

Functional Plan Title 3 Substantial Compliance Report

Submitted to Metro November 24, 1999

On behalf of:

Beaverton
Cornelius
Durham
Forest Grove
Hillsboro
King City
Sherwood
Tigard
Tualatin
Washington County

By:

Unified Sewerage Agency (USA)

Executive Summary

This report analyzes the proposed standards of the 2000 USA Design and Construction Standards against the requirements of Metro Code, and sets the framework for future actions by local jurisdictions. The following jurisdictions implement USA standards through various agreements, policies and development procedures: Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard, Tualatin, and Washington County. This report analyzes Draft 5 of the 2000 USA standards, presents information about USA's legal authority, implementation measures for each jurisdiction, and a summary of the existing policies and regulations that relate to Title 3. The report is divided into three sections as follows:

Section 1. Analysis of 2000 USA Design & Construction Standards. As required by Title 8 of the Functional Plan, USA evaluated the current draft of the proposed 1999 Standards (USA Standards) and finds that they are in substantial compliance with the requirements of Title 3, Sections 1-4. Table A, below, illustrates the primary compliance of USA Standards in comparison to Metro Code requirements. This table clearly shows how USA Standards exceed, in almost every case, the Metro Title 3 requirements. The specific analysis provides greater detail of how the 2000 USA standards combined with local actions meet Title 3 standards.

Section 2. Legal Authority and Implementation Issues. This section includes a summary of USA's legal authority to act as a regional water quality authority. There is also a discussion of the existing development procedures for each of the 10 jurisdictions, including a summary in Table B, shown below. Some of the local choices for implementation are described in this section. Table C, also shown below, contains the preferred choices for each jurisdiction, with an estimated schedule for local actions. For the most part, these timeframes match the extension requests from the jurisdictions.

Section 3. Existing Protections in Local Jurisdictions. This section evaluates each jurisdictions' comprehensive plan, zoning and development ordinances, and other implementing ordinances to give additional information about the existing standards "on the books" that currently provide for flood management, erosion control and water quality protection. This section also summarizes the current relationship between each jurisdiction and USA through code language or intergovernmental agreement (IGA). Copies of the IGAs are attached in Appendix D.

Appendices. The pertinent documents are attached at the end of this report for reference.

Executive Summary Table A: Comparison of Metro Code (Table 3.07-3) and 2000 USA Standards (Table 3.1) for Vegetated Corridors

Sensitive Area Definition/Protected Water Feature Type		Slope Adjacent to WQA/Protected Water Feature	Width of Vegetated Corridor		Requirement: enhancement vegetated corri	
USA Standards ¹	Metro Code ²	Same for Both :	USA Standards ³	Metro Code	USA Standards	Metro Code
• Streams with intermittent flow draining 10 to <50 acres	Not protected	<25%	15 feet	0 feet	First 15 feet must be in "good" condition	Encourage not require
• Streams and springs with intermittent flow draining ≥50 to <100 acres • Wetlands <0.50 acres	Secondary Protected Water Features ⁴	<25%	25 feet 25 feet	15 feet 0 feet unless mapped	First 25 feet must be in "good" condition	Encourage not require
• Existing or created wetlands ≥ 0.5 acres; • Natural lakes and ponds; • Rivers, streams and springs with year round flow; and • Streams with intermittent flow draining ≥100 acres.	Primary Protected Water Features ⁵	<25%	50 feet	50 feet	First 50 feet must be in "good" condition or whole buffer if less than 50 feet	Encourage not require
Streams with intermittent flow draining: • 10 to <50 acres • ≥50 to <100 acres	Not protected Secondary water features ⁴	≥25%	50 feet 30 feet 50 feet	0 feet 0 feet 50 feet		
• Existing or created wetlands; • Natural lakes and ponds; • Rivers, streams and springs with year round flow; and • Streams with intermittent flow draining ≥100 acres.	Primary Protected Water Features ⁵	≥25%	50 – 200 feet. Measure in 25' increments from starting point to top of ravine, plus 35' from top of ravine ⁶	50 – 200 feet. If Measure in 25' increments from starting point to top of bank, plus 50' from top of bank. ⁷	First 50 feet must be in "good" condition or whole buffer if less than 50 feet	Encouraged not required

¹ USA Starting Point for measurement: Edge of defined channel (bankful flow), delineated wetland, delineated spring boundary, and/or average high water for lakes or ponds, whichever is greatest resource protection. Intermittent springs located a minimum of 15' within the vegetated corridor shall not serve as the starting point for measurement.

² Metro Starting Point for measurement: Edge of Bankful flow, or delineated edge of Title 3 wetland.

³ Buffer Averaging or Reduction for Marginal or Degraded Vegetated Corridors only: Buffer Averaging (up to 20% of width for 20% of length); or, Buffer Reduction (only for vegetated corridors over 125', up to 20% reduction).

⁴ Metro Code Secondary Protected Water Feature is intermittent streams draining 50 – 100 acres.

⁵ Metro Code Primary Protected Water Feature is all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and ponds.

⁶ USA Standards: Allows 20' reduction with stamped geotechnical report demonstrating stable slope

⁷ Metro Code: Allows 25' reduction with geotechnical report demonstrating stable slope

Executive Summary Table B: Summary of Local Development Procedures

Jurisdiction	Existing Written Rules				Typical Review Procedures related to USA Standards			
	IGA	USA Standards Included within code	Comp Plan/ Dev. Code references USA Standards	Municipal Code or Other Standard references USA Standards	Standards applied by an in-house review	Engineering Plans Review Mix of In-house review and referral to USA, USA review and comment	USA review only	Land Use Review USA reviews development plans
Beaverton	✓	✓		✓	✓			
Cornelius	✓		✓			✓		✓
Durham	✓		✓			✓		✓
Forest Grove	✓			✓				
Hillsboro	✓		✓	✓		✓		
King City	✓		✓			✓		✓
Sherwood	✓		✓			✓		✓
Tigard	✓	✓	✓	✓	✓			✓
Tualatin	✓	✓		✓	✓			✓
Washington County (unincorporated)	✓		✓		✓		✓	✓

Executive Summary Table C: Summary of Potential Local Actions and Estimated Timeframes

Jurisdiction	Local Option Choices 1,2,3,4	Estimated Timing of Amendments	Notes
Beaverton	3, 4	July 2000	Consistent with extension request
Cornelius	2, 3, 4	October 2000	Consistent with extension request
Durham	1, 2	June 2000	Consistent with extension request
Forest Grove	2, 3	May 2000	IGA Amendments after USA adoption, consistent with extension request
Hillsboro	2, 3	August 2000	Consistent with extension request
King City	3	May 2000	Planning amendments concurrent with UR Master Plan, consistent with extension request
Sherwood	3, 4	June 2000	Consistent with extension request
Tigard	3, 4	July 2000	Consistent with extension request
Tualatin	2, 3, 4	July 2000	Consistent with extension request
Washington County (unincorporated)	4	October 2000	Consistent with extension request

Option 1: Make no changes and implement the existing IGA

Option 2: Amend IGA

Option 3: Amend local ordinances to update references to 2000 USA Standards

Option 4: Make other conforming amendments to local ordinances