

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME) RESOLUTION NO. 00-2971A
EXTENSION TO THE CITY OF PORTLAND)
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 January 27, 2000; and

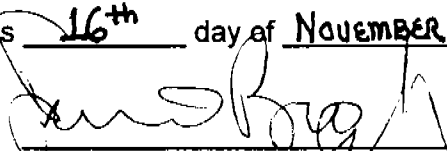
WHEREAS, the Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extension to timelines under the Functional Plan "if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time;" and

WHEREAS, the City of Portland 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:

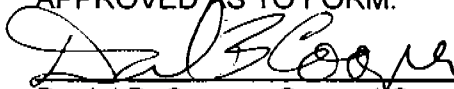
1. That the City of Portland receive a time extension to July 2001 for compliance with Title 3 of the Functional Plan based on specific conditions as shown in Exhibit A.
2. That no further requests for time extensions will be considered for Portland on the water quality protection requirements of Title 3.

ADOPTED by the Metro Council this 16th day of NOVEMBER 2000.



David Bragdon, Presiding Officer

APPROVED AS TO FORM:



Daniel B. Cooper, General Counsel

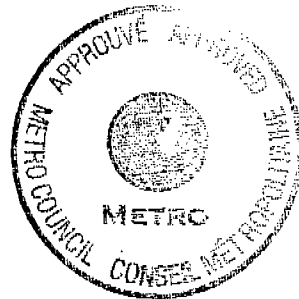


EXHIBIT A

Title 3 Functional Plan time extension for the City of Portland

Portland has been conducting an aggressive program to meet the requirement of the federal Endangered Species Act (ESA) and one aspect of this program is to review and prepare amendments to the City's environmental zones. The City is finding that many of the measures necessary and advisable for ESA duplicate those required to meet Title 3 water quality requirements. The City has combined water quality with the review of the Environmental Zone. The effort is separated into a program to examine the Columbia Slough and the tributaries of the Willamette River, a Willamette River Greenway program and an examination of the Columbia River. A public review draft of the program for the Columbia Slough and the tributaries of the Willamette River is anticipated in the fall of 2000. The hearings would begin in late February 2001 leading to City Council hearings in May 2001. Compliance for the tributaries is expected by July 2001.

The program to update the Willamette River Greenway in accordance with statewide planning goal 15 is currently underway. This involves a wide spectrum of stakeholders, and includes consideration of Title 3 as well as ESA requirements; it is anticipated for completion in 2002. The City is also planning to conduct ESA and Title 3 related planning for the lands along the Columbia River following the work on the tributaries and parallel to the Willamette Greenway process.

It is recommended that Metro Council grant Portland an extension to July 31, 2001 to adopt the water quality protection measures for the Columbia Slough and the tributaries of the Willamette River and to adopt interim water quality protection measures that meet the performance standards of Title 3 for the Willamette River and the Columbia River. It is further recommended that the extension be conditioned as follows:

1. That the City staff coordinate with Metro Community Development staff;
2. That the City provide Metro with a copy of the proposed regulations and program, in advance of the public release of these documents, in order to review the documents for compliance with Title 3 requirements;
3. That the public release of these documents, which are in compliance with Title 3, be on or before December 31, 2000; and
4. That the City return to Metro Council in January 2001 with a specific adoption schedule for protection for the Willamette tributaries and the Columbia Slough, and interim water quality protection measures that meet the performance standards of Title 3 for the Willamette River and the Columbia River, which adoption is anticipated to occur in July 2001.



CITY OF PORTLAND, OREGON BUREAU OF PLANNING

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May 2, 2000

Mr. Mike Burton
Metro Executive Officer
600 NE Grand Ave.
Portland, OR 97232

Dear Mr. Burton:

On behalf of the City of Portland, I am requesting additional time extensions to allow us to complete portions of our work to comply with the Urban Growth Management Functional Plan. We have completed the vast majority of our compliance work, but several important matters are still in process.

Most of the items for which we seek extensions are now before the City Council. Because these issues are controversial and require ample opportunities for public involvement, progress has been slow. However, you should be assured that the City of Portland remains committed to the regional planning process and intends to achieve substantial compliance with the Functional Plan at the earliest possible date.

Given the complexity and interrelatedness of the issues at hand, the time needed to complete local approvals has been difficult to predict. For this reason, instead of forecasting individual completion dates, we are committing to reporting by the end of December, 2000, on our compliance with all elements listed below.

These are the elements of the Functional Plan for which extensions are requested and the proposed plans to complete the work:

Title 1	Minimum density	Extension requested:
Section 3.07.120.A		December, 2000

This is contained in the Land Division Code Rewrite (LCDR). On October 19, 1999, the Planning Commission approved a recommended draft containing minimum density requirements in accordance with the Functional Plan. At the February 16, 2000, City Council hearing on the LCDR, Council received considerable adverse testimony. As a result, Council directed the Planning Director to develop strategic recommendations for moving forward. The Director convened a working group on April 6th, and expects to return to Council with recommendations in September.

Title 1	Design Type Boundaries	Requested extension:
Section 3.07.130		December 31, 2000

This work is part of the Update of Comprehensive Plan Goals 1, 2, and 10. The first Planning Commission hearing is currently scheduled for June 27th. Metro and LCDC will soon receive 45-day advance notice of this hearing. Adoption by City Council is expected in Fall 2000.

Title 2,	Minimum and Maximum	Requested extension:
Sections 3.07.220.A.1,	Parking Ratios, Free	September 30, 2000
A.2, and B	Surface Parking Spaces, and Blended Rates in Mixed-Use Areas	

This work is being done by the Citywide Parking Ratios Project. City Council held hearings on the Planning Commission's recommended zoning code amendments on December 1 and 22, 1999. At the second hearing, Council asked the Bureau of Planning to make changes to the recommended amendments to bring them into closer alignment with Functional Plan requirements. On May 10th, a City Council hearing is scheduled to consider the revised zoning code amendments. Adoption of the amendments is expected by July, 2000.

Title 3	Water Quality	Tributary compliance
Section 3.07.340		expected by July 31, 2001; Willamette and Columbia compliance expected in 2002.

The Office of Planning and Development Review has completed work on the Erosion and Sediment Control and Flood Management parts of this title. City Council adopted the necessary ordinances on December 1, 1999, and they became effective March 1, 2000. The Compliance Update dated December 20, 1999, described how these measures will contribute to Portland's eventual compliance with Title 3.

The City is working to bring Portland's environmental zoning regulations and mapping into compliance with Title 3. This work is being conducted as part of the City's program to meet the requirements of the federal Endangered Species Act (ESA) and to help recover the threatened fish populations. A public review draft of the environmental zoning amendments is scheduled for Fall 2000. Following public involvement and incorporation of comments, the Portland Planning Commission is expected to hold hearings on a proposed draft starting in February, 2001, leading to City Council hearings in May.

The environmental zone review project focuses on the Columbia Slough and the other tributaries to the Willamette River, which constitute almost 90% of the approximately 270 stream miles in Portland. The Willamette and Columbia Rivers, as the City's waterfront and as large, low-gradient rivers, raise issues that do not apply to the tributaries. In accordance with Statewide Planning Goal 15, Portland is currently conducting a Willamette River Greenway planning project addressing a wide spectrum of issues. This project includes consideration of Metro Title 3 as well as Superfund requirements, design and development issues, recreation and access, and ESA requirements. It is scheduled for completion by December 2002. Compliance with Title 3 and an ESA-related planning process for the Columbia River waterfront will be complete in 2001.

**Title 6,
Section 3.07.630.A**

Street Connectivity
Standards

Requested extension:
December 31, 2000

This work is part of the Land Division Code Rewrite Project. As described in the section on the Title 1 Minimum Density work, the Planning Director expects to return to Council with recommendations in September.

Portland continues to support the regional planning effort. The city is devoting considerable resources to come into compliance with the remaining elements of the Urban Growth Management Functional Plan. We expect to complete our compliance work as quickly as possible. I look forward to confirmation that Portland's requests for time extensions for these few remaining work elements have been granted.

Sincerely,



Gil Kelley
Director

Cc: Mayor Vera Katz
Commissioner Dan Saltzman
B. Ames, Mayor's office
Commissioners' planning liaisons
D. Stein, C. Pinard, S. Edmunds, S. Hartnett, T. Carter, T. McGuire, B. Glascock, M. Harrison, A. Burns; BOP
K. Robinson, L. Graham, J. Deer, S. Feldman, M. Mahoney; OPDR
S. Dotterrer, J. Harrison; PDOT

Summary of Title 3 Extensions – August 3, 2000

Key Implementation Dates

November 1996 – Metro Council adopted Title 3
June 1998 – Model Code and Title 3 Maps completed
September 1998 – Title 3 is in effect
June 1999 – progress report on Title 3 compliance due
January 2000 – Compliance Deadline

Jurisdictions in Compliance with Title 3

Forest Grove – June 2000
Happy Valley – December 1999
Johnson City – August 2000
Maywood Park – December 1999
Oregon City – October 1999
Sherwood – July 2000
Wood Village – June 1999

Washington County Jurisdictions

In December 2000, the Unified Sewerage Agency (USA) which serves Washington County and the Cities of Washington adopted standards that substantially complied with the requirements of Title 3. These came into effect in February 2000. All development in Washington County must meet the USA standards. The jurisdictions were granted time extensions to update their plans and codes to meet the standards. The work is on schedule.

Beaverton – July 2000
Cornelius – October 2000
Durham – June 2000
Forest Grove – in compliance
Hillsboro – October 2000
King City – June 2000
Tigard – July 2000
Tualatin – October 2000
Washington County – October 2000

Extensions Granted by Metro Council

Fairview – October 2000
Gladstone – December 2000
Gresham – October 2000
Lake Oswego – June 2000
Milwaukie – July 2000
Rivergrove – June 2000
Troutdale – October 2000
West Linn – March 2000 (in Final Hearings)
Wilsonville – June 2000
Wilsonville – June 2000

Extension Requests under Consideration

Portland – the City has requested the following extensions:

- July 2001 to complete the compliance work for the Columbia Slough and the tributaries of the Willamette; and
- 2002 to complete the compliance work for the Willamette River and the Columbia River.

Other Jurisdictions

Clackamas County – The County's proposed amendments to its code to meet substantial compliance with the requirements of Title 3 are under review by Metro staff.

I:\gm\community_development\projects\COMPLIANCE\ExtensionRequests\Title 3 summary of extensions.doc

GROWTH MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. OO-2971A, FOR THE PURPOSE OF GRANTING A TIME EXTENSION TO THE CITY OF PORTLAND FOR COMPLIANCE WITH TITLE 3 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

Date: November 15, 2000

Presented by: Councilor McLain

Committee Action: At its November 7, 2000 meeting, the Metro Growth Management Committee voted 2-0 to recommend Council adoption of Resolution 00-2971A. Voting in favor: Councilors McLain and Park.

Background

- Existing Law: Metro's urban Growth Management Functional Plan was adopted into Metro code in 1996. Title 3—Water Quality and Floodplain Management was adopted into the functional plan in June of 1998, with compliance required by January, 2000. Title 8 of the functional plan allows the Council to grant time extensions to functional plan deadlines 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 related to the adoption of this resolution.

Committee Issues/Discussion: Brenda Bernards, senior regional planner made the staff presentation. The city request for a timeline extension is outlined in a May 2000 letter from Gil Kelley, planning director for the city of Portland. The city has already adopted erosion and sediment control standards, and floodplain management standards for title 3. However, it is requesting a time extension for the water quality portion. The request was for an extension to July 2001 for the Columbia slough and tributaries to the Willamette. For the Willamette and Columbia Rivers, the requested extension date was December 2002, to accommodate several planning efforts on those rivers.

The Executive Officer and staff recommendation, as contained in Resolution 00-2971, recommended a time extension to December 31, 2000 with certain conditions, with allowance for Portland to then request a further extension. The basics of this position was that Portland complete its work on the slough and tributaries by July 2001, and cover riparian protection for the mainstem Willamette and Columbia with interim protection, if final adoption could not be obtained by that time.

Gil Kelley provided testimony to the extent that Portland would meet the conditions in Resolution 00-2971, although it would probably take all of December to complete the work products that would trigger the additional extension into 2001. Since the last Metro Council meeting anticipated in December is on the 14th, creating a timing problem, the committee amended the resolution to create one extension date, July 13, 2001, conditioned on Portland returning to the Growth Management Committee in January of 2001 with completion of certain staff work, such as mapping and code revisions and a proposed schedule for adoption for final products.

STAFF REPORT

*CONSIDERATION OF RESOLUTION NO. 00-2971
GRANTING A TIME EXTENSION FOR THE CITY OF
PORTLAND FOR COMPLIANCE WITH TITLE 3 OF THE
URBAN GROWTH MANAGEMENT FUNCTIONAL
PLAN*

Date: September 25, 2000

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

PROPOSED ACTION

Adoption of Resolution No. 00-2971 granting a timeline extension to the City of Portland for the Functional Plan compliance deadline for the Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation requirements.

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. Portland has elements of the requirements in place and is working towards amending current standards to be consistent with Title 3. The letter requesting the time extension is attached to this report.

Compliance Progress

Portland is requesting additional time to integrate the City's water quality protection efforts with fish and wildlife habitat protection planning.

The City has adopted the erosion and sediment control standards and floodplain management requirements of Title 3. The City is requesting a time extension to complete the water quality portion of Title 3. For some time, Portland has had some protections in place through its Environmental Zones (E zones). While the City has done an excellent job of locating Goal 5 resources and applying E zone protection to many areas that also require protection for water quality purposes, there are gaps in the coverage, particularly in steeply sloped areas.

There are a number of differences between the City's E zones and Title 3 including the basis for protection and the process and criteria for permitting encroachment into the vegetated corridor. Title 3 regulations are based on protecting water quality by applying specific vegetated corridor widths to prevent or limit development. These requirements meet the Statewide Goal 6 requirements. The vegetated corridor widths are based on

classifications of the type of stream (primary or secondary) and slope (less than or greater than 25 percent).

The City's E zones are buffers that have been established to protect inventoried Goal 5 resources that have been determined to be significant. These overlays (P-protection and C-conservation) permit development and encroachment into these areas although there are general guidelines to minimize disruption of the resource and limit the size of the disturbance area. Without changes to the language that implements the E zone and the regulated area, the current City regulations do not meet Title 3 requirements.

Portland has been conducting an aggressive program to meet the requirement of the federal Endangered Species Act (ESA) and one aspect of this program is to review and prepare amendments to the City's environmental overlay zones. City staff reports that many of the measures necessary and advisable for ESA duplicate those required to meet Title 3 water quality requirements. The City has combined water quality planning with the review of the environmental overlay zone. The effort is divided into three programs:

- an examination the Columbia Slough and the tributaries of the Willamette;
- an update of the Willamette River Greenway program; and
- an examination of the Columbia River.

A public review draft of the program for the Columbia Slough and the tributaries of the Willamette River is anticipated in the fall of 2000. The City hearings would begin in late February 2001 leading to City Council hearings in May 2001. According to the City, compliance for the tributaries is expected by July 2001.

The program to update the Willamette River Greenway in accordance with statewide planning goal 15 is currently underway. This involves a wide spectrum of stakeholders, and includes consideration of Title 3 as well as ESA requirements; it is anticipated for completion in 2002. The City is also planning to conduct ESA and Title 3 related planning for the lands along the Columbia River following the work on the tributaries and parallel to the Willamette Greenway process. The City believes that the Willamette and Columbia Rivers will raise issues that do not apply to the tributaries.

The City is intending to build upon and improve its existing environmental protection programs rather than abandon them and adopting a different approach. 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 fish and wildlife habitat protection, 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.

Recommendation – Willamette Tributaries and the Columbia Slough

It is recommended that Metro Council grant Portland an extension to December 31, 2000 to complete the staff work to develop the water quality protection measures for the Columbia Slough and the tributaries of the Willamette River. It is further recommended that the extension be conditioned as follows:

1. That the City staff coordinate with Metro Community Development staff;

2. That the City provide Metro with a copy of the proposed regulations and program, in advance of the public release of these documents, in order to review the documents for compliance with Title 3 requirements;
3. That the City return to Metro Council in December 2000 with a specific adoption schedule for protection for the Willamette tributaries and the Columbia Slough, which adoption is presently anticipated to occur in July 2001; and
4. That the City request an additional time extension in December 2000 to complete adoption of the water quality protections required by Title 3 for the Willamette tributaries and the Columbia Slough.

Recommendation – Willamette and Columbia Rivers

Metro Code 3.07.830 requires that any amendment of a comprehensive plan or implementing ordinance be consistent with the requirements of the Functional Plan. At this time, any development activity along the Willamette and Columbia Rivers that requires a comprehensive plan or zoning code amendment would need to be consistent with the Water Quality Resource Area performance measures of Title 3. While the final protections Portland is proposing to have in place by December 2002 will exceed the protections required by Title 3, any development or redevelopment activities along these rivers which do not need a comprehensive plan or zoning code amendment would not be required to provide the Title 3 level of protection. Therefore, it is recommended that the Council direct the City to adopt the Title 3 performance measures as interim measures to protect the water quality of these rivers. These interim measures are to be put in place on the same time schedule as that for the protections for the Willamette tributaries and the Columbia Slough, that is, completion of the staff work to develop the interim measures by December 31, 2000 and adoption anticipated for July 2001. It is understood that, in the future, these interim measures would be replaced by permanent measures that would provide more than water quality protection.

The Cities along the Willamette River have varying time extensions to December 2000 to complete compliance work. Oregon City is in compliance with Title 3. The Cities of Troutdale, Fairview and Gresham, which also border the Columbia River, have extensions to October 2000 to complete their Title 3 compliance work. To complete the water quality protection for these two rivers, it is necessary for Portland to implement the performance standards as well.

It is recommended that the Metro Council grant Portland an extension to December 31, 2000 to complete the staff work to develop interim water quality protection measures that meet the performance standards of Title 3 for the Willamette and Columbia Rivers. It is further recommended that the extension be conditioned as follows:

1. That the City staff coordinate with Metro Community Development staff;
2. That the City provide Metro with a copy of the proposed interim regulations and program, in advance of the public release of these documents, in order to review the documents for compliance with Title 3 requirements;
3. That the City return to Metro Council in December 2000 with a specific adoption schedule for interim measures for protection of the Willamette and Columbia rivers, which adoption is presently anticipated to occur in July 2001;
4. That the City request an additional time extension in December 2000 to complete adoption of the interim water quality protections required by Title 3 for the Willamette and Columbia rivers.

5. That the City return to Metro Council in December 2000 with a proposed adoption schedule for permanent protection measures for the Willamette and Columbia rivers;
6. That the City provide Metro with a copy of the proposed interim and permanent regulations and program, in advance of public release of these documents, in order to review the documents for compliance with Title 3 requirements.

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

The staff report is forwarded to the Metro Council with the recommendation that any extensions granted to the City of Portland meet the conditions outlined in the staff report and specifically that the City must adopt interim Title 3 Water Quality Resource Area protection measures for the Willamette and Columbia Rivers in the timeframe outlined in this report.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME) RESOLUTION NO. 00-2971
EXTENSION TO THE CITY OF PORTLAND)
FOR COMPLIANCE WITH TITLE 3 OF THE) Introduced by Executive Officer Mike Burton
URBAN GROWTH MANAGEMENT)
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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

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BE IT RESOLVED:

1. That the City of Portland receive a time extension to December 31, 2000 for compliance with Title 3 of the Functional Plan based on specific conditions as shown in Exhibit A.
2. That the City of Portland may request an additional extension in December 2000 subject to the conditions in Exhibit A.

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 Portland

Portland has been conducting an aggressive program to meet the requirement of the federal Endangered Species Act (ESA) and one aspect of this program is to review and prepare amendments to the City's environmental zones. The City is finding that many of the measures necessary and advisable for ESA duplicate those required to meet Title 3 water quality requirements. The City has combined water quality with the review of the Environmental Zone. The effort is separated into a program to examine the Columbia Slough and the tributaries of the Willamette River, a Willamette River Greenway program and an examination of the Columbia River. A public review draft of the program for the Columbia Slough and the tributaries of the Willamette River is anticipated in the fall of 2000. The hearings would begin in late February 2001 leading to City Council hearings in May 2001. Compliance for the tributaries is expected by July 2001.

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CITY OF PORTLAND, OREGON BUREAU OF PLANNING

VERA KATZ, MAYOR
GIL KELLEY, DIRECTOR
1900 S.W. FOURTH AVENUE, ROOM 4100
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FAX: (503) 823-7800
E-mail: pdxplan@ci.portland.or.us



May 2, 2000

Mr. Mike Burton
Metro Executive Officer
600 NE Grand Ave.
Portland, OR 97232

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Title 1 Section 3.07.130	Design Type Boundaries	Requested extension: December 31, 2000
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Title 2, Sections 3.07.220.A.1, A.2, and B	Minimum and Maximum Parking Ratios, Free Surface Parking Spaces, and Blended Rates in Mixed-Use Areas	Requested extension: September 30, 2000
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This work is being done by the Citywide Parking Ratios Project. City Council held hearings on the Planning Commission's recommended zoning code amendments on December 1 and 22, 1999. At the second hearing, Council asked the Bureau of Planning to make changes to the recommended amendments to bring them into closer alignment with Functional Plan requirements. On May 10th, a City Council hearing is scheduled to consider the revised zoning code amendments. Adoption of the amendments is expected by July, 2000.

Title 3 Section 3.07.340	Water Quality	Tributary compliance expected by July 31, 2001; Willamette and Columbia compliance expected in 2002.
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The Office of Planning and Development Review has completed work on the Erosion and Sediment Control and Flood Management parts of this title. City Council adopted the necessary ordinances on December 1, 1999, and they became effective March 1, 2000. The Compliance Update dated December 20, 1999, described how these measures will contribute to Portland's eventual compliance with Title 3.

The City is working to bring Portland's environmental zoning regulations and mapping into compliance with Title 3. This work is being conducted as part of the City's program to meet the requirements of the federal Endangered Species Act (ESA) and to help recover the threatened fish populations. A public review draft of the environmental zoning amendments is scheduled for Fall 2000. Following public involvement and incorporation of comments, the Portland Planning Commission is expected to hold hearings on a proposed draft starting in February, 2001, leading to City Council hearings in May.

The environmental zone review project focuses on the Columbia Slough and the other tributaries to the Willamette River, which constitute almost 90% of the approximately 270 stream miles in Portland. The Willamette and Columbia Rivers, as the City's waterfront and as large, low-gradient rivers, raise issues that do not apply to the tributaries. In accordance with Statewide Planning Goal 15, Portland is currently conducting a Willamette River Greenway planning project addressing a wide spectrum of issues. This project includes consideration of Metro Title 3 as well as Superfund requirements, design and development issues, recreation and access, and ESA requirements. It is scheduled for completion by December 2002. Compliance with Title 3 and an ESA-related planning process for the Columbia River waterfront will be complete in 2001.

**Title 6,
Section 3.07.630.A**

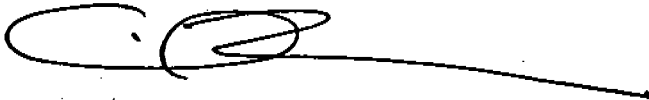
Street Connectivity
Standards

Requested extension:
December 31, 2000

This work is part of the Land Division Code Rewrite Project. As described in the section on the Title 1 Minimum Density work, the Planning Director expects to return to Council with recommendations in September.

Portland continues to support the regional planning effort. The city is devoting considerable resources to come into compliance with the remaining elements of the Urban Growth Management Functional Plan. We expect to complete our compliance work as quickly as possible. I look forward to confirmation that Portland's requests for time extensions for these few remaining work elements have been granted.

Sincerely,



Gil Kelley
Director

Cc: Mayor Vera Katz
Commissioner Dan Saltzman
B. Ames, Mayor's office
Commissioners' planning liaisons
D. Stein, C. Pinard, S. Edmunds, S. Hartnett, T. Carter, T. McGuire, B.
Glascocock, M. Harrison, A. Burns; BOP
K. Robinson, L. Graham, J. Deer, S. Feldman, M. Mahoney; OPDR
S. Dotterrer, J. Harrison; PDOT

Summary of Title 3 Extensions – August 3, 2000

Key Implementation Dates

November 1996 – Metro Council adopted Title 3
June 1998 – Model Code and Title 3 Maps completed
September 1998 – Title 3 is in effect
June 1999 – progress report on Title 3 compliance due
January 2000 – Compliance Deadline

Jurisdictions in Compliance with Title 3

Forest Grove – June 2000
Happy Valley – December 1999
Johnson City – August 2000
Maywood Park – December 1999
Oregon City – October 1999
Sherwood – July 2000
Wood Village – June 1999

Washington County Jurisdictions

In December 2000, the Unified Sewerage Agency (USA) which serves Washington County and the Cities of Washington adopted standards that substantially complied with the requirements of Title 3. These came into effect in February 2000. All development in Washington County must meet the USA standards. The jurisdictions were granted time extensions to update their plans and codes to meet the standards. The work is on schedule.

Beaverton – July 2000
Cornelius – October 2000
Durham – June 2000
Forest Grove – in compliance
Hillsboro – October 2000
King City – June 2000
Tigard – July 2000
Tualatin – October 2000
Washington County – October 2000

Extensions Granted by Metro Council

Fairview – October 2000
Gladstone – December 2000
Gresham – October 2000
Lake Oswego – June 2000
Milwaukie – July 2000
Rivergrove – June 2000
Troutdale – October 2000
West Linn – March 2000 (in Final Hearings)
Wilsonville – June 2000
Wilsonville – June 2000

Extension Requests under Consideration

Portland – the City has requested the following extensions:

- July 2001 to complete the compliance work for the Columbia Slough and the tributaries of the Willamette; and
- 2002 to complete the compliance work for the Willamette River and the Columbia River.

Other Jurisdictions

Clackamas County – The County's proposed amendments to its code to meet substantial compliance with the requirements of Title 3 are under review by Metro staff.

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STAFF REPORT

*CONSIDERATION OF RESOLUTION NO. 00-2971
GRANTING A TIME EXTENSION FOR THE CITY OF
PORTLAND FOR COMPLIANCE WITH TITLE 3 OF THE
URBAN GROWTH MANAGEMENT FUNCTIONAL
PLAN*

Date: September 25, 2000

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

PROPOSED ACTION

Adoption of Resolution No. 00-2971 granting a timeline extension to the City of Portland for the Functional Plan compliance deadline for the Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation requirements.

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. Portland has elements of the requirements in place and is working towards amending current standards to be consistent with Title 3. The letter requesting the time extension is attached to this report.

Compliance Progress

Portland is requesting additional time to integrate the City's water quality protection efforts with fish and wildlife habitat protection planning.

The City has adopted the erosion and sediment control standards and floodplain management requirements of Title 3. The City is requesting a time extension to complete the water quality portion of Title 3. For some time, Portland has had some protections in place through its Environmental Zones (E zones). While the City has done an excellent job of locating Goal 5 resources and applying E zone protection to many areas that also require protection for water quality purposes, there are gaps in the coverage, particularly in steeply sloped areas.

There are a number of differences between the City's E zones and Title 3 including the basis for protection and the process and criteria for permitting encroachment into the vegetated corridor. Title 3 regulations are based on protecting water quality by applying specific vegetated corridor widths to prevent or limit development. These requirements meet the Statewide Goal 6 requirements. The vegetated corridor widths are based on

classifications of the type of stream (primary or secondary) and slope (less than or greater than 25 percent).

The City's E zones are buffers that have been established to protect inventoried Goal 5 resources that have been determined to be significant. These overlays (P-protection and C-conservation) permit development and encroachment into these areas although there are general guidelines to minimize disruption of the resource and limit the size of the disturbance area. Without changes to the language that implements the E zone and the regulated area, the current City regulations do not meet Title 3 requirements.

Portland has been conducting an aggressive program to meet the requirement of the federal Endangered Species Act (ESA) and one aspect of this program is to review and prepare amendments to the City's environmental overlay zones. City staff reports that many of the measures necessary and advisable for ESA duplicate those required to meet Title 3 water quality requirements. The City has combined water quality planning with the review of the environmental overlay zone. The effort is divided into three programs:

- an examination the Columbia Slough and the tributaries of the Willamette;
- an update of the Willamette River Greenway program; and
- an examination of the Columbia River.

A public review draft of the program for the Columbia Slough and the tributaries of the Willamette River is anticipated in the fall of 2000. The City hearings would begin in late February 2001 leading to City Council hearings in May 2001. According to the City, compliance for the tributaries is expected by July 2001.

The program to update the Willamette River Greenway in accordance with statewide planning goal 15 is currently underway. This involves a wide spectrum of stakeholders, and includes consideration of Title 3 as well as ESA requirements; it is anticipated for completion in 2002. The City is also planning to conduct ESA and Title 3 related planning for the lands along the Columbia River following the work on the tributaries and parallel to the Willamette Greenway process. The City believes that the Willamette and Columbia Rivers will raise issues that do not apply to the tributaries.

The City is intending to build upon and improve its existing environmental protection programs rather than abandon them and adopting a different approach. 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 fish and wildlife habitat protection, 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.

Recommendation – Willamette Tributaries and the Columbia Slough

It is recommended that Metro Council grant Portland an extension to December 31, 2000 to complete the staff work to develop the water quality protection measures for the Columbia Slough and the tributaries of the Willamette River. It is further recommended that the extension be conditioned as follows:

1. That the City staff coordinate with Metro Community Development staff;

2. That the City provide Metro with a copy of the proposed regulations and program, in advance of the public release of these documents, in order to review the documents for compliance with Title 3 requirements;
3. That the City return to Metro Council in December 2000 with a specific adoption schedule for protection for the Willamette tributaries and the Columbia Slough, which adoption is presently anticipated to occur in July 2001; and
4. That the City request an additional time extension in December 2000 to complete adoption of the water quality protections required by Title 3 for the Willamette tributaries and the Columbia Slough.

Recommendation – Willamette and Columbia Rivers

Metro Code 3.07.830 requires that any amendment of a comprehensive plan or implementing ordinance be consistent with the requirements of the Functional Plan. At this time, any development activity along the Willamette and Columbia Rivers that requires a comprehensive plan or zoning code amendment would need to be consistent with the Water Quality Resource Area performance measures of Title 3. While the final protections Portland is proposing to have in place by December 2002 will exceed the protections required by Title 3, any development or redevelopment activities along these rivers which do not need a comprehensive plan or zoning code amendment would not be required to provide the Title 3 level of protection. Therefore, it is recommended that the Council direct the City to adopt the Title 3 performance measures as interim measures to protect the water quality of these rivers. These interim measures are to be put in place on the same time schedule as that for the protections for the Willamette tributaries and the Columbia Slough, that is, completion of the staff work to develop the interim measures by December 31, 2000 and adoption anticipated for July 2001. It is understood that, in the future, these interim measures would be replaced by permanent measures that would provide more than water quality protection.

The Cities along the Willamette River have varying time extensions to December 2000 to complete compliance work. Oregon City is in compliance with Title 3. The Cities of Troutdale, Fairview and Gresham, which also border the Columbia River, have extensions to October 2000 to complete their Title 3 compliance work. To complete the water quality protection for these two rivers, it is necessary for Portland to implement the performance standards as well.

It is recommended that the Metro Council grant Portland an extension to December 31, 2000 to complete the staff work to develop interim water quality protection measures that meet the performance standards of Title 3 for the Willamette and Columbia Rivers. It is further recommended that the extension be conditioned as follows:

1. That the City staff coordinate with Metro Community Development staff;
2. That the City provide Metro with a copy of the proposed interim regulations and program, in advance of the public release of these documents, in order to review the documents for compliance with Title 3 requirements;
3. That the City return to Metro Council in December 2000 with a specific adoption schedule for interim measures for protection of the Willamette and Columbia rivers, which adoption is presently anticipated to occur in July 2001;
4. That the City request an additional time extension in December 2000 to complete adoption of the interim water quality protections required by Title 3 for the Willamette and Columbia rivers.

5. That the City return to Metro Council in December 2000 with a proposed adoption schedule for permanent protection measures for the Willamette and Columbia rivers;
6. That the City provide Metro with a copy of the proposed interim and permanent regulations and program, in advance of public release of these documents, in order to review the documents for compliance with Title 3 requirements.

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

The staff report is forwarded to the Metro Council with the recommendation that any extensions granted to the City of Portland meet the conditions outlined in the staff report and specifically that the City must adopt interim Title 3 Water Quality Resource Area protection measures for the Willamette and Columbia Rivers in the timeframe outlined in this report.

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