Council either:

1. Support the recommendation
2. Support with additional recommendations, or
3. Reject the program and adopt a different approach.

August 2, 1999. Schedule Beaverton City Council work session to consider the Planning Commission's recommendations and make a final decision.

By August 16, 1999. Beaverton will provide USA with a letter, stating their position and/or recommendations for implementation. Each of the ten cities and Washington County will concurrently consider their respective approach providing USA with formal notification.

September through November. The USA Board hold public hearings, consider the letters submitted by the local jurisdictions, and make a determination to adopt new polices effective December 18, 1999.

December 1999. City mails out a Citywide measure 56 public hearing notice to implement legislative amendments to support Title 3. Pursuant to BM 56 legislation, Metro reimbursement processes will be followed.

January – June 2000

January – February, 2000. The City begins the public hearing process with the Planning Commission (not scheduled at this time).

March 2000. The Planning Commission makes final recommendation to City Council.

April 2000. Pending no appeal of the Planning Commission recommendation, the City Council will consider the recommendation to adopt amendments to meet substantial compliance to Title 3.

May – June 2000. Additional time to amend any conflicting development code text amendments for internal consistency, and with the City's Periodic Review work program. This action requires a measure 56 public notice and would be combined with a mailing of several Citywide public hearing notices.

July, 2000. Title 3 is complete.

Metro Title 3 Report for
Substantial Compliance Recommendations
Prepared By the
Washington County Planning Directors Title 3 Implementation
Committee
June 16, 1999

Metro staff determined that all ten jurisdictions should submit a copy of this report. For ease of administration, copies were provided to Brenda Bernards, Metro Growth Management Services on 6-16-99. Should you need a copy, please contact her or Veronica Smith, Associate Planner City of Beaverton at 526-2458.