



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 10, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 23, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Bob Cortright, DLCD Transportation & Growth Management Coordinator
Gregg Leion, Washington County

<paa> ya/

2 Notice of Adoption

DLCD

DATE STAMP

in person electronic mailed

DEPT OF

JUL 02 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only.

THIS FORM **MUST BE MAILED** TO DLCD WITHIN
5 WORKING DAYS AFTER THE FIRST FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 682**

Date First Evidentiary Hearing: **6/6/2007**

Date of Final Hearing: **6/26/2007**

Date Notice of Adoption form (Form #2) was sent to DLCD: **6/28/07**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **4/18/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):
Amends a portion of Article V (Public Facilities and Services) of the Community Development Code (CDC) that applies to new development located outside of urban growth boundaries (CDC 501-9.3). The amendments will provide additional safety criteria for public roadways that may be affected by rural developments with high potential trip generation (more than 200 average daily trips).

Does the Adoption differ from proposal? Please select one
No

Plan map changed from: **N/A**

to: **N/A**

Zone map changed from: **N/A**

to: **N/A**

Location: **N/A**

Specify density: Previous **N/A** New density: **N/A** Acres involved: **N/A**

Mark applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-07(16037)

Please list affected state or federal agencies, local governments or special districts: **Oregon Department of Transportation**

Local Contact: **Gregg Leion, Senior Planner**
E-mail: gregg_leion@co.washington.or.us
Phone: (503) 846-3969

Address: **155 N. First Ave., Suite 350-14**
City: **Hillsboro** Zip: **97124**
Fax: **(503) 846-4412**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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Plan

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and Public Hearing – Land Use & Transportation; County Counsel (All Rural CPOs)

Agenda Title: **PROPOSED ORDINANCE NO. 682 – AN ORDINANCE AMENDING A PORTION OF THE COMMUNITY DEVELOPMENT CODE TO CLARIFY TRAFFIC SAFETY STANDARDS THAT ARE APPLICABLE TO NEW DEVELOPMENT LOCATED OUTSIDE OF THE URBAN GROWTH BOUNDARY**

Presented by: Brent Curtis, Planning Manager; Dan Olsen, County Counsel

SUMMARY:

Ordinance No. 682 proposes to amend a portion of Article V (Public Facilities and Services) of the Community Development Code (CDC) that applies to new development located outside of urban growth boundaries (CDC Section 501-9.3). The amendments will provide additional safety criteria for public roadways that may be affected by rural developments with high potential trip generation (more than 200 average daily trips).

On June 6, 2007, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission voted unanimously to recommend that the Board of Commissioners adopt Ordinance 682. A staff report will be provided and copies of the report will be available at the Clerk's desk prior to the hearing.

- Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 682 by title only and conduct the public hearing. At the conclusion of the hearing, adopt Ordinance No. 682.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.a.</u>
Date:	6-26-07

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 682

An Ordinance Amending a Portion of Article V of the Community Development Code to Clarify Traffic Safety Standards That Are Applicable to New Development Located Outside of the Urban Growth Boundary.

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 660-662, 667, 670, 674, 676, and 677.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC element of the Comprehensive Plan in order to ensure continued safety for the traveling public on rural public roadways. The Board takes note that such

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1 changes are necessary for the benefit of the residents of Washington County, Oregon as
2 well as all users of the public roadway system in Washington County.

3 C. Under the provisions of Washington County Charter Chapter X, the Land
4 Use Ordinance Advisory Commission has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to
7 the Board. The Board finds that this Ordinance is based on those recommendations and
8 any modifications made by the Board, as a result of the public hearings process.

9 D. The Board finds and takes public notice that it is in receipt of all matters and
10 information necessary to consider this Ordinance in an adequate manner, and that this
11 Ordinance complies with the Statewide Planning Goals, and the standards for legislative
12 plan adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
13 Washington County Charter, and the Washington County Community Development Code.

14 SECTION 2

15 Attached hereto and incorporated herein by reference is Exhibit 1 (1 page)
16 amending CDC Section 501-9, LIMITED APPLICATION OF THE PUBLIC FACILITY
17 AND SERVICE STANDARDS OUTSIDE THE UGB.

18 SECTION 3

19 All other Comprehensive Plan provisions that have been adopted by prior
20 ordinance, which are not expressly amended or repealed herein, shall remain in full force
21 and effect.

22 ////

1 SECTION 4

2 All applications received prior to the effective date shall be processed in accordance
3 with ORS 215.427 (2005 Edition).

4 SECTION 5

5 If any portion of this Ordinance, including the exhibit, shall for any reason be held
6 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
7 affected thereby and shall remain in full force and effect, and any provision of a prior land
8 use ordinance amended or repealed by the stricken portion of this Ordinance shall be revived
9 and again be considered in full force and effect.

10 SECTION 6

11 The Office of County Counsel and Department of Land Use and Transportation are
12 authorized to prepare planning documents to reflect the changes adopted under Section 2
13 of this Ordinance, including deleting and adding textual material and maps, renumbering
14 pages or sections, and making any technical changes not affecting the substance of these
15 amendments as necessary to conform to the Washington County Comprehensive Plan
16 format.

17 /////

18 /////

19 /////

20 /////

21 /////

22 /////

1 SECTION 7

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 26th day of June, 2007, being the 1ST reading
4 and 1ST public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8
9 **ADOPTED**

10 Tom Brian
11 CHAIRMAN

12 Marian Larkin
13 RECORDING SECRETARY

14 READING

14 PUBLIC HEARING

15 First June 26, 2007
16 Second _____
17 Third _____
18 Fourth _____
19 Fifth _____
20 Sixth _____

15 June 26, 2007
16 _____
17 _____
18 _____
19 _____
20 _____

21 VOTE: Aye: Brian Rogers, Duyck Nay: _____
Strader, Schouten

22 Recording Secretary: Marian Larkin Date: 6/26/07

CDC Section 501-9 LIMITED APPLICATION OF THE PUBLIC FACILITY AND SERVICE STANDARDS OUTSIDE THE UGB is amended to reflect the following:

501-9.3 For the purpose of determining impact and adequacy of public roads, Section 501-8.5 F. (Sight Distance), 501-8.5 H. (Road Standards), and 501-8.4 (Dedication of Right-of-way) of this article shall apply except as provided in Section 501-9.4 and 501-9.5. However, in all instances, traffic safety issues shall be addressed ~~by the County.~~ Consideration of traffic safety shall include but not be limited to the following:

- A. Applicants for developments that will generate 500 or more average daily trips (ADT), based on the Institute of Transportation Engineers (ITE) Trip Generation Manual – 7th Edition, shall submit a traffic analysis which evaluates and makes recommendations for traffic safety. The traffic analysis shall be prepared by a certified Traffic or Civil Engineer registered in the State of Oregon. Submitted traffic analyses will be reviewed by the County Engineer for adequacy and completeness. Where development will access a State Highway, the requirement to provide a traffic report shall be determined by the Oregon Department of Transportation (ODOT).
- B. Based on evaluation of the traffic analysis by the County Engineer, improvements such as signalization, acceleration lanes, deceleration lanes, turning lanes, and channelization may be required by the County Engineer when found to be necessary for traffic safety under accepted traffic engineering standards and practices.
- C. Section 501-8.5 A., 501-8.5 B.(4), 501-8.5 C. and 501-8.5 E. may apply to development that will generate at least 200 ADT and that will access arterial roadways upon the County Engineer's determination that the application of these standards is in the interest of preserving the safety of arterial roadways.

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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and Public Hearing –
Land Use & Transportation; County Counsel (All Rural
CPOs)

Agenda Title: **PROPOSED ORDINANCE NO. 682 – AN ORDINANCE
AMENDING A PORTION OF THE COMMUNITY
DEVELOPMENT CODE TO CLARIFY TRAFFIC SAFETY
STANDARDS THAT ARE APPLICABLE TO NEW
DEVELOPMENT LOCATED OUTSIDE OF THE URBAN
GROWTH BOUNDARY**

Presented by: Brent Curtis, Planning Manager; Dan Olsen, County Counsel

SUMMARY:

Ordinance No. 682 proposes to amend a portion of Article V (Public Facilities and Services) of the Community Development Code (CDC) that applies to new development located outside of urban growth boundaries (CDC Section 501-9.3). The amendments will provide additional safety criteria for public roadways that may be affected by rural developments with high potential trip generation (more than 200 average daily trips).

On June 6, 2007, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission voted unanimously to recommend that the Board of Commissioners adopt Ordinance 682. A staff report will be provided and copies of the report will be available at the Clerk's desk prior to the hearing.

- Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 682 by title only and conduct the public hearing. At the conclusion of the hearing, adopt Ordinance No. 682.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.a.</u>
Date:	<u>6-26-07</u>

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Plan

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All Rural CPOs)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 682

Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 682 proposes to amend a portion of Article V (Public Facilities and Services) of the Community Development Code (CDC) that applies to new development located outside of urban growth boundaries (CDC Section 501-9.3). The amendments will provide additional safety criteria for public roadways that may be affected by rural developments with high potential trip generation (more than 200 average daily trips).

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 682. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for Ordinance No. 682 and sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 07-130

Agenda Item No.	<u>9.a.</u>
Date:	<u>6-26-07</u>

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 682) No. 07-130

This matter having come before the Washington County Board of Commissioners at its meeting of June 26, 2007; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, and Washington County's Comprehensive Plan relating to Ordinance No. 682; and

It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate legislative findings with respect to the adopted ordinance; and


It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on June 6, 2007, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with audio tapes of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 682 are hereby adopted.

DATED this 26 day of June, 2007.

		AYE	NAY	ABSENT	BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON
	BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Tom Bryan</u>
APPROVED AS TO FORM:	ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chairman
	DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	


County Counsel
For Washington County, Oregon

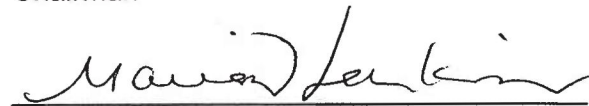

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE 682, AN ORDINANCE AMENDING A PORTION OF WASHINGTON COUNTY'S COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN, RELATING TO NEW DEVELOPMENT LOCATED OUTSIDE OF THE URBAN GROWTH BOUNDARY

June 26, 2007

GENERAL FINDINGS

Ordinance 682 amends a portion of Article V (Public Facilities and Services) of the Community Development Code (CDC) that applies to new development located outside of urban growth boundaries (CDC Section 501-9.3). The amendments will provide additional safety criteria for public roadways that may be affected by rural developments with high potential trip generation (more than 200 average daily trips)..

Pursuant to Statewide Planning Goal 2 (Land Use Planning – OAR 660-015-0000(2)), ORS 197.610 (Post-Acknowledgment Procedures) and the Transportation Planning Rule (OAR 660-012-0015(3)(a)) the amendments made by Ordinance 682 must be consistent with the adopted portions of the state and regional Transportation System Plans (TSP's) – the Oregon Transportation Plan (OTP) and Metro's Regional Transportation Plan (RTP). The amendments made to the Community Development Code by Ordinance 682 are limited in scope and the Board finds that the OTP and RTP apply to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of these plans, and that the amendments comply with the applicable goals and policies of the OTP and RTP. In addition, the Board finds that the statewide planning goals apply to the amendments covered by these findings only to the extent noted in specific responses to individual goals, and that the amendments comply with the goals.

GOAL FINDINGS

Goal 1 - Citizen Involvement

CONCLUSION

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of these ordinances. Plan compliance with Goal 1 is maintained by implementing these citizen involvement options. This conclusion is supported by the following facts.

FACTS

1. Washington County's Citizen Participation Policy is outlined in Resolution and Order 86-58 and in Chapter X of the Washington County Charter.
2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, Town Hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPO).
3. Ordinance 682 has been adopted in compliance with the acknowledged Citizen Participation Policies of the County outlined in R & O 86-58 and in Chapter X of the Charter. Citizen participation efforts included conducting public hearings before the Planning Commission and before the Board of County Commissioners, providing for CPO involvement as well as general public participation in the process via public notifications.
4. The Planning Commission held a public hearing on June 6, 2007 that resulted in a recommendation for adoption of Ordinance 682 to the Board of Commissioners.
5. The Board of Commissioners held a public hearing on Ordinance 682 on June 26, 2007 as required by Chapter X of the Washington County Charter.
6. Copies of the proposed ordinance and staff reports were provided to the CPOs and other interested individuals and groups. Notices for Ordinance 682 were sent to CPO's and cities on April 27, 2007; notices and copies of the ordinance were mailed to special districts on April 27, 2007.
7. Chapter X of the County Charter requires that individual notice for the initial ordinance public hearings be mailed at least 14 days prior to the first hearing to those persons who have requested them in writing and paid a fee. Notice of Ordinance 682 was mailed to the 478 persons that requested such notice on May 23, 2007.
8. Chapter X of the County Charter requires that a display ad be published in local newspapers at least 14 days prior to the first hearing on the initial ordinance. Display ads for Ordinance 682 were published in the following newspapers: The Hillsboro Argus and The Oregonian, Washington County Weekly section, on May 18 and May 17, 2007 respectively.

Goal 2 - Land Use Planning

CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Washington County has a land use planning process that is acknowledged as complying with Statewide Planning Goal 2 and which provides for the review and update of the various elements of the Comprehensive Plan, including the Community Development Code. Washington County utilized this process to adopt this ordinance.

The amendments made to the Community Development Code by Ordinance 682 are in compliance with Statewide Planning Goal 2. The amendments also are consistent with the policies set forth in the acknowledged Rural/Natural Resource Plan, Policy 1, Implementing Strategy d. These conclusions are supported by the following facts.

FACTS

1. The acknowledged Rural/Natural Resource Plan require that legislative Plan amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.
2. Chapter X, Section 100(d) of the County Charter defines 'land use ordinances' to include any ordinance that amends a comprehensive plan. Ordinance 682 amends the Community Development Code, which is an element of the County's Comprehensive Plan. It is therefore a legislative land use ordinance in accordance with the definitions in Chapter X of the County Charter.
3. Chapter X of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission. The Commission met May 10, 2007 to draft a notice for Ordinance 682. The Charter further requires that the notice be mailed at least 14 days prior to the initial Planning Commission hearing to the 478 persons who have requested notices in writing and paid a fee. This notice was mailed on May 23, 2007. The initial Planning Commission meeting was held on June 6, 2007.
4. Chapter X requires that a display newspaper ad be published 14 days prior to the initial Planning Commission hearing, which was held on June 6, 2007. ORS Chapter 215.060 requires the County to provide 10 days advance public notice in a newspaper of general circulation prior to the first public hearing. Display ads were published in the following newspapers: The Hillsboro Argus and The Oregonian, Washington County Weekly section, on May 18 and May 17, 2007 respectively. The publishing of the ads complied with both the County Charter and ORS 215.060 provisions.

5. ORS 197.610, OAR 660-18-020, and Senate Bill 543 (effective on June 30, 1999) require that notice of proposed amendments to the County's acknowledged comprehensive plan shall be forwarded to the Director of the Department of Land Conservation and Development (DLCD) at least 45 days prior to the first evidentiary hearing. Notice of proposed Ordinance 682 was mailed to DLCDC on April 18, 2007 in compliance with this requirement.
6. Chapter X of the Charter requires that the Planning Commission hold at least one public hearing for a land use ordinance. The Planning Commission held a public hearing on June 6, 2007 that resulted in a recommendation for approval of Ordinance 682 to the Board of Commissioners.
7. Chapter X of the Charter requires the Board to hold a hearing for land use ordinances after the Planning Commission's hearing. The Board of Commissioners held a public hearing on Ordinance 682 on June 26, 2007 as required by Chapter X of the Washington County Charter.
8. Notice of Ordinance 682 was provided to the public, affected cities and the Department of Land Conservation and Development. No comments were provided in response to these notices.
9. Statewide Planning Goal 2 (OAR 660-015-0000(2)) requires that opportunities be provided for review and comment on the plan by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances. As previously explained, the County followed its acknowledged public involvement procedures to involve citizens in developing and adopting Ordinance 682. Development of Ordinance 682 also included the electronic posting of the draft ordinance and related documents on the Internet and invitations for citizen comment.

Goal 3 - Agricultural Land

CONCLUSION

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance 682 based upon the following relevant facts.

FACTS

1. The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts.

2. Ordinance 682 did not amend any plan policies or strategies applicable to the EFU and AF-20 Districts.
3. Article III of the Community Development Code (CDC Sections 340 and 344) and Article VII set forth the uses that may be allowed on lands within exclusive farm use districts. The provisions included in these portions of the CDC have been previously acknowledged. Ordinance 682 does not amend any of the permitted uses or development standards relating to transportation improvements on lands within the exclusive farm use districts.

Goal 4 - Forest Lands

CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. The amendments made by Ordinance 682 are consistent with Goal 4; OAR Chapter 660, Division 06; and the County's acknowledged policies for preservation of forest lands.

FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. Ordinance 682 did not amend any plan policies or strategies related to the EFC District.
3. Ordinance 682 did not amend standards in the EFC District or any other standards applicable to this district including the standards of CDC Section 342 and CDC Article VII relating to allowed transportation improvements. Ordinance 682 will therefore not affect the County's acknowledged Goal 4 land base.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

CONCLUSION

Policies 10, 11 and 12 of the Comprehensive Framework Plan for the Urban Area, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan and various sections of the Community Plans and the Community Development Code include provisions for the protection of Goal 5 resources. In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to Post Acknowledgment Plan Amendments (PAPAs) initiated on or after September 1, 1996 when the PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

Plan compliance with Goal 5 is maintained with the amendments made by Ordinance 682. The amendments are consistent with the County's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660 Division 23. This conclusion is supported by the following facts.

FACTS

1. Ordinance 682 does not amend any Plan policies or strategies relating to Goal 5.
2. Ordinance 682 does not amend any provisions of the Community Development Code relating to Goal 5. The amendments made by this ordinance do not alter the County's acknowledged Plan requirements and land use regulations relating to Goal 5.
3. Ordinance 682 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
4. Ordinance 682 does not allow any new uses in any affected land use district and there will consequently be no new uses that conflict with acknowledged Goal 5 resources.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

Policies 4, 5, 6 and 7 in the Urban Comprehensive Framework Plan and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources. Plan compliance with Goal 6 is maintained with the amendments made by Ordinance 682 and the amendments are consistent with the County's acknowledged policies and standards for the protection of Goal 6 resources. This conclusion is supported by the following facts.

FACTS

1. The Community Development Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), Section 423 (Environmental Performance Standards), Section 426 (Erosion Control) and Article 7 (Public Transportation Facilities).
2. Ordinance 682 did not amend any applicable Plan policies or Code standards related to air, water and land resources.

Goal 7 - Natural Disasters and Hazards

CONCLUSION

Policy 8 in the Urban Comprehensive Framework Plan and Policy 8 in the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance 682. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7. This conclusion is supported by the following facts.

FACTS

1. The Community Development Code standards related to natural disasters and hazards are contained in Sections 410 (Grading and Drainage), 421 (Flood Plain and Drainage Hazard Area Development) and 426 (Erosion Control).
2. Ordinance 682 does not amend these Code Sections or the applicable Plan policies related to natural disasters and hazards.

Goal 8 Recreation Needs

CONCLUSION

Policies 33, 34 and 35 of the Urban Comprehensive Framework Plan, Policy 24 of the Rural\Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance 682. The amendments are consistent with the County's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts.

FACTS

1. The Code standards related to recreation uses are contained in Sections 405 (Open Space) and in certain Special Use Standards of CDC Section 430.
2. Ordinance 682 did not amend any of these Code Sections, the Community Plans or the applicable Plan policies related to recreation.

Goal 9 - Economy of the State

CONCLUSION

Policy 20 in the Urban Comprehensive Framework Plan and Policies 15, 16, 20 and 21 in the Rural\Natural Resource Plan set forth the County's policies to strengthen the local economy. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance 682. The amendments are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts.

FACTS

1. Ordinance 682 did not amend the applicable Plan policies related to Goal 9.
2. Ordinance 682 did not amend any Community Development Code provisions relating to economic development.

Goal 10 - Housing

CONCLUSION

Policies 21, 22, 23 and 24 of the Urban Comprehensive Framework Plan and Policies 19 and 25 of the Rural\Natural Resource Plan address the provision of housing in the urban and rural areas of the County.

The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments by Ordinance 682. The amendments are consistent with the County's acknowledged policies and standards for regulating housing in the urban and rural area as required by Goal 10. This conclusion is supported by the following facts.

FACTS

1. Ordinance 682 did not amend any of the applicable Plan policies related to housing.

Goal 11 - Public Facilities and Services

CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Urban Comprehensive Framework Plan and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance 682. The amendments are consistent with the County's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. This conclusion is supported by the following facts.

FACTS

1. The standards for public facilities and services in the Community Development Code are in Article V (Public Facilities and Services). Ordinance 682 amends these standards to clarify traffic safety requirements for new development that will generate a minimum of 200 average daily trips and that are located outside of the UGB.
2. In 1991, Washington County adopted a Public Facility Plan, consistent with OAR 660, Division 11. Ordinance 682 does not amend that plan.
3. Ordinance 682 will help ensure continued development of an orderly and efficient transportation system. The Ordinance amends a portion of the Community Development Code to ensure continued traffic safety when new rural development occurs. These amendments support existing 2020 Transportation Plan policies and strategies for transportation facilities.

Goal 12 - Transportation

CONCLUSION

The County's adopted and acknowledged Transportation Plan was developed to accommodate the transportation needs of Washington County through the year 2020. Ordinance 682 is intended to implement existing provisions relating to roadway safety in the acknowledged 2020 Transportation Plan. The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12) as described below.

FACTS

1. OAR 660-012-0045(6) sets forth the elements that are to be included as part of the planned bicycle and pedestrian system in developed areas. Ordinance A-Engrossed 588, which adopted the 2020 Transportation plan, together with previously adopted and acknowledged ordinances that implemented CDC Section 408, was found to fully comply with the provisions of Subsection --0045(6). Ordinance 682 does not amend any provisions of CDC Section 408. Ordinance 682 is limited in its scope and implements adopted roadway safety strategies from the 2020 Transportation Plan.
2. Ordinance 682 provides for roadway safety analyses and improvements when found to be necessary to maintain roadway safety for the traveling public.
3. OAR 660-012-0050 concerns transportation project development. Subsection --0050(3) concerns project development, land use decision making and unresolved issues of compliance with comprehensive plan policies and land use regulations. Adopted and acknowledged Ordinances A-Engrossed No. 421 and No. 573 created and refined Article 7 of the Community Development Code which is consistent with the requirements of OAR 660-012-0050. CDC Article VII provides a consolidated review process for review of land use decisions for permitting transportation projects. Ordinance 682 does not amend this process for land use review of transportation projects.
4. OAR 660-012-0060 sets forth requirements for plan and land use regulation amendments. Ordinance 682 is consistent with the provisions of OAR 660-012-0060. Ordinance 682 does not significantly affect any transportation facilities because it will not result in any of the following:
 - Changes in the functional classification of an existing or planned transportation facility;
 - Changes in the standards implementing a functional classification system;
 - As measured at the end of the planning period identified in the adopted TSP (year-2020), Ordinance 682 also will not allow:
 - Types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - Reductions in the performance standards of facilities below the minimum acceptable level identified in the Transportation System Plan; or

Worsening of the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.

Ordinance 682 is limited to providing for traffic safety analyses in conjunction with new rural development that generates 200 to 500 or more average daily trips. It also provides for traffic safety improvements if they are found to be necessary using accepted traffic engineering judgment in evaluating the traffic safety analyses. Ordinance 682 does not amend the adopted capacities (2020 Transportation Plan Lane Numbers Map – Figure 5) for roadways as set forth in the 2020 Transportation Plan. Ordinance 682 does not change any land use classifications or plan designations. Providing safety improvements where needed will improve performance and safety of roadways. Based on these facts, Ordinance 682 is consistent with the Transportation Planning Rule requirements.

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Urban Comprehensive Framework Plan and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County.

The Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance 682. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts.

FACTS

Ordinance 682 did not amend the applicable Plan policies or Code provisions that relate to energy conservation.

Goal 14 - Urbanization

CONCLUSION

Policies 13, 14, 16, 17, 18 and 19 of the Urban Comprehensive Framework Plan address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with

the amendments made by Ordinance 682. The amendment is consistent with the County's acknowledged policies and strategies for urbanization as required by Goal 14. This conclusion is supported by the following facts.

FACTS

1. Ordinance 682 did not amend the Plan policies or Code standards related to urbanization.
2. Ordinance 682 does not change any land designations that provide for urban development nor does it amend any policies or implementing provisions relating to urbanization.

FINDINGS OF COMPLIANCE WITH THE OREGON TRANSPORTATION PLAN (OTP):

CONCLUSION

The amendments made by Ordinance 682 do not affect the 2020 Transportation Plan's consistency with the OTP.

FACTS:

1. Ordinance A-Engrossed 588 adopted the 2020 Transportation Plan and was found to fully comply with applicable provisions of the OTP.
2. The amendments to the Community Development Code made by Ordinance 682 are limited in scope and implement adopted strategies of the System Safety Policy (Policy 2.0) and the Roadway Element (Policy 8.0 – Roadway Safety Policy) of the Plan.
3. The amendments made by Ordinance 682 do not amend any policy or strategy of the 2020 Transportation Plan. Consistency with the OTP is therefore not affected.

FINDINGS OF COMPLIANCE WITH THE STATE TRANSPORTATION PLANNING RULE (OAR 660-012-0060)

Some portions of this rule apply to the development of Transportation Systems Plans; other portions apply to comprehensive plan amendments and zone changes, whereas other portions apply to development actions. With regard to Ordinance 682, the applicable sections are 660-012-0060 (1) relating to "... amendments to functional plans, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility..." and 660-012-0060(4) relating to plan amendments being "... coordinated with affected transportation facility and service providers and other affected local governments."

TPR Provision 660-012-0060(1):

CONCLUSION

Ordinance 682 fully complies with the provisions of Subsection - 0060.

FACTS:

1. As previously discussed in these findings, OAR 660-012-0060 sets forth requirements for plan and land use regulation amendments. Subsection -0060 is applicable only if an amendment will significantly affect an existing or planned transportation facility as defined in Subsection -0060(1). Ordinance 682 does not significantly affect any transportation facilities because it will not result in any of the following:
 - Changes in the functional classification of an existing or planned transportation facility;
 - Changes in the standards implementing a functional classification system;
 - As measured at the end of the planning period identified in the adopted TSP (year-2020), Ordinance 682 also will not allow:
 - Types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - Reductions in the performance standards of facilities below the minimum acceptable level identified in the Transportation System Plan; or
 - Worsening of the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.
2. Ordinance 682 is limited to clarifying the intent of the adopted and acknowledged 2020 Transportation Plan. The Plan is intended to provide for roadway safety. The amendments made by Ordinance 682 pertain only to a portion of the Community Development Code which implements the policies and strategies of the adopted and acknowledged 2020 Transportation Plan. Ordinance 682 will provide for traffic safety analyses and improvements that may be required for new rural development that will generate a minimum of 200 average daily trips.

TPR Provision 660-012-0060(4):

CONCLUSION

Development and adoption of Ordinance 682 was coordinated with affected transportation facility and service providers and other affected local governments in full compliance with Subsection -0060(4).

FACTS:

1. Staff mailed notice of Ordinance 682 to all affected cities, transportation facility and service providers, local, regional and state agencies on or before April 27, 2007.