

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING TIME) RESOLUTION NO. 01-3123A
EXTENSIONS TO THE FUNCTIONAL PLAN)
COMPLIANCE DEADLINE FOR THE CITIES OF) Introduced by Mike Burton,
BEAVERTON, DURHAM, GLADSTONE, GRESHAM,) Executive Officer
LAKE OSWEGO, MILWAUKIE, OREGON CITY,)
PORTLAND, RIVERGROVE, TIGARD, WEST LINN,)
AND WILSONVILLE AND CLACKAMAS COUNTY)
AND MULTNOMAH COUNTY)

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 Urban Growth Management Functional Plan requires that all jurisdictions in the region make plan and implementing ordinance changes needed to come into compliance with Titles 1, 2, 4, 5, 6 and 8 of this Functional Plan by February 19, 1999; 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 31, 2000; 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 this 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 following fourteen jurisdictions have requested time extensions to complete compliance work based on evidence showing substantial progress or proof of good cause for failing to meet the compliance deadline and have submitted detailed timelines showing when the work will be completed, now therefore,

BE IT RESOLVED:

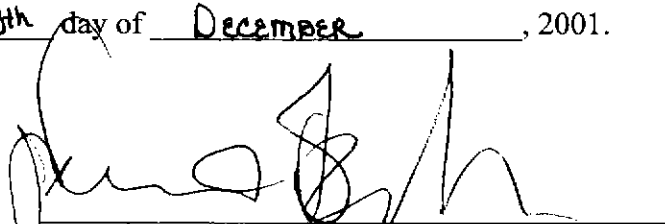
1. That the Council grants extensions to December 31, 2001, to the cities of Beaverton, Durham, Gresham, Lake Oswego, Oregon City and Rivergrove for compliance with those Urban Growth Management Functional Plan requirements set forth in Exhibit A, attached and incorporated into this resolution. The Council concludes that each of the cities has demonstrated either substantial progress toward compliance or good cause for delay in compliance, based upon the findings in the Metro staff report, attached to Exhibit A.

2. That the Council grants an extension beyond December 31, 2001, to each of the following local governments: the cities of Gladstone, Gresham, Lake Oswego, Milwaukie, Oregon City, Portland, Tigard, West Linn and Wilsonville, and the counties of Clackamas and Multnomah. Each extension is to provide additional time for compliance with those Urban Growth Management Functional Plan requirements set forth in Exhibit A. Each extension is to the date set forth in Exhibit A for each functional plan requirement. Each extension is subject to the following conditions: (a) approval by Metro of a work program that includes a quarterly report to Metro on progress in implementing the work program and a report to the Council of any delay beyond a deadline in the work program; (b) submission by the city or county of an assessment of any consequences of delay in compliance for the period of the extension; and (c) attachment of such other conditions deemed by Metro to be necessary to ensure that the consequences of delay will not undermine the ability of the city or county to achieve the objective of the functional plan requirement. Each extension shall become effective upon determination in a letter to the city or county from Metro that the conditions (a) and (b) have been satisfied and any conditions pursuant to (c) have been imposed. The Council concludes that each of the cities and counties has demonstrated either substantial progress toward compliance or good cause for delay in compliance, based upon the findings in the Metro staff report, attached to Exhibit A.

3. That any city or county receiving an extension pursuant to section 2 of this resolution that objects to a condition placed pursuant to section 2 may appeal the condition to the Metro Council.

4. That the Council will consider no further requests for time extensions by the above named jurisdictions.

ADOPTED by the Metro Council this 13th day of December, 2001.


David Bragdon, Presiding Officer

APPROVED AS TO FORM:


Daniel B. Cooper, General Counsel



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**Functional Plan Compliance Time Extensions For
the Cities of Beaverton, Durham, Gladstone, Gresham,
Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove,
Tigard, West Linn, and Wilsonville and Clackamas County
and Multnomah County**

Metro Code numbers are used to cite Functional Plan requirements with the applicable Functional Plan title following in parentheses (). The Table below identifies the Functional Plan Titles for reference.

Functional Plan Titles

Title 1	<i>Requirements for housing and employment accommodation</i>
Title 2	<i>Regional parking policy</i>
Title 3	<i>Water quality, flood management conservation</i>
Title 4	<i>Retail in employment and industrial areas</i>
Title 5	<i>Requirements for rural reserves and green corridors</i>
Title 6	<i>Regional accessibility</i>
Title 7	<i>Affordable housing</i>
Title 8	<i>Compliance procedures</i>

Time Extensions to December 2001

<u>Jurisdiction</u>	<u>Functional Plan Element</u>
Beaverton	Title 4 – Employment Area Retail Restrictions
Durham	Title 3 – All Elements
Gresham	Title 2 – System to Report Parking Data
Oregon City	Title 5 – Green Corridor Policy
Rivergrove	Title 3 – Water Quality and Erosion Control Standards

Time Extensions Beyond December 2001

Title 1

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Lake Oswego	Title 1 Minimum Densities	March 1, 2002
Oregon City	Minimum Densities	June 2002
	Accessory Dwelling Units	
	Design Type Boundaries	
	Capacity Analysis	
Wilsonville	Design Type Boundaries	September 2002
	Capacity Analysis	
Multnomah County	Minimum Densities	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and as the County adopts the cities' codes.
	Partitioning Standards	
	Accessory Dwelling Units	
	Design Type Boundaries	
	Capacity Analysis	

**EXHIBIT A
to Resolution 01-3123A**

Title 2

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Wilsonville	Amend Office Parking Maximum	February 2002
Multnomah County	Regional Parking Policy	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and the County adopts the cities' codes.

Title 3

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gladstone	Floodplain Management Water Quality Standards Erosion Control	June 2002
Gresham	Water Quality Standards	June 2002
Lake Oswego	Floodplain Management Water Quality Standards	March 2002
Milwaukie	Floodplain Management Water Quality Standards	December 2002
Portland	Floodplain Management Water Quality Standards - Willamette River - Tributaries	May 2002
Tigard	Floodplain Management Water Quality Standards	October 2002
West Linn	Water Quality Standards	April 2002
Clackamas County	Water Quality Standards	September 2002
Multnomah County	Floodplain Management Water Quality Standards Erosion Control	March 2002
		December 2002
		December 2002
		December 2002 The County will be in compliance with the urban areas once Portland and Gresham complete their work and the County signs IGA's with Gresham and Troutdale and adopts the cities' codes. The County has requested to June 2002 to complete the work for the rural areas within the Metro Boundary.

**EXHIBIT A
to Resolution 01-3123A**

Title 4

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gladstone	Employment Areas Retail Restrictions	June 2002
Gresham	Industrial and Employment Areas Retail Restrictions	June 2002
Oregon City	Employment Areas Retail Restrictions	March 2002
Multnomah County	Industrial and Employment Areas Retail Restrictions	The County will be in compliance once Gresham completes its work and the County adopts the cities' codes.

Title 5

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gresham	Green Corridor Policy	June 2002
Wilsonville	Green Corridor Policy	September 2002
Multnomah County	Green Corridor Policy	The County will be in compliance for Green Corridors once Gresham completes its work and the County adopts the cities' codes.

Title 6

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gresham	Street Design and Connectivity	June 2002
Wilsonville	Street Design and Connectivity	September 2002

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 01-31233123A GRANTING ADDITIONAL TIME EXTENSIONS TO THE FUNCTIONAL PLAN COMPLIANCE DEADLINE FOR, THE CITIES OF BEAVERTON, DURHAM, GLADSTONE, GRESHAM, LAKE OSWEGO, MILWAUKIE, OREGON CITY, PORTLAND, RIVERGROVE, TIGARD, WEST LINN, AND WILSONVILLE CLACKAMAS COUNTY AND MUTL NOMAH COUNTY

Date: November 13, 2001

**Presented by: Brenda Bernards
Prepared by: Brenda Bernards**

PROPOSED ACTION

Adoption of Resolution No. 00-31233123A granting additional time extensions to meet the requirements of the Functional Plan for the Cities of Beaverton, Durham, Gladstone, Gresham, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove, Tigard, West Linn and Wilsonville and Clackamas County and Multnomah County.

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.” (See Attachment 1)

The deadline for compliance with the requirements of Titles 1, 2, 4, 5 and 6 of the Functional Plan was February 1999. The deadline for compliance with the requirements of Title 3 of the Functional Plan was January 2000. Many jurisdictions required more time to make the necessary changes to their codes and plans to come into compliance. Fourteen jurisdictions have requested additional time extensions to implement a portion of the requirements of the Functional Plan.

Metro Code numbers are used to cite Functional Plan requirements. The applicable Functional Plan title follows each citation in parentheses (). The Table below identifies the Functional Plan Titles for reference.

Functional Plan Titles

- Title 1 *Requirements for housing and employment accommodation*
- Title 2 *Regional parking policy*
- Title 3 *Water quality, flood management conservation*
- Title 4 *Retail in employment and industrial areas*
- Title 5 *Requirements for rural reserves and green corridors*
- Title 6 *Regional accessibility*
- Title 7 *Affordable housing*
- Title 8 *Compliance procedures*

TIME EXTENSION REQUESTS

Resolution No. 31233123A presents the time extension requests differently than other time extension resolutions that have come before the Council. The requests have been grouped by those to December 2001 and the remainder of the extensions are grouped by title. (See Attachment 2 for a listing of the extension request by jurisdiction).

The Community Planning Committee decided at its October 30, 2001 meeting that, as a condition of granting time extensions beyond December 2001, jurisdictions need to provide a work program for compliance and an assessment of the impact of delayed compliance. In addition, the jurisdictions requesting extensions beyond December 2001 will be required to submit a written quarterly report detailing their progress until their compliance work is completed. Any jurisdiction that is behind on its work program will need to come before the Metro Council to submit its report.

At its meeting of November 6, 2001 the Committee discussed, but did not make a decision on what additional conditions ought to be imposed on extension requests beyond December 2001. As a result, no additional conditions are included in the Resolution. The Committee may wish to attach additional conditions when it considers Resolution No. 31233123A on November 20, 2001.

Time Extension Requests to December 2001

The following time extension requests to December 2001 have been received:

Jurisdiction	Functional Plan Element
Beaverton	Title 4 - Employment Area Retail Restrictions
Durham	Title 3 – All Elements
Gresham	Title 2 – System to Report Parking Data
Lake Oswego	Title 1 – Minimum Densities
Oregon City	Title 5 – Green Corridor Policy
Rivergrove	Title 3 – Water Quality and Erosion Control Standards

The Community Planning Committee stated that these time extension requests will be granted.

(continued on next page)

Time Extension Requests Beyond December 2001

The tables below list, by Functional Plan Title, the time extension requests received for compliance beyond December 2001.

Title 1

Jurisdiction	Functional Plan Element	Time Extension Request
Oregon City	Minimum Densities Accessory Dwelling Units Design Type Boundaries Capacity Analysis	June 2002
Wilsonville	Design Type Boundaries Capacity Analysis	July-September 2002
Multnomah County	Minimum Densities Partitioning Standards Accessory Dwelling Units Design Type Boundaries Capacity Analysis	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and as the County adopts the cities' codes.

Multnomah County's Title 1 compliance is dependent on the signing of IGA's with Gresham and Troutdale and the adoption of the cities' codes. The County anticipates that it will need up to four months to adopt the codes. The County has adopted Portland's code and it will come into effect on January 1, 2002.

Title 2

Jurisdiction	Functional Plan Element	Time Extension Request
Wilsonville	Amend Office Parking Maximum	February 2002
Multnomah County	Regional Parking Policy	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and the County adopts the cities' codes.

Multnomah County's Title 2 compliance is dependent on the signing of IGA's with Gresham and Troutdale and the adoption of the cities' codes. The County anticipates that it will need up to four months to adopt the codes. The County has adopted Portland's code and it will come into effect on January 1, 2002. Wilsonville has adopted the Title 2 standards but due to a typing error, it needs to amend the Office Parking maximum.

Title 3

Jurisdiction	Functional Plan Element	Time Extension Request
Gladstone	Floodplain Management Water Quality Standards Erosion Control	June 2002
Gresham	Water Quality Standards	June 2002
Lake Oswego	Floodplain Management Water Quality Standards	March 2002 December 2002
Milwaukie	Floodplain Management Water Quality Standards	May 2002 October 2002
Portland	Water Quality Standards - Willamette River - Tributaries	April 2002 September 2002
Tigard	Floodplain Management Water Quality Standards	March 2002
West Linn	Water Quality Standards	December 2002
Clackamas County	Water Quality Standards	December 2002
Multnomah County	Floodplain Management Water Quality Standards Erosion Control	December 2002 The County will be in compliance with the urban areas once Portland and Gresham complete their work and the County signs IGA's with Gresham and Troutdale and adopts the cities' codes. June 2002 to complete the work for the rural areas within the Metro Boundary.

At its meeting on November 6, 2001, the Committee indicated that they were most concerned with delays in compliance with Title 3. The Committee discussed what additional conditions might be placed on the time extensions for Title 3 in order to ensure that the loss of resources is minimized. As an already established condition for a time extension is that an assessment of the impact of delaying compliance must be submitted. The Council may wish to consider these impact assessments prior to setting additional conditions.

Title 4

Jurisdiction	Functional Plan Element	Time Extension Request
Gladstone	Employment Areas Retail Restrictions	June 2002
Gresham	Industrial and Employment Areas Retail Restrictions	June 2002
Oregon City	Employment Areas Retail Restrictions	March 2002
Multnomah County	Industrial and Employment Areas Retail Restrictions	The County will be in compliance once Gresham completes its work and the County adopts the cities' codes.

The Committee indicated that they were also concerned with the impact of delayed compliance of Title 4. Gresham and Multnomah County have both Industrial and Employment Area designations. The County anticipates it will need up to four months to adopt the City's code. Oregon City's Industrial Areas have retail restrictions in place and the City needs to place retail restrictions in the Employment Areas. Gladstone has no Industrial Area designations but does have Employment Area designations. As discussed in the Title 3 section, the Council may wish to review the assessment of impact of delayed compliance before attaching additional conditions to the time extensions for Title 4.

Title 5

Jurisdiction	Functional Plan Element	Time Extension Request
Gresham	Green Corridor Policy	June 2002
Wilsonville	Green Corridor Policy	February-September 2002
Multnomah County	Green Corridor Policy	The County will be in compliance for Green Corridors once Gresham completes its work and the County adopts the cities' codes.

The Title 5 requirements are one tool for keeping a clear separation between urban areas. The Cities and County are required to put adopt a Comprehensive Plan as a place holder should areas identified as Green Corridors be annexed by a City or included in an expansion of the Urban Growth Boundary.

Title 6

Jurisdiction	Functional Plan Element	Time Extension Request
Gresham	Street Design and Connectivity	June 2002
Wilsonville	Street Design and Connectivity	August-September 2002

Since the October 30, 2001 Special Community Planning Committee meeting, the City of Lake Oswego has adopted the requirements of Title 6.

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

It is recommend that the requested time extension to December 2001 be granted. Further, it is recommended that the remaining time extension requests be granted once a work program and impact assessment has been received, reviewed, and accepted by staff. In addition, it is recommended that jurisdictions requesting extensions beyond December 2001 be required to submit written quarterly reports describing their progress until their compliance work is completed. Finally, it is recommended that any jurisdiction behind on its work program come before the Metro Community Planning Committee to submit its report.

The Community Planning Committee has stated that any time extension requests beyond December 2002 will be subject to the exception process set forth in the proposed code revisions in Draft Ordinance No. 01-925. The Executive Officer concurs with this position.

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**2001 Extension Requests
Findings**

The Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extensions to timelines under this functional plan if a city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time. Each of the jurisdictions requesting a time extension has met this provision.

City of Beaverton

The City had been in the process of adopting code amendments to prohibit large scale retail uses in the designated Employment Areas but the standards were first subject to an appeal and then passage of Measure 7 delayed final action. Beaverton is now proceeding with amending its code.

City of Durham

The City has been implementing the requirements of Title 3 through Clean Water Services. The City has held a public hearing before its Planning Commission on November 6, 2001 and the City Council will be holding a public hearing on November 27, 2001 to adopt the Title 3 requirements, include the revised Clean Water Services standards and incorporate the recent Fanno Creek Watershed Flood Insurance Restudy into its code.

City of Gladstone

The City had suspended work on Titles 3 and 4 due to concerns with the impacts of Measure 7. Gladstone is moving ahead with its adoption of the requirements of these Titles.

City of Gresham

The City has made substantial progress on a number of major 2040 Concept projects in their community including Pleasant Valley, Rockwood Town Center and Division and Stark Boulevards. These efforts have absorbed a large part of Gresham's planning resources. Much of the new code language to complete its compliance work has been drafted and the amendments are moving through the City's planning process.

City of Lake Oswego

The City has drafted the code amendment to meet the minimum density standards and the amendments are scheduled for adoption in December 2001. Since its initial time extension request, Lake Oswego has adopted the design and connectivity standards of Title 6. The amendments to the City's Floodplain requirements will be completed by March 2002. Water Quality standards for the Willamette river are being addressed and include the potential redevelopment of riverfront industrial uses.

City of Milwaukie

The City had suspended work on Title 3 due to concerns with the impacts of Measure 7. Milwaukie is moving ahead with its adoption of the requirements of this Title.

City of Oregon City

The City has experienced staff shortages and a high staff turnover rate in the past few years which has affected its ability to comply with the requirements of the Functional Plan. However, compliance is one of the top planning goals in the Oregon City Planning

Division's 2001-2002 Work Program and the City anticipates completing its compliance work by mid-year.

City of Portland

The City is currently in the process of amending its environmental protection zones. This has been a major planning effort and will provide water quality resource areal protections beyond the Title 3 requirements.

City of Rivergrove

The City had suspended work on Title 3 due to concerns with the impacts of Measure 7. Rivergrove is moving ahead with its adoption of the requirements of this Title.

City of Tigard

The City is implementing the Title 3 requirements through Clean Water Services but suspended work on amendments to their Comprehensive Plan and code to incorporate Title 3 due to concerns with the impacts of Measure 7. Tigard is moving ahead with its adoption of the requirements of this Title.

City of West Linn

The City had planned to complete the Water Quality requirements of Title 3 with the City's Goal 5 work program. West Linn's consultants advised it to delay work on the Goal 5 program due to the dry winter of 2000-2001. The City is now moving ahead with its program.

City of Wilsonville

The City's compliance work had been delayed due to prison siting issues. Wilsonville is moving ahead with its remaining compliance work.

Clackamas County

The County is working with its three water service districts to implement the water quality requirements of Title 3. A significant portion of the county has Title 3 coverage. One service district delayed compliance to match Rivergrove's time table which was delayed due to Measure 7 concerns. This work will be able to move ahead once Rivergrove adopts its water quality standards in December 2001. The County is moving ahead to provide Title 3 protections on the remaining portions of the urbanized area.

Multnomah County

The County's planning work in its urban areas is being carried out by Cities. An IGA has been signed with Portland and IGAs will be signed with Troutdale and Gresham. The County is adopting the cities' codes as the codes are amended. Multnomah's compliance is dependent on compliance schedules of the cities. The County is working on Title 3 compliance in the rural areas inside the Metro Boundary.

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Time Extension Requests – November 13, 2001

City	Functional Plan Element	Requested Extension	Previous Extension
Beaverton	Title 4 – Retail Restrictions in Employment Areas	December 2001	none requested, delay due to appeal
Durham	Title 3	December 2001.	June 2000
Gladstone	Title 3 Title 4	June 2002 June 2002	December 2000 December 1999
Gresham	Title 2 – Parking Data Title 3 – Water Quality Performance Standards Title 4 – Retail Restrictions Title 5 – Green Corridors Title 6 – Street Design, Street Connectivity	December 2001 June 2002 June 2002 June 2002 June 2002	June 1999 October 2000 September 2000 September 2000 September 2000
Lake Oswego	Title 1 – Minimum Densities Title 3 – Floodplain Management Water Quality Standards	December 2001 March 2002 December 2002	June 2000 July 2000
Milwaukie	Title 3 – Floodplain Management Water Quality Standards	May 2002 October 2002	July 2000
Oregon City	Title 1 – Housing and Jobs Accommodation Title 4 – Retail Restrictions Title 5 – Green Corridors	June 2002 March 2002 December 2001	September 2000
Portland	Title 3 – Water Quality Standards: Willamette Tributaries	April 2002 September 2002	July 2001
Rivergrove	Title 3 – Water Quality Performance Standards	December 2001	June 2000
Tigard	Title 3 – Floodplain Management, Water Quality Standards	March 2002	July 2000
West Linn	Title 3 – Water Quality Standards	December 2002	March 2000
Wilsonville	Title 1 – Design Type Map, Capacity Analysis Title 2 – Office Parking Maximum Title 5 – Green Corridors Title 6 – Street Design, Street Connectivity	July <u>September</u> 2002 February 2002 February <u>September</u> 2002 August <u>September</u> 2002	September 2000
Clackamas County	Title 3 – Water Quality Standards	December 2002	no previous extension
Multnomah County	Title 1 – Partitions, ADU's, Design Type Map, Capacity Analysis Title 1 – Minimum Density Title 2 – Regional Parking Policy Title 3 – Floodplain Management, Water Quality Standards, Erosion Control Title 4 – Retail Restrictions Title 5 – Green Corridors	The county is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and these cities come into compliance.	December 2000

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING TIME)
EXTENSIONS TO THE FUNCTIONAL PLAN)
COMPLIANCE DEADLINE FOR THE CITIES OF) RESOLUTION NO. 01-3123
BEAVERTON, DURHAM, GLADSTONE, GRESHAM,)
LAKE OSWEGO, MILWAUKIE, OREGON CITY,)
PORTLAND, RIVERGROVE, TIGARD, WEST LINN,)
AND WILSONVILLE AND CLACKAMAS COUNTY) Introduced by Mike Burton,
AND MULTNOMAH COUNTY) Executive Officer

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 Urban Growth Management Functional Plan requires that all jurisdictions in the region make plan and implementing ordinance changes needed to come into compliance with Titles 1, 2, 4, 5, 6 and 8 of this Functional Plan by February 19, 1999; 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 31, 2000; and

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WHEREAS, the following fourteen jurisdictions have requested time extensions to complete compliance work based on evidence showing substantial progress or proof of good cause for failing to meet the compliance deadline and have submitted detailed timelines showing when the work will be completed, now therefore,

BE IT RESOLVED:

1. That the Council grants extensions to December 31, 2001, to the cities of Beaverton, Durham, Gresham, Lake Oswego, Oregon City and Rivergrove for compliance with those Urban Growth Management Functional Plan requirements set forth in Exhibit A, attached and incorporated into this resolution. The Council concludes that each of the cities has demonstrated either substantial progress

toward compliance or good cause for delay in compliance, based upon the findings in the Metro staff report, attached to Exhibit A.

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3. That any city or county receiving an extension pursuant to section 2 of this resolution that objects to a condition placed pursuant to section 2 may appeal the condition to the Metro Council.
4. That the Council will consider no further requests for time extensions by the above named jurisdictions.

ADOPTED by the Metro Council this _____ day of _____ 2001.

David Bragdon, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

EXHIBIT A

**Functional Plan Compliance Time Extensions For
the Cities of Beaverton, Durham, Gladstone, Gresham,
Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove,
Tigard, West Linn, and Wilsonville and Clackamas County
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- Title 6 *Regional accessibility*
- Title 7 *Affordable housing*
- Title 8 *Compliance procedures*

Time Extensions to December 2001

<u>Jurisdiction</u>	<u>Functional Plan Element</u>
Beaverton	Title 4 – Employment Area Retail Restrictions
Durham	Title 3 – All Elements
Gresham	Title 2 – System to Report Parking Data
Lake Oswego	Title 1 – Minimum Densities
Oregon City	Title 5 – Green Corridor Policy
Rivergrove	Title 3 – Water Quality and Erosion Control Standards

Time Extensions Beyond December 2001

Title 1

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Oregon City	Minimum Densities Accessory Dwelling Units Design Type Boundaries Capacity Analysis	June 2002
Wilsonville	Design Type Boundaries Capacity Analysis	July 2002
Multnomah County	Minimum Densities Partitioning Standards Accessory Dwelling Units Design Type Boundaries Capacity Analysis	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and as the County adopts the cities' codes.

Title 2

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Wilsonville	Amend Office Parking Maximum	February 2002
Multnomah County	Regional Parking Policy	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and the County adopts the cities' codes.

Title 3

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gladstone	Floodplain Management Water Quality Standards Erosion Control	June 2002
Gresham	Water Quality Standards	June 2002
Lake Oswego	Floodplain Management Water Quality Standards	March 2002 December 2002
Milwaukie	Floodplain Management Water Quality Standards	May 2002 October 2002
Portland	Water Quality Standards - Willamette River - Tributaries	April 2002 September 2002
Tigard	Floodplain Management Water Quality Standards	March 2002
West Linn	Water Quality Standards	December 2002
Clackamas County	Water Quality Standards	December 2002
Multnomah County	Floodplain Management Water Quality Standards Erosion Control	December 2002 The County will be in compliance with the urban areas once Portland and Gresham complete their work and the County signs IGA's with Gresham and Troutdale and adopts the cities' codes. The County has requested to June 2002 to complete the work for the rural areas within the Metro Boundary.

Title 4

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gladstone	Employment Areas Retail Restrictions	June 2002
Gresham	Industrial and Employment Areas Retail Restrictions	June 2002
Oregon City	Employment Areas Retail Restrictions	March 2002
Multnomah County	Industrial and Employment Areas Retail Restrictions	The County will be in compliance once Gresham completes its work and the County adopts the cities' codes.

Title 5

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gresham	Green Corridor Policy	June 2002
Wilsonville	Green Corridor Policy	February 2002
Multnomah County	Green Corridor Policy	The County will be in compliance for Green Corridors once Gresham completes its work and the County adopts the cities' codes.

Title 6

<u>Jurisdiction</u>	<u>Functional Plan Element</u>	<u>Time Extension Request</u>
Gresham	Street Design and Connectivity	June 2002
Wilsonville	Street Design and Connectivity	August 2002

STAFF REPORT

**CONSIDERATION OF RESOLUTION NO. 00-3123
GRANTING ADDITIONAL TIME EXTENSIONS TO THE
FUNCTIONAL PLAN COMPLIANCE DEADLINE FOR,
THE CITIES OF BEAVERTON, DURHAM, GLADSTONE,
GRESHAM, LAKE OSWEGO, MILWAUKIE, OREGON
CITY, PORTLAND, RIVERGROVE, TIGARD, WEST LINN,
AND WILSONVILLE CLACKAMAS COUNTY AND
MUTLNOMAH COUNTY**

Date: November 13, 2001

**Presented by: Brenda Bernards
Prepared by: Brenda Bernards**

PROPOSED ACTION

Adoption of Resolution No. 00-3123 granting additional time extensions to meet the requirements of the Functional Plan for the Cities of Beaverton, Durham, Gladstone, Gresham, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove, Tigard, West Linn and Wilsonville and Clackamas County and Multnomah County.

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." (See Attachment 1)

The deadline for compliance with the requirements of Titles 1, 2, 4, 5 and 6 of the Functional Plan was February 1999. The deadline for compliance with the requirements of Title 3 of the Functional Plan was January 2000. Many jurisdictions required more time to make the necessary changes to their codes and plans to come into compliance. Fourteen jurisdictions have requested additional time extensions to implement a portion of the requirements of the Functional Plan.

Metro Code numbers are used to cite Functional Plan requirements. The applicable Functional Plan title follows each citation in parentheses (). The Table below identifies the Functional Plan Titles for reference.

Functional Plan Titles

- Title 1 *Requirements for housing and employment accommodation*
- Title 2 *Regional parking policy*
- Title 3 *Water quality, flood management conservation*
- Title 4 *Retail in employment and industrial areas*
- Title 5 *Requirements for rural reserves and green corridors*
- Title 6 *Regional accessibility*
- Title 7 *Affordable housing*
- Title 8 *Compliance procedures*

TIME EXTENSION REQUESTS

Resolution No. 3123 presents the time extension requests differently than other time extension resolutions that have come before the Council. The requests have been grouped by those to December 2001 and the remainder of the extensions are grouped by title. (See Attachment 2 for a listing of the extension request by jurisdiction).

The Community Planning Committee decided at its October 30, 2001 meeting that, as a condition of granting time extensions beyond December 2001, jurisdictions need to provide a work program for compliance and an assessment of the impact of delayed compliance. In addition, the jurisdictions requesting extensions beyond December 2001 will be required to submit a written quarterly report detailing their progress until their compliance work is completed. Any jurisdiction that is behind on its work program will need to come before the Metro Council to submit its report.

At its meeting of November 6, 2001 the Committee discussed, but did not make a decision on what additional conditions ought to be imposed on extension requests beyond December 2001. As a result, no additional conditions are included in the Resolution. The Committee may wish to attach additional conditions when it considers Resolution No. 3123 on November 20, 2001.

Time Extension Requests to December 2001

The following time extension requests to December 2001 have been received:

Jurisdiction	Functional Plan Element
Beaverton	Title 4 - Employment Area Retail Restrictions
Durham	Title 3 - All Elements
Gresham	Title 2 - System to Report Parking Data
Lake Oswego	Title 1 - Minimum Densities
Oregon City	Title 5 - Green Corridor Policy
Rivergrove	Title 3 - Water Quality and Erosion Control Standards

The Community Planning Committee stated that these time extension requests will be granted.

Time Extension Requests Beyond December 2001

The tables below list, by Functional Plan Title, the time extension requests received for compliance beyond December 2001.

Title 1

Jurisdiction	Functional Plan Element	Time Extension Request
Oregon City	Minimum Densities Accessory Dwelling Units Design Type Boundaries Capacity Analysis	June 2002
Wilsonville	Design Type Boundaries Capacity Analysis	July 2002
Multnomah County	Minimum Densities Partitioning Standards Accessory Dwelling Units Design Type Boundaries Capacity Analysis	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and as the County adopts the cities' codes.

Multnomah County's Title 1 compliance is dependent on the signing of IGA's with Gresham and Troutdale and the adoption of the cities' codes. The County anticipates that it will need up to four months to adopt the codes. The County has adopted Portland's code and it will come into effect on January 1, 2002.

Title 2

Jurisdiction	Functional Plan Element	Time Extension Request
Wilsonville	Amend Office Parking Maximum	February 2002
Multnomah County	Regional Parking Policy	The County is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and the County adopts the cities' codes.

Multnomah County's Title 2 compliance is dependent on the signing of IGA's with Gresham and Troutdale and the adoption of the cities' codes. The County anticipates that it will need up to four months to adopt the codes. The County has adopted Portland's code and it will come into effect on January 1, 2002. Wilsonville has adopted the Title 2 standards but due to a typing error, it needs to amend the Office Parking maximum.

Title 3

Jurisdiction	Functional Plan Element	Time Extension Request
Gladstone	Floodplain Management Water Quality Standards Erosion Control	June 2002
Gresham	Water Quality Standards	June 2002
Lake Oswego	Floodplain Management Water Quality Standards	March 2002 December 2002
Milwaukie	Floodplain Management Water Quality Standards	May 2002 October 2002
Portland	Water Quality Standards - Willamette River - Tributaries	April 2002 September 2002
Tigard	Floodplain Management Water Quality Standards	March 2002
West Linn	Water Quality Standards	December 2002
Clackamas County	Water Quality Standards	December 2002
Multnomah County	Floodplain Management Water Quality Standards Erosion Control	December 2002 The County will be in compliance with the urban areas once Portland and Gresham complete their work and the County signs IGA's with Gresham and Troutdale and adopts the cities' codes. June 2002 to complete the work for the rural areas within the Metro Boundary.

At its meeting on November 6, 2001, the Committee indicated that they were most concerned with delays in compliance with Title 3. The Committee discussed what additional conditions might be placed on the time extensions for Title 3 in order to ensure that the loss of resources is minimized. As an already established condition for a time extension is that an assessment of the impact of delaying compliance must be submitted. The Council may wish to consider these impact assessments prior to setting additional conditions.

Title 4

Jurisdiction	Functional Plan Element	Time Extension Request
Gladstone	Employment Areas Retail Restrictions	June 2002
Gresham	Industrial and Employment Areas Retail Restrictions	June 2002
Oregon City	Employment Areas Retail Restrictions	March 2002
Multnomah County	Industrial and Employment Areas Retail Restrictions	The County will be in compliance once Gresham completes its work and the County adopts the cities' codes.

The Committee indicated that they were also concerned with the impact of delayed compliance of Title 4. Gresham and Multnomah County have both Industrial and Employment Area designations. The County anticipates it will need up to four months to adopt the City's code. Oregon City's Industrial Areas have retail restrictions in place and the City needs to place retail restrictions in the Employment Areas. Gladstone has no Industrial Area designations but does have Employment Area designations. As discussed in the Title 3 section, the Council may wish to review the assessment of impact of delayed compliance before attaching additional conditions to the time extensions for Title 4.

Title 5

Jurisdiction	Functional Plan Element	Time Extension Request
Gresham	Green Corridor Policy	June 2002
Wilsonville	Green Corridor Policy	February 2002
Multnomah County	Green Corridor Policy	The County will be in compliance for Green Corridors once Gresham completes its work and the County adopts the cities' codes.

The Title 5 requirements are one tool for keeping a clear separation between urban areas. The Cities and County are required to put adopt a Comprehensive Plan as a place holder should areas identified as Green Corridors be annexed by a City or included in an expansion of the Urban Growth Boundary.

Title 6

Jurisdiction	Functional Plan Element	Time Extension Request
Gresham	Street Design and Connectivity	June 2002
Wilsonville	Street Design and Connectivity	August 2002

Since the October 30, 2001 Special Community Planning Committee meeting, the City of Lake Oswego has adopted the requirements of Title 6.

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

It is recommend that the requested time extension to December 2001 be granted. Further, it is recommended that the remaining time extension requests be granted once a work program and impact assessment has been received, reviewed, and accepted by staff. In addition, it is recommended that jurisdictions requesting extensions beyond December 2001 be required to submit written quarterly reports describing their progress until their compliance work is completed. Finally, it is recommended that any jurisdiction behind on its work program come before the Metro Community Planning Committee to submit its report.

The Community Planning Committee has stated that any time extension requests beyond December 2002 will be subject to the exception process set forth in the proposed code revisions in Draft Ordinance No. 01-925. The Executive Officer concurs with this position.

2001 Extension Requests Findings

The Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extensions to timelines under this functional plan if a city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time. Each of the jurisdictions requesting a time extension has met this provision.

City of Beaverton

The City had been in the process of adopting code amendments to prohibit large scale retail uses in the designated Employment Areas but the standards were first subject to an appeal and then passage of Measure 7 delayed final action. Beaverton is now proceeding with amending its code.

City of Durham

The City has been implementing the requirements of Title 3 through Clean Water Services. The City has held a public hearing before its Planning Commission on November 6, 2001 and the City Council will be holding a public hearing on November 27, 2001 to adopt the Title 3 requirements, include the revised Clean Water Services standards and incorporate the recent Fanno Creek Watershed Flood Insurance Restudy into its code.

City of Gladstone

The City had suspended work on Titles 3 and 4 due to concerns with the impacts of Measure 7. Gladstone is moving ahead with its adoption of the requirements of these Titles.

City of Gresham

The City has made substantial progress on a number of major 2040 Concept projects in their community including Pleasant Valley, Rockwood Town Center and Division and Stark Boulevards. These efforts have absorbed a large part of Gresham's planning resources. Much of the new code language to complete its compliance work has been drafted and the amendments are moving through the City's planning process.

City of Lake Oswego

The City has drafted the code amendment to meet the minimum density standards and the amendments are scheduled for adoption in December 2001. Since its initial time extension request, Lake Oswego has adopted the design and connectivity standards of Title 6. The amendments to the City's Floodplain requirements will be completed by March 2002. Water Quality standards for the Willamette river are being addressed and include the potential redevelopment of riverfront industrial uses.

City of Milwaukie

The City had suspended work on Title 3 due to concerns with the impacts of Measure 7. Milwaukie is moving ahead with its adoption of the requirements of this Title.

City of Oregon City

The City has experienced staff shortages and a high staff turnover rate in the past few years which has affected its ability to comply with the requirements of the Functional Plan. However, compliance is one of the top planning goals in the Oregon City Planning

Division's 2001-2002 Work Program and the City anticipates completing its compliance work by mid-year.

City of Portland

The City is currently in the process of amending its environmental protection zones. This has been a major planning effort and will provide water quality resource areal protections beyond the Title 3 requirements.

City of Rivergrove

The City had suspended work on Title 3 due to concerns with the impacts of Measure 7. Rivergrove is moving ahead with its adoption of the requirements of this Title.

City of Tigard

The City is implementing the Title 3 requirements through Clean Water Services but suspended work on amendments to their Comprehensive Plan and code to incorporate Title 3 due to concerns with the impacts of Measure 7. Tigard is moving ahead with its adoption of the requirements of this Title.

City of West Linn

The City had planned to complete the Water Quality requirements of Title 3 with the City's Goal 5 work program. West Linn's consultants advised it to delay work on the Goal 5 program due to the dry winter of 2000-2001. The City is now moving ahead with its program.

City of Wilsonville

The City's compliance work had been delayed due to prison siting issues. Wilsonville is moving ahead with its remaining compliance work.

Clackamas County

The County is working with its three water service districts to implement the water quality requirements of Title 3. A significant portion of the county has Title 3 coverage. One service district delayed compliance to match Rivergrove's time table which was delayed due to Measure 7 concerns. This work will be able to move ahead once Rivergrove adopts its water quality standards in December 2001. The County is moving ahead to provide Title 3 protections on the remaining portions of the urbanized area.

Multnomah County

The County's planning work in its urban areas is being carried out by Cities. An IGA has been signed with Portland and IGAs will be signed with Troutdale and Gresham. The County is adopting the cities' codes as the codes are amended. Multnomah's compliance is dependent on compliance schedules of the cities. The County is working on Title 3 compliance in the rural areas inside the Metro Boundary.

Time Extension Requests – November 13, 2001

City	Functional Plan Element	Requested Extension	Previous Extension
Beaverton	Title 4 – Retail Restrictions in Employment Areas	December 2001	none requested, delay due to appeal
Durham	Title 3	December 2001.	June 2000
Gladstone	Title 3 Title 4	June 2002 June 2002	December 2000 December 1999
Gresham	Title 2 – Parking Data Title 3 – Water Quality Performance Standards Title 4 – Retail Restrictions Title 5 – Green Corridors Title 6 – Street Design, Street Connectivity	December 2001 June 2002 June 2002 June 2002 June 2002	June 1999 October 2000 September 2000 September 2000 September 2000
Lake Oswego	Title 1 – Minimum Densities Title 3 – Floodplain Management Water Quality Standards	December 2001 March 2002 December 2002	June 2000 July 2000
Milwaukie	Title 3 – Floodplain Management Water Quality Standards	May 2002 October 2002	July 2000
Oregon City	Title 1 – Housing and Jobs Accommodation Title 4 – Retail Restrictions Title 5 – Green Corridors	June 2002 March 2002 December 2001	September 2000
Portland	Title 3 – Water Quality Standards: Willamette Tributaries	April 2002 September 2002	July 2001
Rivergrove	Title 3 – Water Quality Performance Standards	December 2001	June 2000
Tigard	Title 3 – Floodplain Management, Water Quality Standards	March 2002	July 2000
West Linn	Title 3 – Water Quality Standards	December 2002	March 2000
Wilsonville	Title 1 – Design Type Map, Capacity Analysis Title 2 – Office Parking Maximum Title 5 – Green Corridors Title 6 – Street Design, Street Connectivity	July 2002 February 2002 February 2002 August 2002	September 2000
Clackamas County	Title 3 – Water Quality Standards	December 2002	no previous extension
Multnomah County	Title 1 – Partitions, ADU's, Design Type Map, Capacity Analysis Title 1 – Minimum Density Title 2 – Regional Parking Policy Title 3 – Floodplain Management, Water Quality Standards, Erosion Control Title 4 – Retail Restrictions Title 5 – Green Corridors	The county is signing IGA's with Gresham and Troutdale and has signed an IGA with Portland. The County will come into compliance as the IGA's are signed and these cities come into compliance.	December 2000