

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME ) RESOLUTION NO. 00-2915A  
EXTENSION TO THE CITY OF TROUTDALE )  
FOR COMPLIANCE WITH TITLE 3 OF THE ) Introduced by Executive Officer Mike Burton  
URBAN GROWTH MANAGEMENT )  
FUNCTIONAL PLAN )  
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)

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 to amend Title 3 of the Urban Growth Management Functional Plan 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 extension 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 City of Troutdale has requested a time extension to complete Title 3 compliance work based on evidence showing "substantial progress or proof of good cause" for failing to meet the January 27, 2000 deadline for compliance with Title 3 of the Functional Plan and have submitted timelines showing when the work will be completed, now therefore,

BE IT RESOLVED:

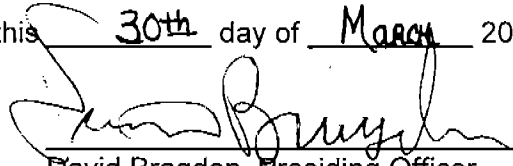
1. That the City of Troutdale receive a time extension for compliance with Title 3 of the Functional Plan to October 31, 2000.

2. That the City of Troutdale will finalize a work plan that results in completion of their Title 3 work by October 31, 2000. This work plan will be finished and forwarded to Metro no later than the end of June, 2000, and will indicate that the City Council's preliminary Title 3 program that will be the subject of public review and comment prior to the October deadline.

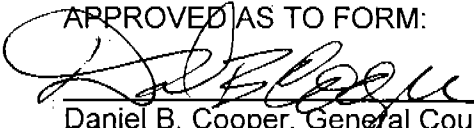
3. That Metro affirms, and Troutdale agrees, that all development taking place prior to Troutdale's adoption of a Title 3 program, that requires comprehensive plan or zoning changes, must be consistent with adopted Metro Title 3 requirements.

4. That no further requests for time extensions will be considered for Troutdale on the water quality protection and floodplain management requirements of Title 3.

ADOPTED by the Metro Council this 30<sup>th</sup> day of March 2000.

  
\_\_\_\_\_  
David Bragdon, Presiding Officer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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BE IT RESOLVED:

1. That the City of Troutdale receive a time extension for compliance with Title 3 of the Functional Plan as shown in Exhibit A.

2. That no further requests for time extensions will be considered for Troutdale on the water quality protection and floodplain management requirements of Title 3.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
David Bragdon, Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## EXHIBIT A

### Title 3 Functional Plan time extension for the City of Troutdale

#### **Troutdale**

#### **May 2000**

The City has drafted the necessary Comprehensive Plan and Zoning Code amendments to implement the requirements of Title 3. Troutdale was in final hearings when the process was halted to allow more time for public involvement. Originally, it was anticipated that the City could, with the delay for further public involvement, adopt the requirements by February 2000. The City sent a letter requesting a time extension to December so that it could tie the water quality and floodplain management work with the fish and wildlife habitat work. The fish and wildlife habitat requirements, while scheduled to be adopted by Metro Council by June 2000, are not in place at this time. Staff anticipates that local jurisdictions will need more than 6 months to come into compliance with these requirements.

When originally adopting Title 3 in November 1996, Metro Council decided to move ahead with water quality protection and floodplain management as an early measure, with protection for fish and wildlife habitat to follow. As the City's water quality and floodplain management amendments are ready for adoption, there should be no further delay in implementing this action. In a letter dated January 20, 2000, the Executive Officer informed the Mayor of Troutdale that he would recommend an extension to March 2000. The City has not yet undertaken the additional public involvement. As a two-month timeframe was seen to be sufficient, it is recommended that Troutdale be granted an extension to May 2000 to adopt the water quality protection and floodplain management requirements of Title 3 and that no additional time extensions be considered.

## **GROWTH MANAGEMENT COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. OO-2915, FOR THE PURPOSE OF GRANTING A TIME EXTENSION TO THE CITY OF TROUTDALE FOR COMPLIANCE WITH TITLE 3 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN.

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Date: March 30, 2000

Presented by: Councilor Park

**Committee Action:** At its March 21, 2000 meeting, the Growth Management Committee voted 2-1 to recommend Council adoption of Resolution 00-2915. Voting in favor: Councilors Monroe and Park. Voting no: Councilor Washington.

**Existing Law:** Metro Code 3.07.820C (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."

**Budget Impact:** There is no budget impact associated with this resolution.

**Committee Issues/Discussion:** Mary Weber, Community Development manager, gave the staff presentation. The City of Troutdale made a request to Metro in December of 1999, for a Title 3 extension to December of 2000. Resolution 00-2915 grants an extension until May of 2000. The staff report states that the city has drafted the necessary comprehensive plan and zoning code amendments to implement the requirements of Title 3, and was in final hearings when the process was delayed to allow more time for public involvement.

Now, the city is indicating that in addition to more time for public involvement, it also wants the time to be able to complete a Goal 5 work program as well.

Chair Park opened a public hearing on this resolution, the Mayor of Troutdale and staff testified that they feel that they already (nearly) substantially comply with Title 3 requirements, for example with regard to erosion control and steep slope requirements. They then pointed out that they timed their extension request to December 2000 under the assumption that Metro's Goal 5 work, and functional plan requirements, were scheduled to be adopted in June of 2000, thus giving them six months to finish their work.

Councilor McLain pointed out that MPAC had discussed the issue of Title 3 and Goal 5 linkage, and indicated its desire to have these items go forward separately.

Furthermore, although Washington County has originally desired to link the two, ultimately they went ahead and completed their Title 3 work first. She also indicated that balanced cut-and-fill and 50-foot corridors, still not entirely resolved by Troutdale, were substantial issues, in her view, therefore Troutdale was not close to substantial compliance.

Councilor Park established that in instances where development would require a zoning or comprehensive plan change, Title 3 requirements would apply, even in the absence of Troutdale's adoption of Title 3 measures. He also responded to the Mayor's concerns about citizen's property rights, stating that if Troutdale believed that it was already largely complying with Title 3, then it should have already addressed property rights issues.

Committee members, and those sitting in on the meeting, expressed the desire to work with local jurisdictions as much as possible, but also indicated their wish to see this important work finished in a timely manner. Monroe and Park voted in favor of resolution 00-2915 and Councilor Washington voted no, not being comfortable that the committee was being responsive to Troutdale's concerns.

Amendment to Resolution 00-2915  
Councilor Park  
March 30, 2000

1. Amend resolved #1, to read:

That the City of Troutdale receive a time extension for compliance with Title 3 of the Functional Plan ~~as shown in Exhibit A~~ to October 31, 2000.

2. Add new resolved #2, to read:

That the City of Troutdale will finalize a work plan that results in completion of their Title 3 work by October 31, 2000. This work plan will be finished and forwarded to Metro no later than the end of June, 2000, and will indicate the City Council's preliminary Title 3 program that will be the subject of public review and comment prior to the October deadline.

3. Add new resolved #3, to read: That metro affirms, and Troutdale agrees, that all development taking place prior to Troutdale's adoption of a Title 3 program, that requires comprehensive plan or zoning changes, must be consistent with adopted Metro Title 3 requirements.

4. Renumber current resolved #2 to become resolved #4:

That no further requests for time extensions will be considered for Troutdale on the water quality protection and flood plain management requirements of Title 3.

5. Redesignate current Exhibit A as attachment 1 to the staff report.



## **STAFF REPORT**

*CONSIDERATION OF RESOLUTION NO. 00-2915 GRANTING  
TIME EXTENSION FOR THE CITY OF TROUTDALE FOR  
COMPLIANCE WITH THE WATER QUALITY PROTECTION AND  
FLOODPLAIN MANAGEMENT REQUIREMENTS OF TITLE 3 OF  
THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN*

**Date: March 3, 2000**

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

### **PROPOSED ACTION**

Adoption of Resolution No. 00-2915 granting a timeline extension to the Functional Plan compliance deadline for the Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation to the City of Troutdale.

### **Legal Basis**

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."

### **BACKGROUND AND ANALYSIS**

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. Troutdale has elements of the requirements in place and is working towards amending current standards to be consistent with water quality protection and flood plain management requirements of Title 3. The letter requesting the time extension is attached to this report.

### **Compliance Progress**

On December 7, 1999 Troutdale requested a time extension to tie its water quality protection and flood plain management efforts with fish and wildlife habitat protection efforts. When adopting Title 3 in November 1996, Metro Council decided to move ahead with water quality protection and floodplain management as an early measure, with protection for fish and wildlife habitat to follow. While Metro recognizes that there are difficulties with changing the width of the regulated area for Goal 5, the choice was made to move ahead with these protections because it was believed that it was important to address water quality issues as soon as possible.

Troutdale has erosion and sediment controls in place and some protections in place for a number of the water features within the City. According to City staff, approximately 800 acres are potentially affected by the City's proposed Title 3 changes. The additional protections would include areas along Beaver Creek, Arata Creek, Salmon Creek and the Sandy River. Setbacks from wetlands would be increased from the current 25 feet to 50 feet. The City is proposing minimum setbacks of 75 feet from the Sandy River.

The City has drafted the necessary Comprehensive Plan and Zoning Code amendments to implement the requirements of Title 3. Troutdale was in final hearings when the process was halted to allow more time for public involvement. Originally, Troutdale staff indicated that the City could, with the delay for further public involvement, adopt the requirements by February 2000. The City sent a letter requesting a time extension to December 2000 so that it could tie the water quality protection and floodplain management work with the fish and wildlife habitat work. The fish and wildlife habitat requirements, while scheduled to be adopted by Metro Council by June 2000, are not in place at this time. At the February 22, 2000 meeting of the Troutdale City Council, Metro staff presented the proposed regional fish and wildlife habitat protection program (Goal 5). At that time, the Mayor expressed concern about the City's ability to complete Metro's Goal 5 requirements quickly because of its complexity. Metro staff indicated that local jurisdictions will likely have a year to eighteen months to come into compliance with the Goal 5 requirements.

As noted above, when adopting Title 3, a conscious decision was made to move ahead with water quality protection and floodplain management, with protection for fish and wildlife habitat to follow. As the City's water quality and floodplain management amendments are ready for adoption, there should be no further delay in implementing this action. By adopting the protections as soon as possible, they will be in place for much of this year's building season.

In a letter dated January 20, 2000 (attached), the Executive Officer informed the Mayor of Troutdale that he would recommend an extension to March 2000. The City has not yet undertaken the additional public involvement. As a two-month timeframe was seen to be sufficient, it is recommended that Troutdale be granted an extension to May 2000 to adopt the water quality protection and floodplain management requirements of Title 3 and that no additional time extensions be considered.

### **BUDGET IMPACT**

Adoption of this resolution has no budget impact.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

It is recommended that the City of Troutdale be granted a time extension to May 2000 to meet the requirements of Title 3. No additional time extensions will be considered for Troutdale on Titles 3 requirements.

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## **Attachment 1**

### **Title 3 Functional Plan time extension for the City of Troutdale**

#### **Troutdale May 2000**

The City has drafted the necessary Comprehensive Plan and Zoning Code amendments to implement the requirements of Title 3. Troutdale was in final hearings when the process was halted to allow more time for public involvement. Originally, it was anticipated that the City could, with the delay for further public involvement, adopt the requirements by February 2000. The City sent a letter requesting a time extension to December so that it could tie the water quality and floodplain management work with the fish and wildlife habitat work. The fish and wildlife habitat requirements, while scheduled to be adopted by Metro Council by June 2000, are not in place at this time. Staff anticipates that local jurisdictions will need more than 6 months to come into compliance with these requirements.

When originally adopting Title 3 in November 1996, Metro Council decided to move ahead with water quality protection and floodplain management as an early measure, with protection for fish and wildlife habitat to follow. As the City's water quality and floodplain management amendments are ready for adoption, there should be no further delay in implementing this action. In a letter dated January 20, 2000, the Executive Officer informed the Mayor of Troutdale that he would recommend an extension to March 2000. The City has not yet undertaken the additional public involvement. As a two-month timeframe was seen to be sufficient, it is recommended that Troutdale be granted an extension to May 2000 to adopt the water quality protection and floodplain management requirements of Title 3 and that no additional time extensions be considered.

# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"



## Mayor

Paul Thalhofer

## City Council

Pat Smith

David Ripma

Bruce Thompson

Jim Kight

Paul Rabe

Doug Daoust

December 7, 1999

Mr. Mike Burton  
Metro Executive Officer  
600 NE Grand Avenue  
Portland, OR 97232-2736

Dear Mr. Burton:

The City of Troutdale would like to request a further extension to our previously approved May 1999 extension to complete implementation of portions of Metro's Urban Growth Management Functional Plan. An extension to June 2000 is needed to complete compliance work on the following Functional Plan provisions:

- Section 3.07.120A Minimum Density Standard
- Section 3.07.120C Accessory Dwelling Units
- Section 3.07.630 Design Standards for Street Connectivity

## STATUS REPORT OF REMAINING COMPLIANCE ITEMS

### Section 3.07.120A Minimum Density for New Residential Developments

Amendments to the Troutdale Development Code (TDC) to comply with this functional plan requirement have already been prepared. These amendments propose that all new residential development be built at 80% or more of the maximum number of dwelling units per net acre. The Troutdale Planning Commission conducted a public hearing on these proposed amendments in March 1999 and forwarded them onto the City Council for further public hearing and adoption. The City Council held public hearings on May 11 and May 25, 1999, but did not take action. They put the amendments on hold in order to gather more information about their meaning and impacts.

Although the minimum density amendments have been on hold since May, the Council has requested a work session early next year to further study the proposal. The Council would like a better understanding of how these amendments will affect future buildout if implemented. Since September, the Council has been focused on Title 3 related amendments. Now that the Title 3 amendments have been set aside pending Metro's completion of the Goal 5 resource work, the Council is prepared to turn its attention once again to study the minimum density issue.

Mr. Mike Burton  
December 7, 1999  
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### **Section 3.07.120C Accessory Dwelling Units (ADU)**

The Troutdale City Council has already rejected proposed amendments to meet functional plan requirements concerning ADU. Amendments to the TDC to allow ADU within the town center area of Troutdale were rejected in early 1998, and it appeared that a functional plan exception would be needed. However, the Council has recently expressed a willingness to revisit this issue and would like to look at a new proposal for allowing ADU in the town center area. The Council has instructed the planning staff to draft amendments to the TDC to satisfy this functional plan provision. These amendments will likely be considered at the same time as minimum density amendments.

### **Section 3.07.630 Design Standards for Street Connectivity**

TDC amendments to comply with street connectivity design standards from the functional plan were presented to the City Council in May of this year. Like minimum density amendments, the Planning Commission held a public hearing in March 1999 and forwarded them onto the City Council for public hearing and adoption. The Council held public hearings on May 11 and May 25, 1999, but did not adopt the amendments. Action was delayed on the entire package of amendments in order to gather more information on the meaning and impact of minimum density standards.

### **Title 3 Water Quality and Flood Management**

The City of Troutdale would like to request an extension to December 2000 to complete compliance work on Title 3 related amendments to the TDC. The extension is requested so that the results of Metro's Goal 5 resource work can be incorporated into the proposed TDC amendments.

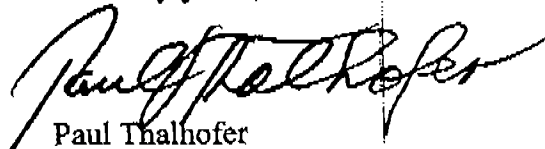
Title 3 amendments have been drafted and were reviewed by the Troutdale Planning Commission during a public hearing in September 1999. Although these amendments have been forwarded to the City Council for adoption, the Council believes it would be prudent to postpone action until the outcome of the Goal 5 work is known. It is anticipated that setback standards from protected water features will be increased as a result of Goal 5 resource protection standards. The City of Troutdale would prefer to conduct adoption hearings on riparian corridor standards one time, rather than have to consider revisions in the near future after Goal 5 work is completed. For this reason, the City would like six months following the Metro Council's adoption of the Goal 5 requirements in order to complete implementation. It is our understanding that the Metro Council expects to adopt Goal 5 requirements in May or June 2000.

Mr. Mike Burton  
December 7, 1999  
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The City of Troutdale has made substantial progress toward completing the four functional plan compliance tasks discussed above. We believe that the extensions we seek will afford us the time needed to successfully meet the remaining requirements of the Metro plan. A work plan for completing compliance work for the four tasks discussed above is attached.

For further information or clarification on this extension request, please contact me or Rich Faith of the City's Community Development Department at 665-5175.

Sincerely yours,



Paul Thalhofer  
Mayor

PT/rc  
Attachments

**City of Troutdale**  
**Urban Growth Management Functional Plan Compliance**  
**Work Plan**

Compliance Task	Dec-1999	Jan-2000	Feb/Mar 2000	Apr-2000	May-2000	Jun-2000	Jul/Aug 2000	Sep-2000	Oct-2000	Nov/Dec 2000
Minimum Density Standards Accessory Dwelling Units Street Connectivity	Submit extension request to Metro and receive response.	Staff analysis of previous proposed TDC amendments and revisions as needed.	City Council work session. Revise draft amendments. Follow-up work session as needed.	Planning Commission public hearing.	City Council first public hearing.	Adoption of TDC amendments.				
Title 3	Monitor Metro's Goal 5 Process (ongoing)	—————→				Metro Council adoption of Goal 5 standards.	Incorporate Goal 5 standards into existing draft amendments.	Public open houses.	Planning Commission public hearing.	City Council public hearing and adoption.

Mary



METRO

January 20, 2000

The Honorable Paul Thalhoffer  
Mayor, City of Troutdale  
104 SE Kibling Avenue  
Troutdale, OR 97060-2099

Re: Extension requests → Titles 1, 3 and 6

Dear Mayor Thalhoffer:

I have received your requests for additional time extensions to complete Titles 1, 3, and 6 of the Urban Growth Functional Plan.

I cannot recommend an extension of Troutdale's Title 3 deadline to December 2000. The Metro Council, acting on the advice of the Metropolitan Policy Advisory Committee (MPAC), considered and explicitly rejected the option of delaying Title 3 to coincide with Goal 5. The Council concluded that floodplain and water quality protections needed to be implemented as soon as possible. I agree.

is this so?

I understand that Troutdale's Title 3 amendments have been drafted, reviewed by the planning commission and forwarded to the City Council for adoption. I am prepared to recommend an extension until March 2000.

Your requests for extensions regarding Titles 1 and 6 are still under review by Metro staff. I will update you as soon as I have more information.

Please call me if you have questions.

Sincerely,

Handwritten signature of Mike Burton.

Mike Burton  
Metro Executive Officer

c: Hon. Rod Park, Metro Councilor  
Elaine Wilkerson, Growth Management Director ✓