



# 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](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT

April 11, 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 001-07

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: April 26, 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  
Meg Fernekees, DLCD Regional Representative  
Paul Schaefer, Washington County

<paa> ya/

FORM

2

DLCD

# Notice of Adoption

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

|                   |                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------|
| DATE<br>STAMP     | in person <input type="checkbox"/> electronic <input type="checkbox"/> mailed <input type="checkbox"/> |
|                   | DEPT OF                                                                                                |
|                   | APR 06 2007                                                                                            |
|                   | LAND CONSERVATION<br>AND DEVELOPMENT                                                                   |
| For DLCD Use Only |                                                                                                        |

Jurisdiction: **Washington County**

Local file number: **Ordinance 671**

Date First Evidentiary Hearing: **3/7/2007**

Date of Final Hearing: **4/3/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **1/19/2007**

☒ 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):  
**Removes properties added to the Regional UGB by Metro in 2004 from the Rural/Natural Resource Plan and designates them Future Development 20-Acre (FD-20) District. The ordinance also adds some of the properties to the West Union Community Plan and to the countywide "Future Development Areas" map (Policy 41 of the Comprehensive Framework Plan for the Urban Area).**

Does the Adoption differ from proposal? No, no explanation is necessary

Plan map changed from: **Various**

to: **FD-20**

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

to: **N/A**

Location: **Various locations throughout the County**

Specify density:

Previous **Various**

New density: **20-acre minimum**

Acres involved: **1538**

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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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.

001-07 (15808)



Please list affected state or federal agencies, local governments or special districts:

Local Contact: **Paul Schaefer**  
E-mail: [paul\\_schaefer@co.washington.or.us](mailto:paul_schaefer@co.washington.or.us)  
Phone: (503) 846-8817

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

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## 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](mailto: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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

<http://www.lcd.state.or.us/LCD/forms.shtml>

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Updated November 27, 2006

## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and First Public Hearing -  
Department of Land Use & Transportation; County Counsel (CPOs 5 & 8)

**Agenda Title:** **PROPOSED ORDINANCE NO. 671 – AMENDING THE  
RURAL/NATURAL RESOURCE PLAN, COMPREHENSIVE  
FRAMEWORK PLAN FOR THE URBAN AREA, AND THE WEST  
UNION COMMUNITY PLAN TO IMPLEMENT THE 2004 METRO  
URBAN GROWTH BOUNDARY EXPANSION**

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

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#### SUMMARY:

Ordinance No. 671 proposes amendments to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area (CFP), and the West Union Community Plan to incorporate changes made to the Regional Urban Growth Boundary (UGB) by Metro in 2004. The proposed ordinance removes properties totaling approximately 1,538 acres from the Rural/Natural Resource Plan and designates the properties Future Development 20 Acre (FD-20) District.

The Planning Commission (Commission) considered Ordinance No. 671 at their March 7, 2007 meeting. After taking public testimony, the Commission closed the public hearing and voted unanimously to recommend that the Board adopt the ordinance as filed. The staff report will be provided to the Board prior to the hearing and copies will also be available at the Clerk's desk.

- 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 by title only and conduct a public hearing for Ordinance No. 671. At the conclusion of the hearing, adopt Ordinance No. 671.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

**ADOPTED**

|                 |             |
|-----------------|-------------|
| Agenda Item No. | <b>5.b.</b> |
| Date:           | 04-03-07    |





## WASHINGTON COUNTY OREGON

January 26, 2007

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager   
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE No. 671**

Enclosed for your information is a copy of proposed Ordinance No. 671. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

### **Ordinance Purpose and Summary**

Ordinance No. 671 proposes to amend the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area (CFP), and the West Union Community Plan to incorporate changes made to the Regional Urban Growth Boundary (UGB) by Metro in 2004. Properties added to the Regional UGB by Metro are to be preserved in blocks of 20 acres or more. Ordinance No. 671, if adopted, would apply the Future Development 20 Acre District (FD-20) to these properties.

### **Who Is Affected**

Owners of property located in areas added to the UGB in Washington County in 2004.

### **What Land is Affected**

Approximately 1,538 acres of land located in areas added to the UGB in Washington County in 2004.

### **Key Provisions**

- The Rural/Natural Resource Plan would be amended to remove properties (approximately 1,538 acres total) added to the UGB by Metro in 2004.
- The "Future Development Areas" map contained in CFP Policy 41 would be amended to include properties that were added to the UGB in 2004. These properties would also be designated FD-20.
- The West Union Community Plan would be amended to include those properties located at the southeast corner Helvetia and West Union Roads that were added to the UGB in 2004. These properties would also be designated FD-20.
- CFP Policy 41 would be amended to include text relating to new Areas of Special Concern 4, 5, and 6 and the West Union Community Plan would be amended to include text relating to new Area of Special Concern 1.

### **Initial Public Hearings Time and Place**

**Planning Commission**  
**1:30 pm**  
**March 7, 2007**

**Board of County Commissioners**  
**10:00 am**  
**April 3, 2007**

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On April 3, 2007, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on May 3, 2007.

**Urban Comprehensive  
Plan Policies Amended**

- Policy 41, Urban Growth Boundary Expansion

**How to Submit  
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **Testimony may not be submitted by e-mail.**

Washington County, Planning Division  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

**Staff Contact**

Paul Schaefer  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-8817 Fax: 503-846-4412  
e-mail: paul\_schaefer@co.washington.or.us

**Proposed Ordinance is  
available at the  
following locations:**

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1<sup>st</sup> Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://www.co.washington.or.us/deptmts/lut/planning/ordhome.htm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

/wpshare/2007ord/Ord671/Notices & Affidavits/Ord 671 CPO Notice.doc



**FILED**

JAN 19 2007

**Washington County  
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 671

An Ordinance Amending the  
Rural/Natural Resource Plan, the  
Comprehensive Framework Plan for  
the Urban Area, and the West Union  
Community Plan to Implement the  
2004 Metro Urban Growth Boundary  
Expansion

The Board of County Commissioners of Washington County, Oregon, ("Board")  
ordains:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan (Volume III)  
was readopted with amendments, by way of Ordinance No. 307, with portions  
subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482,  
499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649,  
653, and 662.

B. The Board recognizes that the Comprehensive Framework Plan for the  
Urban Area element of the Comprehensive Plan (Volume II) was readopted with  
amendments on September 9, 1986, with portions subsequently amended by Ordinance  
Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 483, 503, 516, 517, 526, 561,  
571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, and 662.

C. The Board recognizes that the West Union Community Plan was adopted  
by Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 420, 480, 551, 588, and  
610.

1           D.     Subsequent ongoing planning efforts of the County indicate a need for  
2 changes to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the  
3 Urban Area, and the West Union Community Plan in order to implement Metro's Urban  
4 Growth Boundary Expansion in 2004 to bring in industrial lands adopted pursuant to  
5 Metro Ordinance No. 04-1040B. The Board takes note that such changes are necessary  
6 for the benefit of the health, safety, and general welfare of the residents of Washington  
7 County, Oregon.

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

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

19     SECTION 2

20           The following exhibits, attached hereto and incorporated herein by reference, are  
21 adopted as amendments to the designated documents as follows:

22     /////



- 1 A. Exhibit 1 (2 pages) amends the Rural/Natural Resource Plan by removing  
2 certain areas from the Plan;
- 3 B. Exhibit 2 (9 pages) amends the Comprehensive Framework Plan for the  
4 Urban Area by amending: (1) MAP A – Future Development Areas to  
5 apply the FD-20 designation, (2) MAP B – Goal 5 Resource for Future  
6 Development Areas to apply Goal 5 Resources designations, (3) MAP C –  
7 Future Development Areas to apply Areas of Special Concerns (ASC), and  
8 (4) implementing Strategy d. of Policy 41 to update the text for Areas of  
9 Special Concern 1, 2 and 3 and add new text for Areas of Special Concern  
10 4, 5 and 6; and
- 11 C. Exhibit 3 (5 pages) amends the West Union Community Plan to: (1)  
12 include a new area and designate it as the “Helvetia” Subarea on the  
13 Washington County Subareas Map, (2) add a new map, Washington  
14 County Areas of Special Concern, (3) include a new area on the  
15 Washington County Land Use Districts Map, add an FD-20 designation to  
16 the map, and apply the FD-20 designation to that new area, (4) include a  
17 new area on the Significant Natural and Cultural Resources Map and apply  
18 the Goal 5 Resource designations, and (5) add text to describe the Helvetia  
19 Subarea and the new Area of Special Concern 1.
- 20 ////  
21 ////  
22 ////

1     SECTION 3

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

5     SECTION 4

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

8     SECTION 5

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

14    SECTION 6

15            The Office of County Counsel and Department of Land Use and Transportation are  
16 authorized to prepare planning documents to reflect the changes adopted under Section 2  
17 of this Ordinance, including deleting and adding textual material and maps, renumbering  
18 pages or sections, and making any technical changes not affecting the substance of these

19    /////

20    /////

21    /////

22    /////

1 amendments as necessary to conform to the Washington County Comprehensive Plan  
2 format.

3 SECTION 7

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

5 ENACTED this 3 day of April, 2007, being the 1st reading  
6 and 1st public hearing before the Board of County Commissioners of Washington  
7 County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS  
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

Tom Buon  
CHAIRMAN

Barbara Hejmanek  
RECORDING SECRETARY

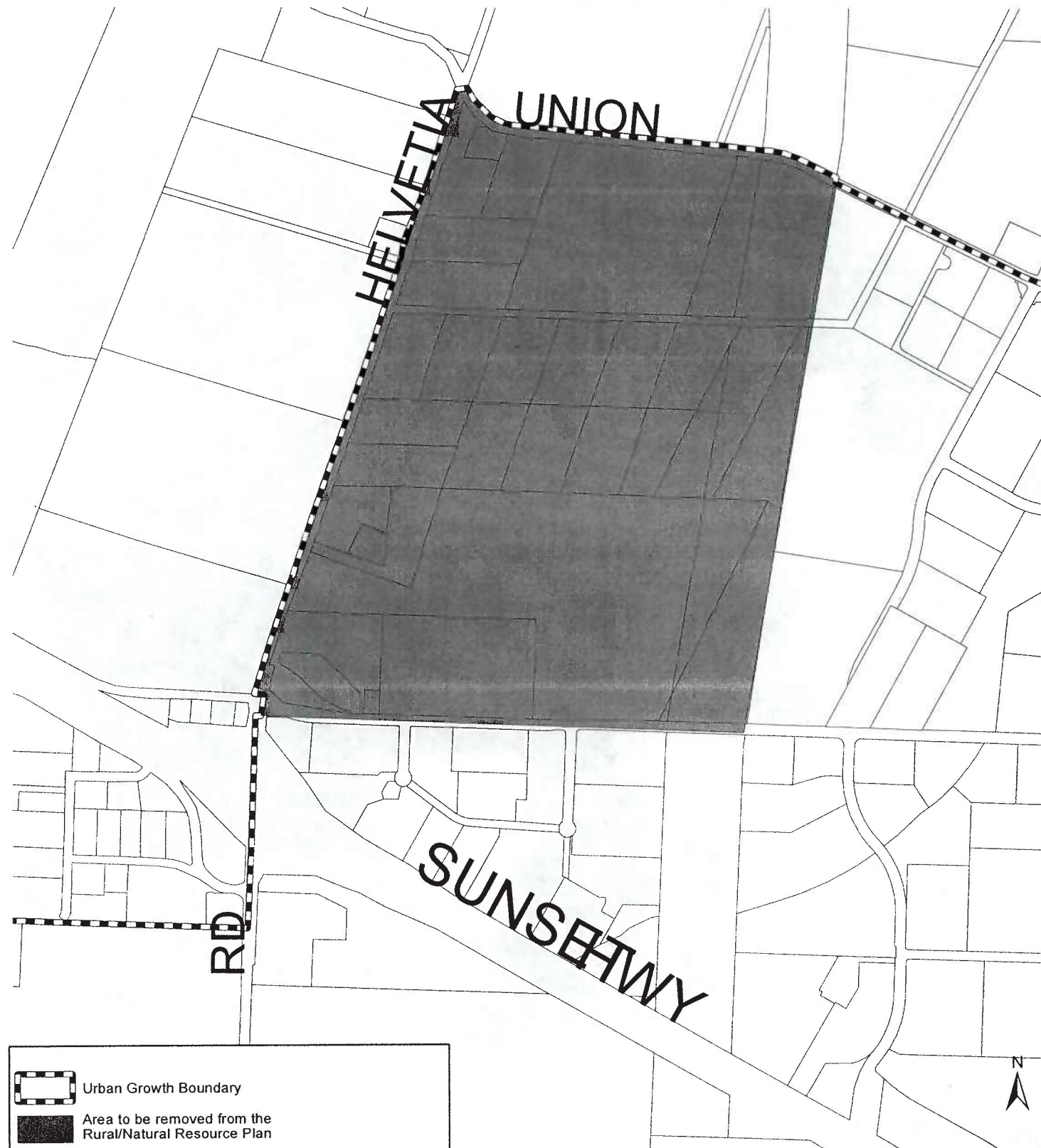
|    |                            |                       |
|----|----------------------------|-----------------------|
|    | <u>READING</u>             | <u>PUBLIC HEARING</u> |
| 13 | First <u>April 3, 2007</u> | <u>April 3, 2007</u>  |
| 14 | Second _____               | _____                 |
|    | Third _____                | _____                 |
| 15 | Fourth _____               | _____                 |
|    | Fifth _____                | _____                 |
| 16 | Sixth _____                | _____                 |

17 VOTE: Aye: Brian Rogers, Schouten, Nay: \_\_\_\_\_  
Duyck, Strader

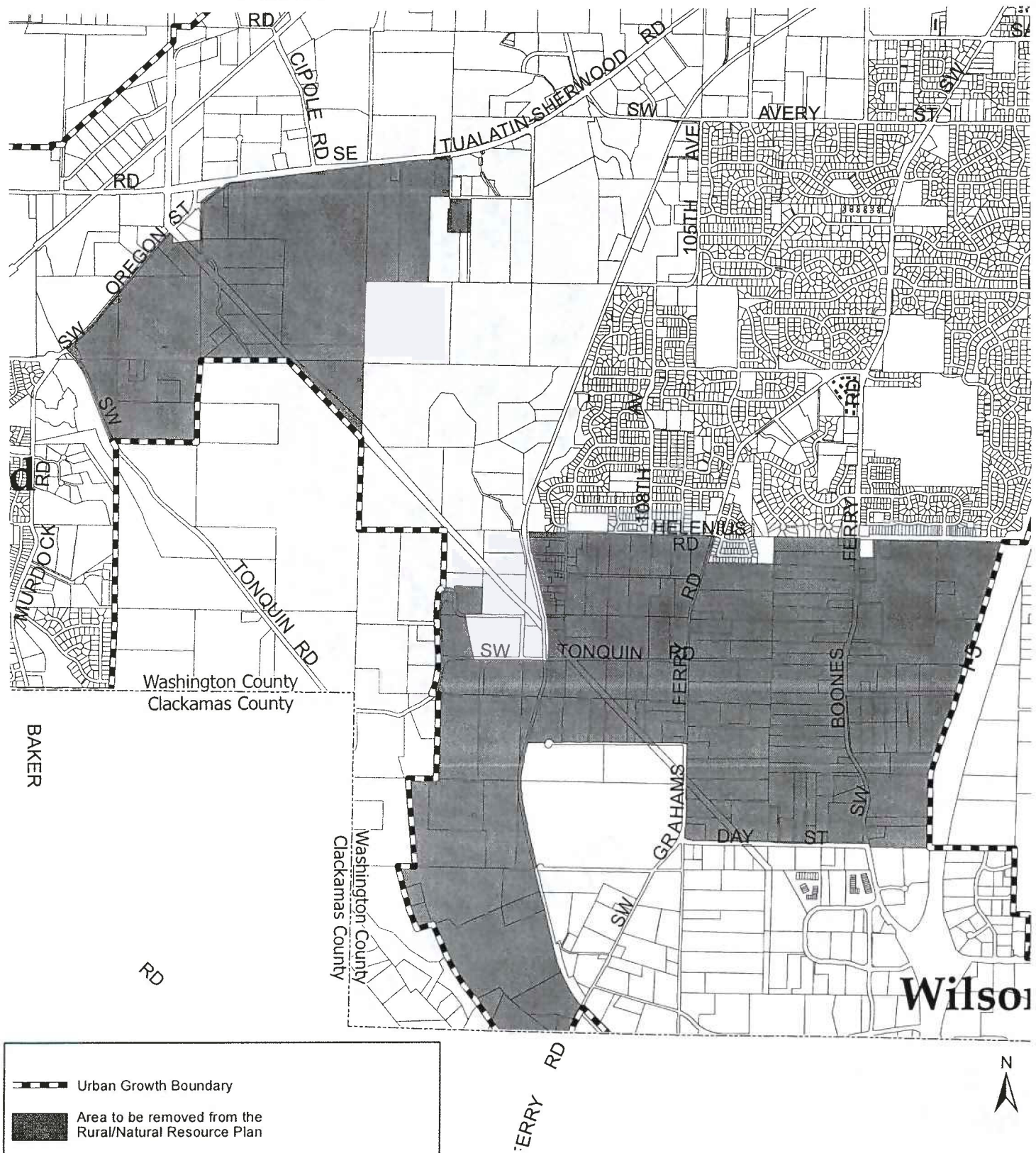
18 Recording Secretary: Barbara Hejmanek Date: April 3, 2007



The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.

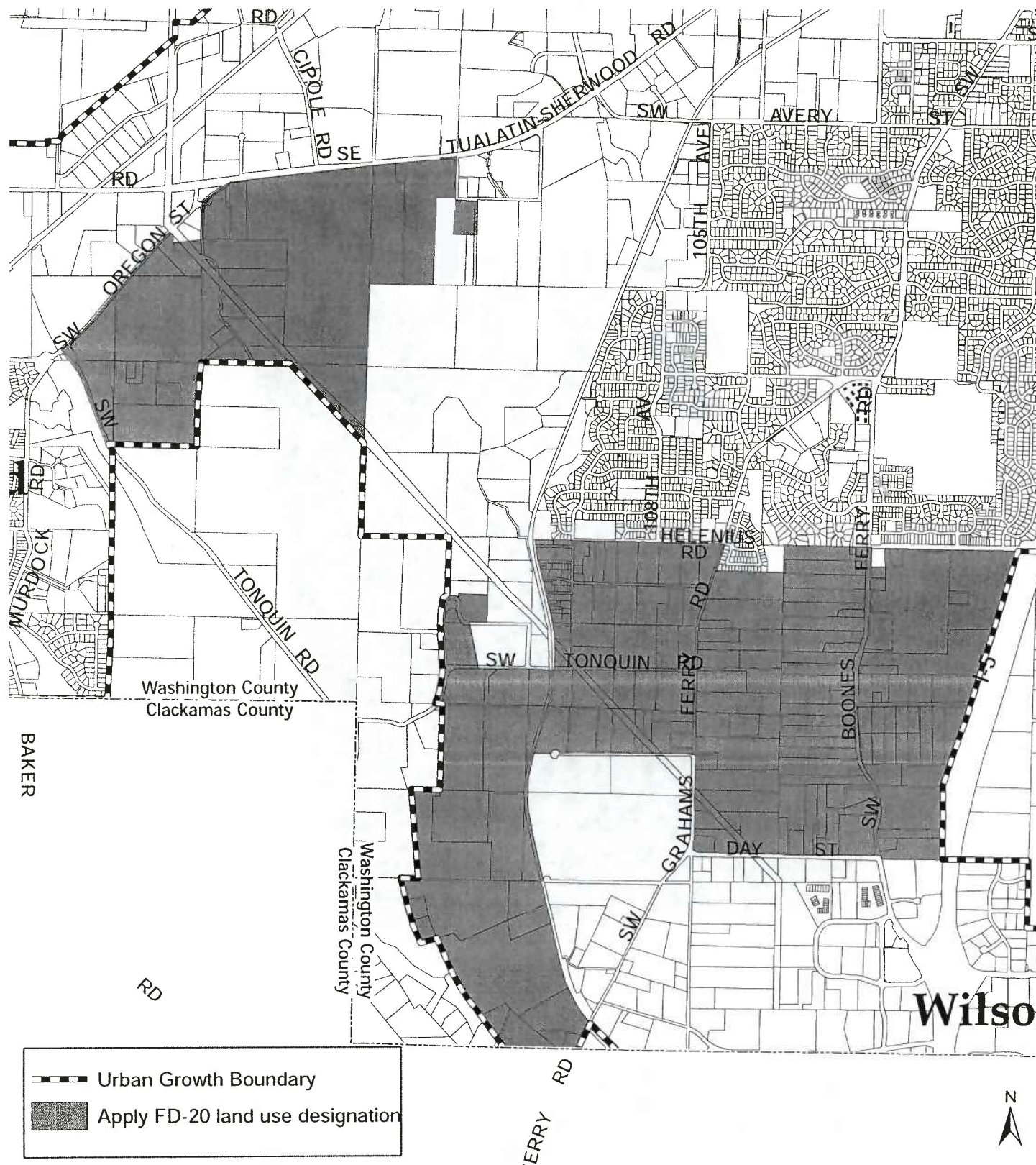


The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.



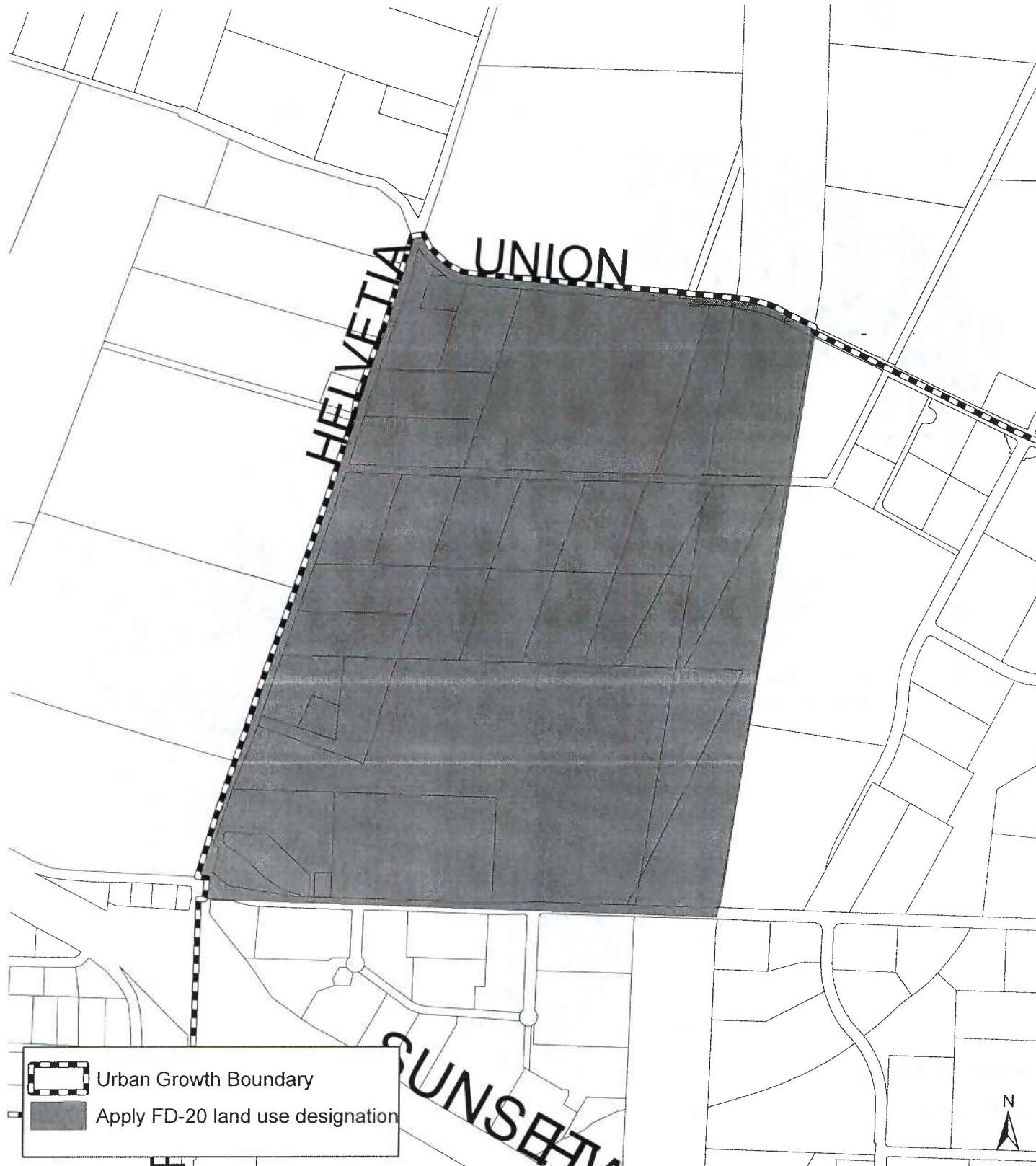


Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:

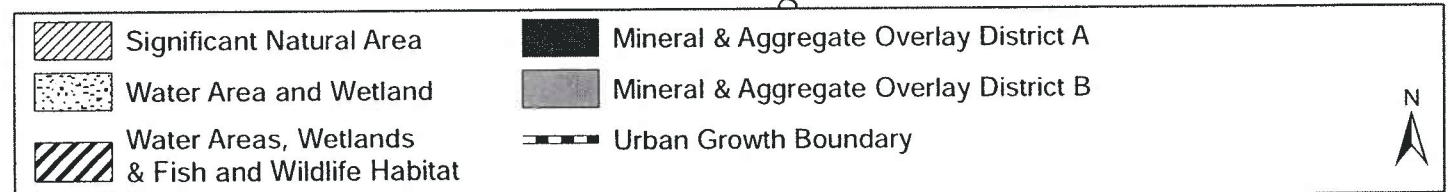
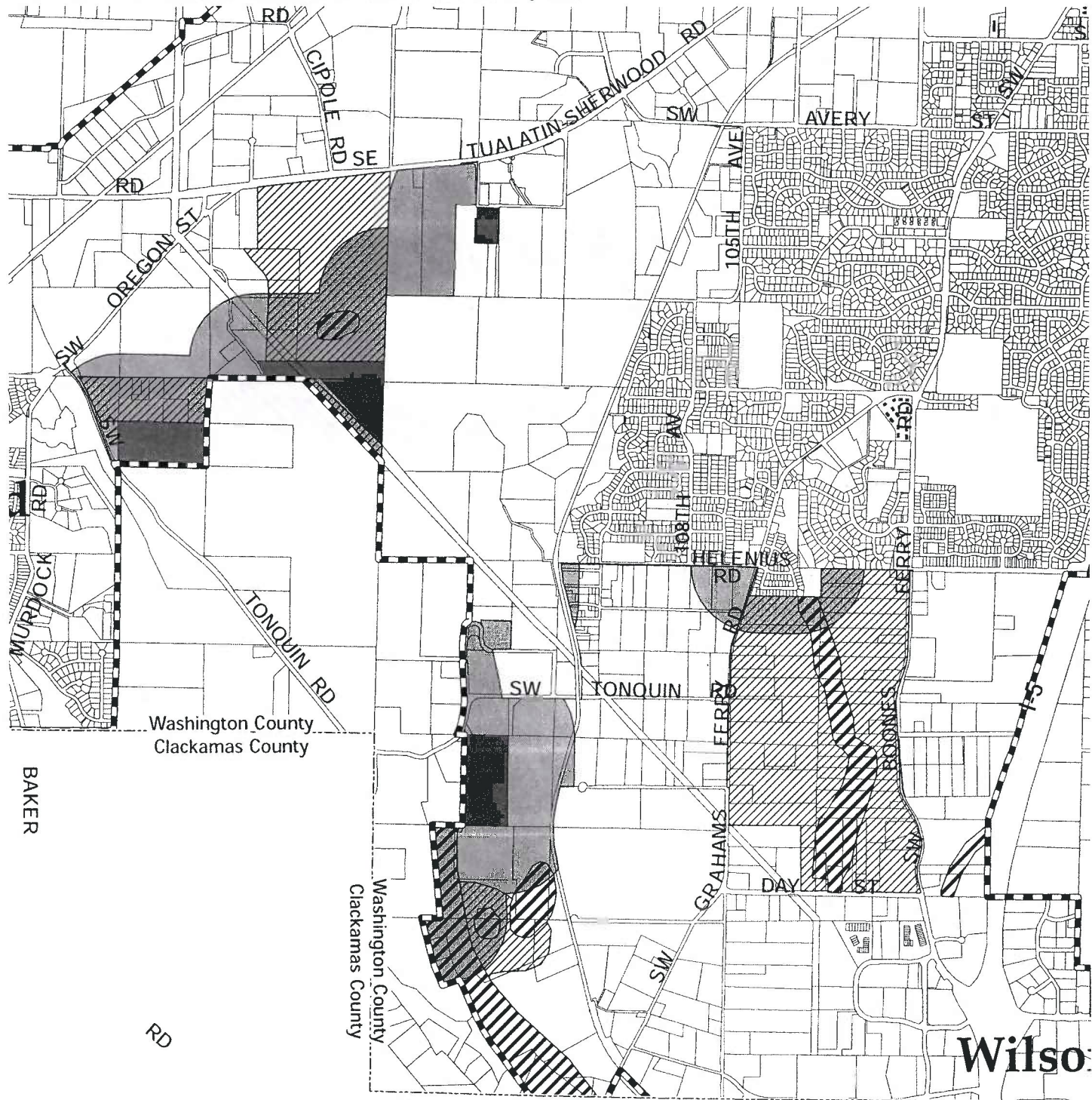




Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:

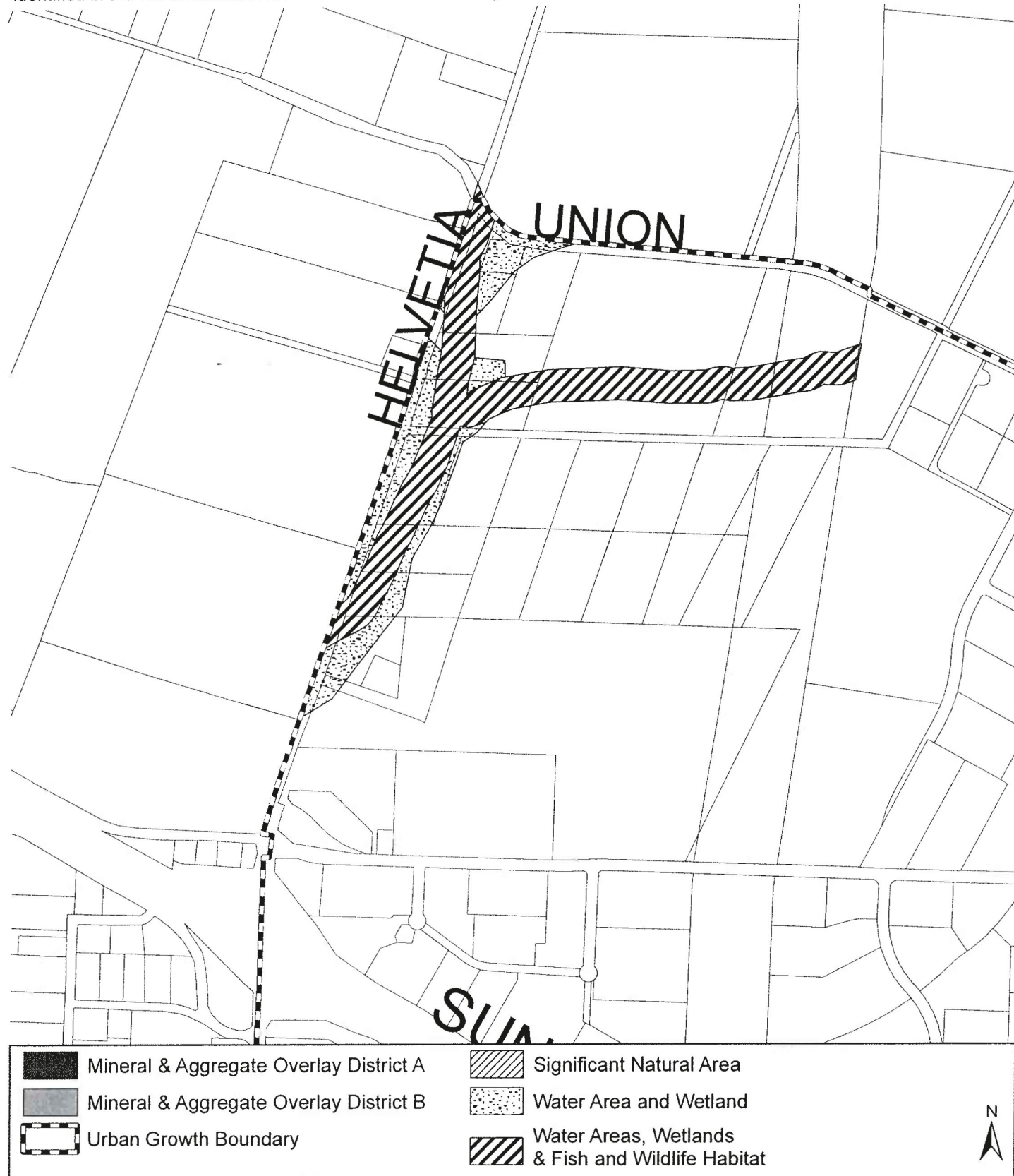


Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



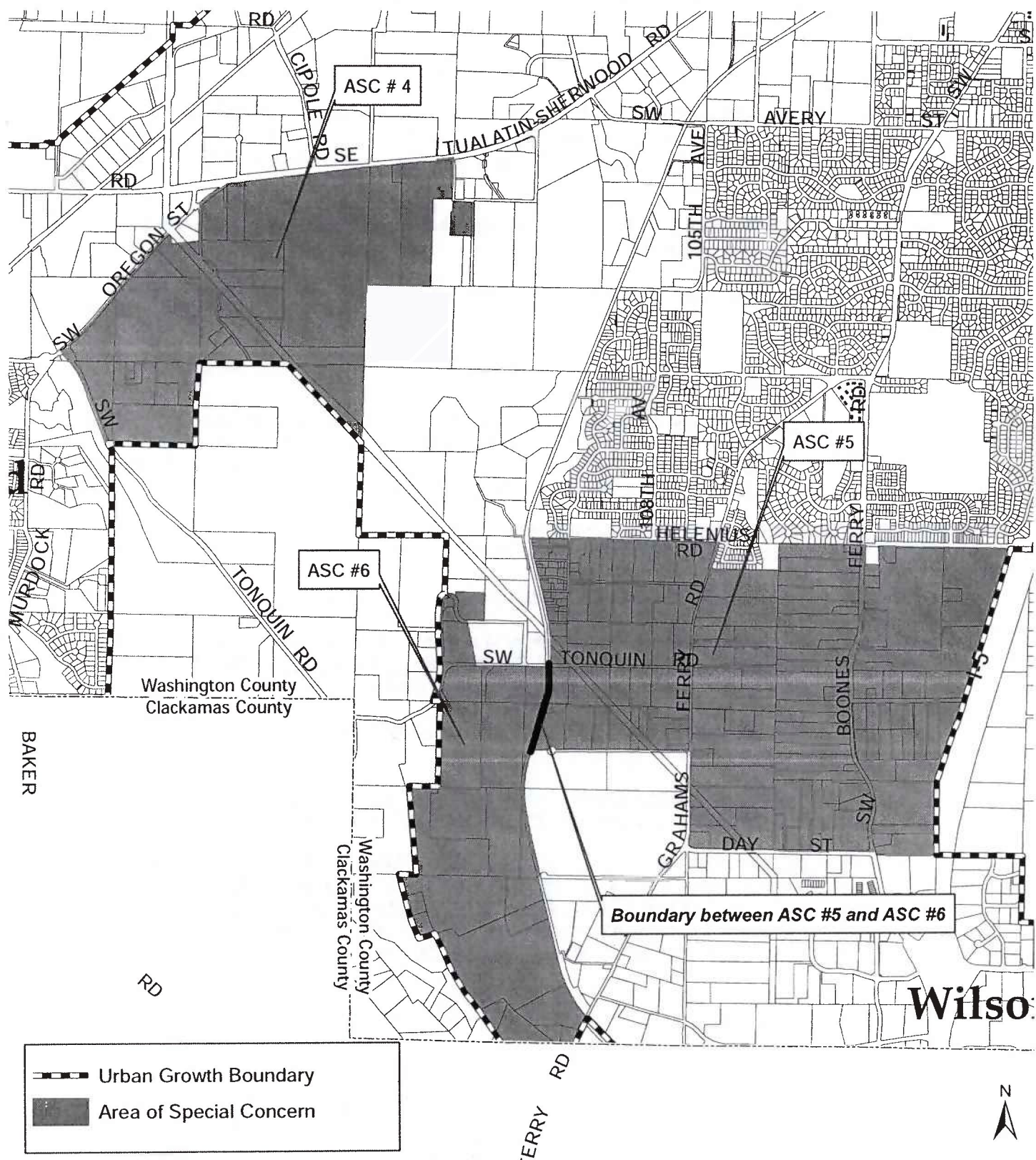


Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:





Amend the Future Development Areas map (Map C) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply Areas of Special Concern (ASC) to the following areas:



Amend Implementing Strategy d. of Policy 41 (Urban Growth Boundary Expansions) of the *Comprehensive Framework Plan for the Urban Area* to update the text for Areas of Special Concern 1, 2, and 3 and add new text for Areas of Special Concern 4, 5, and 6:

d. Apply the following Areas of Special Concern to the Future Development Areas Map:

1. Area of Special Concern 1 is comprised of approximately 60 acres of land located west of Highway 47 and north of Hartford Drive. The property included in this Area of Special Concern is illustrated on the Future Development Areas Map (Map A). This property was added to the UGB by Metro Ordinance 02-985A in December 2002.

~~The master~~ Title 11 planning process and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:

- a) No urbanization may occur in this area until the alignment of the David Hill Extension with the Highway 47 bypass is determined and adopted as part of the City of Forest Grove's Transportation Plan.
- b) New commercial retail uses are prohibited.

2. Area of Special Concern 2 is comprised of approximately 252 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties included in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-990A in December 2002.

~~The master~~ Title 11 planning process and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:

- a) This site is designated as a Regionally Significant Industrial Area by Metro.
- b) Future lot/parcel reconfigurations must result in: ~~1) at least one parcel that is 100 acres or larger, and 2) at least one parcel 50 acres or larger.~~ Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with the following provisions:
  - 1) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.
  - 2) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.
  - 3) Lots or parcels larger than 50 acres, including those established pursuant to 2) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.

Notwithstanding 2) and 3), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:

- a) Provide public facilities and services;
- b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;



- c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
    - d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.
  - c) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
- 3. Area of Special Concern 3 is comprised of approximately 63 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties located in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-969B in December 2002.  
  
The master Title 11 planning process and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:
  - a) This site is designated as a Regionally Significant Industrial Area by Metro.
  - b) Future lot/parcel reconfigurations shall result in the largest practicable parcel.
  - c) New commercial retail uses are prohibited.
- 4. Area of Special Concern 4 is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B adopted June 24, 2004 and were designated as Industrial land on Metro's 2040 Growth Concept Plan.
  - a) Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following:
    - 1) The general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan, shall be incorporated into any Title 11 planning. In addition, Title 11 planning shall, if possible, be coordinated with the Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.
    - 2) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.
- 5. Area of Special Concern 5 is comprised of approximately 645 acres of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. The boundary of ASC 5 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004, and designated as Industrial land on Metro's 2040 Growth Concept Plan.
  - a) Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following:
    - 1) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.

abcdef Proposed additions  
abedef Proposed deletions

- 2) Title 11 planning shall incorporate the general location of the projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment", as shown on the Region 2040 Growth Concept Map, as amended by Metro Ordinance No. 03-1014, adopted October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Outer Neighborhood" on the Growth Concept Map and the portion that lies south shall be designated "Industrial."
- 3) The I-5/99W Connector shall be considered in this area as a possible boundary between the city limits of Tualatin and Wilsonville.
- 4) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.
- 5) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.
- 6) Lots or parcels larger than 50 acres, including those established pursuant to 5) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.

Notwithstanding 5) and 6), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:

- a) Provide public facilities and services;
  - b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.
6. Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004, and were designated as Industrial land on Metro's 2040 Growth Concept Plan.
- a) Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following:
    - 1) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.
    - 2) The general location of the projected right-of-way location for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan shall be incorporated into any Title 11 planning.

abcdef Proposed additions  
abedef Proposed deletions

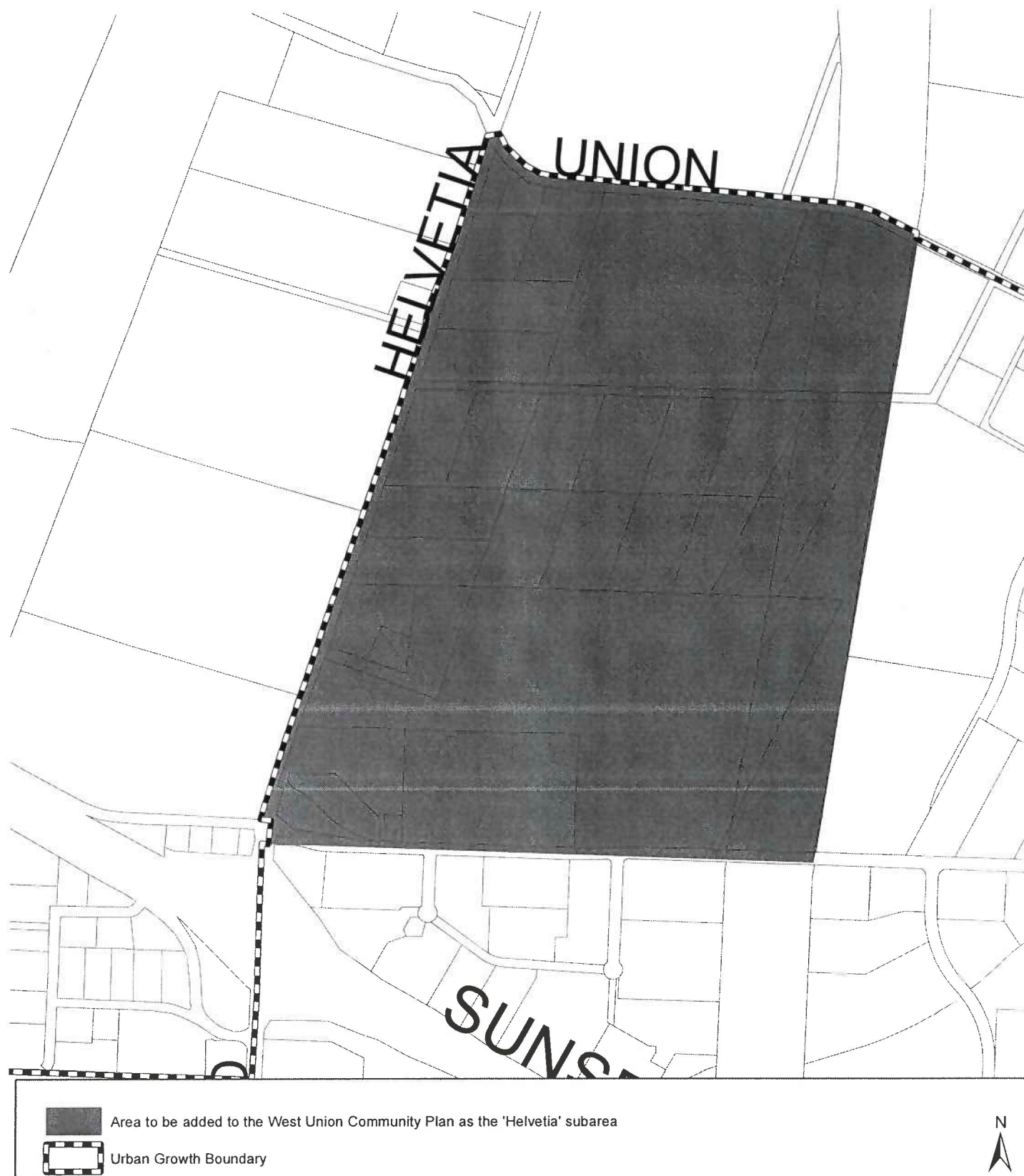


- 3) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.
- 4) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.
- 5) Lots or parcels larger than 50 acres, including those established pursuant to 4) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.

Notwithstanding 4) and 5), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:

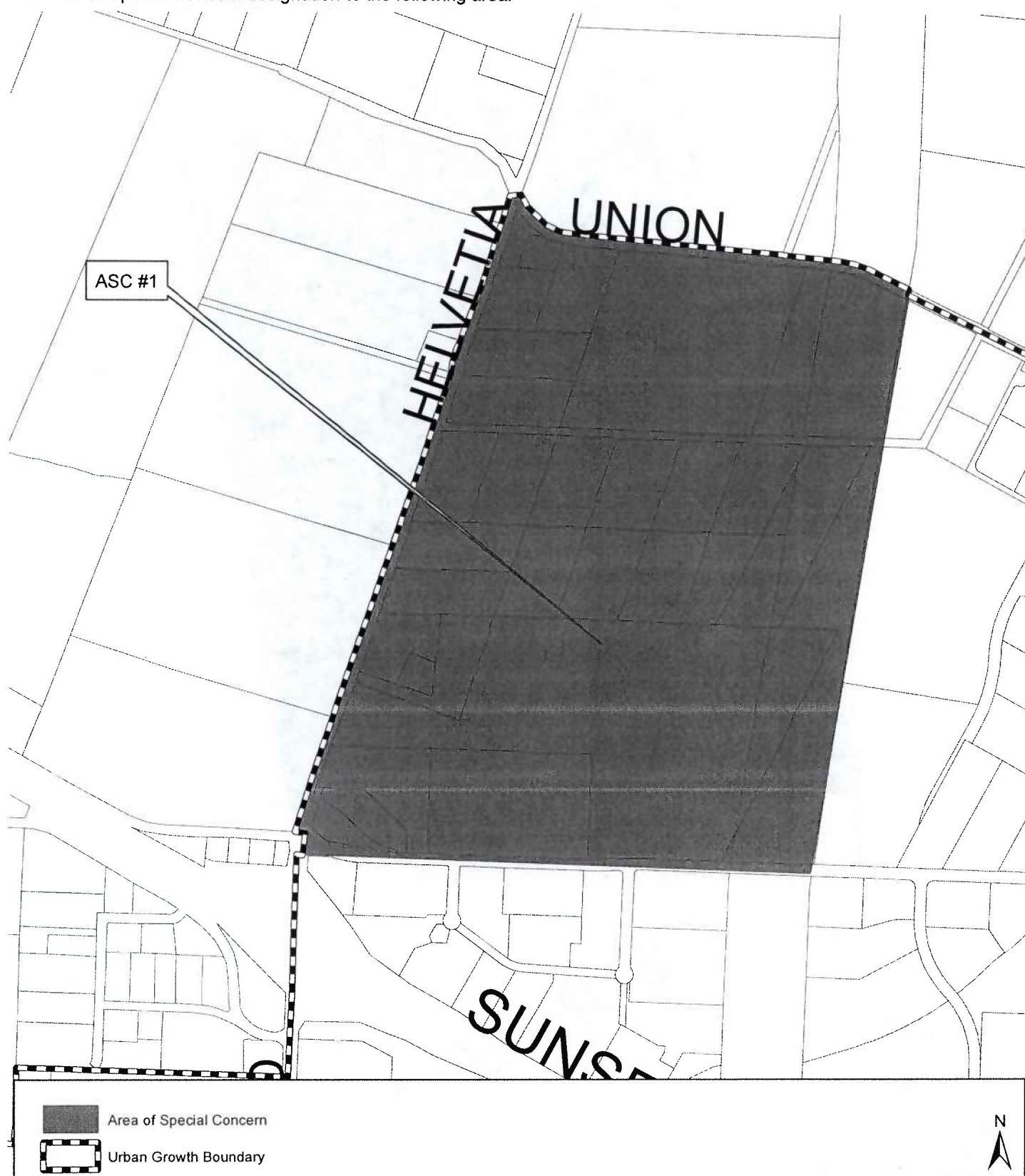
- a) Provide public facilities and services;
- b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
- c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
- d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.

Amend the West Union Community Plan boundary and the 'Subareas' map to include the new area and designate it as the 'Helvetia' subarea as indicated below:

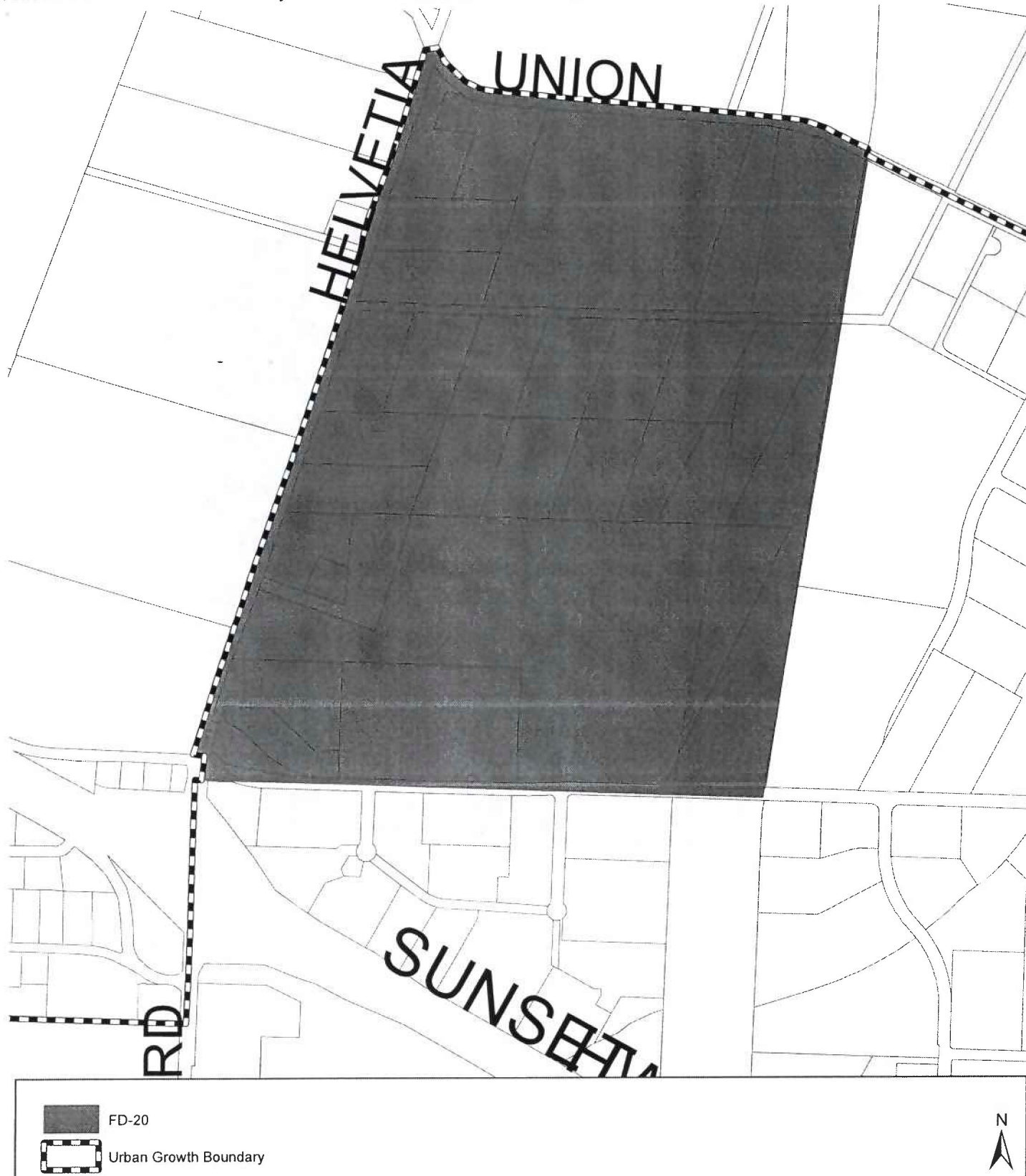




Amend the West Union Community Plan, 'Washington County Areas of Special Concern' to add a new map to apply the Area of Special Concern designation to the following area:

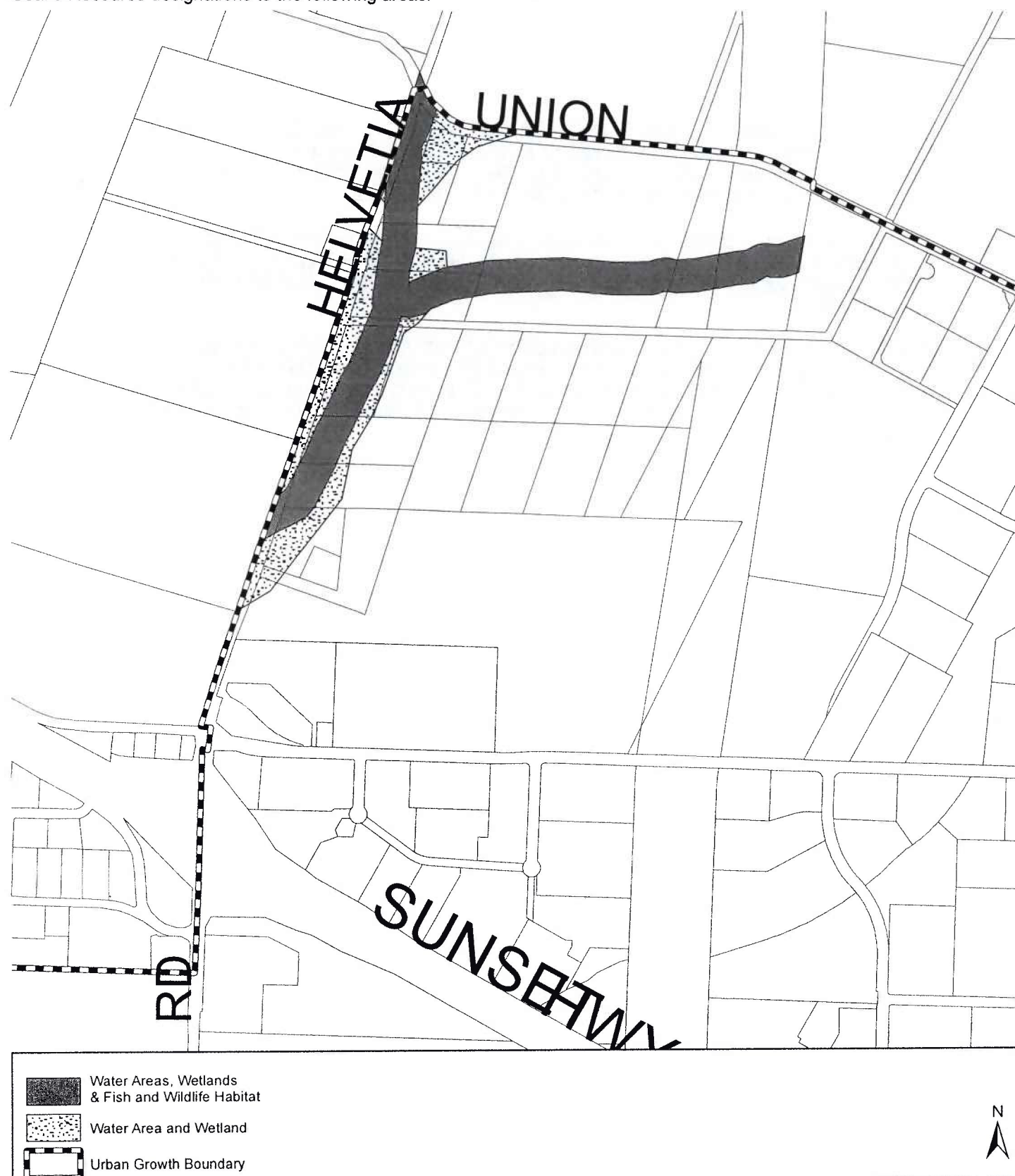


Amend the West Union Community Plan 'Land Use Districts' map to apply the FD-20 designation as indicated below:





Amend the West Union Community Plan, 'Significant Natural and Cultural Resources' map to apply the Goal 5 Resource designations to the following areas:



Amend the West Union Community Plan to add the following description for the new "Helvetia Subarea":

**HELVETIA SUBAREA**

This area consists of several parcels located at the southeast corner of Helvetia and West Union Roads and encompasses approximately 250 acres. These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004. Metro designated the area as a Regionally Significant Industrial Area on the 2040 Growth Concept Plan.

The area is designated Future Development - 20 Acre (FD-20) District on the West Union Community Plan and the FD-20 designation shall be maintained until the property is annexed to the City of Hillsboro and rezoned. Area of Special Concern 1 provisions apply to the entire Helvetia Subarea.

**Area of Special Concern 1:** Until the effective date of new regulations adopted pursuant to Title 11, FD-20 development applications within this Area of Special Concern shall be subject to Section 308 and any other applicable provisions of the Community Development Code, except no lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.



## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action – Department of Land Use & Transportation (CPOs 5 & 8)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 671

**Presented by:** Brent Curtis, Planning Division Manager

**SUMMARY** (Attach Supporting Documents if Necessary)

The Board is scheduled to conduct a public hearing on Ordinance No. 671 on April 3, 2007. Ordinance No. 671 proposes amendments to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area (CFP), and the West Union Community Plan to incorporate changes made to the Regional Urban Growth Boundary (UGB) by Metro in 2004. The proposed ordinance removes properties totaling approximately 1,538 acres from the Rural/Natural Resource Plan and designates the properties Future Development 20 Acre (FD-20) District.

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. Additionally, as required by Title 8, Section 3 of Metro's Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings. The proposed findings will be available at the Clerk's desk prior to the hearing.

**DEPARTMENT'S REQUESTED ACTION:**

Adopt the proposed findings for Ordinance No. 671 and authorize the Chairman to sign a resolution and order memorializing the action.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

100-601000

RO 07-82

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|-----------------|-------------|
| Agenda Item No. | <b>6.a.</b> |
| Date:           | 04-03-07    |

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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. 671 ) No. 07-82

This matter having come before the Washington County Board of Commissioners (Board)  
at its meeting of April 3, 2007; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant  
facts and rationales with regard to the Statewide Planning Goals, Oregon Revised Statutes and  
Administrative Rules and to the titles of the Metro Urban Growth Management Functional Plan,  
relating to Ordinance No. 671; 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 March 7, 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 their deliberations the Board has  
considered the record which consists of all notices, testimony, staff reports, and  
correspondence from interested parties, together with other items submitted to the Planning  
Commission and Board regarding this ordinance; it is, therefore,

RESOLVED AND ORDERED that the attached findings in support of Ordinance No. 671  
are hereby adopted.

DATED this 3<sup>rd</sup> day of April, 2007.

AYE NAY ABSENT

|                      |   |   |   |
|----------------------|---|---|---|
| BRIAN                | ✓ | — | — |
| SCHOUTEN             | ✓ | — | — |
| STRADER              | ✓ | — | — |
| ROGERS               | ✓ | — | — |
| APPROVED AS TO FORM: | ✓ | — | — |

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Tom Brian  
CHAIRMAN

[Signature]  
Sr. County Counsel  
for Washington County, Oregon

Barbara Hejmanek  
RECORDING SECRETARY



## EXHIBIT A

### **FINDINGS FOR ORDINANCE NO. 671 RELATING TO AMENDING THE RURAL/NATURAL RESOURCE PLAN, THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, AND THE WEST UNION COMMUNITY PLAN TO IMPLEMENT THE 2004 METRO URBAN GROWTH BOUNDARY EXPANSION**

**April 3, 2007**

#### **GENERAL FINDINGS**

Ordinance No. 671 amends various elements of the Washington County Comprehensive Plan by incorporating changes made to the Regional Urban Growth Boundary (UGB) by Metro in 2004. Specifically, Ordinance No. 671 amend the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area (CFP), and the West Union Community Plan by removing properties totaling approximately 1,538 acres from the Rural/Natural Resource Plan and designating the properties Future Development 20 Acre (FD-20) District. Natural, cultural and historical resource designations from the Rural/Natural Resource Plan are carried over to the CFP and the West Union Community Plan for those lands added to the UGB.

The Board finds that Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not applicable because these resources are not located within Washington County. The Board also finds there are no applicable OAR requirements due to the subject matter of the ordinance.

The County also is required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are also addressed in this document.

#### **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 671 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's UGMFP and the Washington County Comprehensive Plan.

#### **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 this ordinance. 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.
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 (CPOs).
3. Ordinance No. 671 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on January 26, 2007.
4. A copy of the proposed ordinance was made available for review at the Cedar Mill Library and the Tigard Public Library. Copies of the ordinance were also available for review in the office of the Department of Land Use and Transportation and on the County's website.
5. On February 23, 2007, a Measure 56 Notice was mailed to 177 unincorporated property owners notifying them of the changes proposed by Ordinance No. 671.
6. Board authorization to file this ordinance was granted in 2006 as part of the Planning Division's Annual Work Program. However, due to the fact that Metro's 2005 UGB industrial lands expansion (Ordinance 05-1070A) was not acknowledged last year, staff did not file a land use ordinance. Staff's initial plan was to file a single land use ordinance that included both the 2004 UGB expansion (Ordinance 04-1040B) and 2005 expansion (Ordinance 05-1070A) areas rather than two separate ordinances. A single ordinance would be a more efficient use of staff time and county resources. However, as stated previously Land Conservation and Development Commission (LCDC) has not yet acknowledged Metro's 2005 expansion. Consequently, Ordinance No. 671 was filed this year in order to comply with Metro's Title 11 requirements applicable to the 2004 UGB industrial lands expansion. Staff will file a similar land use ordinance to address the 2005 UGB industrial expansion after it is acknowledged by LCDC.



5. The Planning Commission held a public hearing for this ordinance on March 7, 2007. This hearing resulted in a recommendation that the Board of Commissioners adopt the ordinance as filed.
6. The Board of Commissioners held a public hearing for this ordinance on April 3, 2007. After taking public testimony, the Board voted to adopt Ordinance No. 671 as filed.
7. 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. Display ads for Ordinance No. 671 were published in the Washington County Weekly section of The Oregonian on February 15, 2007 and in the Hillsboro Argus on February 16, 2007.
8. Chapter X of the County Charter requires that individual notice for the initial public hearings on the ordinance be mailed at least 14 days prior to the first hearing to those persons who have requested them in writing and paid a fee. General Notice 2007-01, the Individual Notice describing proposed Ordinance No. 671, was prepared by the Land Use Ordinance Advisory Commission. The notice was mailed to 463 people on the General Notification List on February 21, 2007.

## **Goal 2, Land Use Planning**

### **CONCLUSION**

Statewide Planning Goal 2 addresses Land Use Planning. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan. Washington County utilized this process to adopt this ordinance.

The amendments that were made to Plan by this ordinance are consistent with the parameters set forth in the acknowledged CFP - Policy 1, Implementing Strategy (d); and the Rural/Natural Resource Plan - Policy 1, Implementing Strategy (d). Plan compliance with Goal 2 is maintained by implementing these two strategies. This conclusion is supported by the following facts:

### **FACTS**

1. The acknowledged CFP and Rural/Natural Resource Plan both 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 No. 671 amends the Rural/Natural Resource Plan, the CFP, and the West Union Community Plan, all elements 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 Charter also requires that the notice be mailed at least 14 days prior to the initial Planning Commission hearing to those persons who have requested notices in writing and paid a fee. This notice was mailed on February 21, 2007.
4. Chapter X requires that a display ad be published in a newspaper of general circulation 14 days prior to the initial Planning Commission hearing, which was held on September 3, 2003. ORS Chapter 215.060 requires the County to provide 14 days advance public notice prior to the first public hearing. Display ads were published in the following newspapers the: Hillsboro Argus on February 16, 2007 and the Washington County Weekly section of The Oregonian, on February 15, 2007.
5. ORS 197.610, OAR 660-18-020 and Senate Bill 543 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 before the first hearing. Notice of proposed Ordinance No. 671 was faxed to DLCD on January 19, 2007. A copy was also mailed to DLCD on the 19<sup>th</sup>.
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 their public hearing on Ordinance No. 671 on March 7, 2007.
7. Chapter X of the Charter requires that the Board hold a hearing for land use ordinances after the Planning Commission's hearing. The Board held a hearing for Ordinance No. 671 on April 3, 2007 in accordance with Chapter X of the County Charter.

### **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 to the Plan made by Ordinance No. 671. The



amendments are consistent with the County's acknowledged policies and standards for protecting agricultural lands identified under Goal 3. This conclusion is supported by the following facts:

#### FACTS

1. The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts.
2. Ordinance No. 671 did not amend any plan policies or strategies applicable to the EFU and AF-20 Districts.
3. Ordinance No. 671 did not amend the standards or allow a new use or activity in the EFU and AF-20 Districts, nor did it alter prohibited uses or activities in these districts. Therefore, it is not necessary to make specific findings for this amendment for Goal 3.

#### **Goal 4 - Forest Lands**

##### CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments to the Plan Code made by Ordinance No. 671 are consistent with Goal 4; OAR Chapter 660, Division 06; and the County's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts:

#### FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. Ordinance No. 671 did not amend any plan policies or strategies related to the EFC District.
3. Ordinance No. 671 did not amend standards applicable to the EFC district, allow a new use or activity in the EFC District, nor alter prohibited uses or activities in the EFC District. Therefore, it is not necessary to make specific findings for this amendment to Goal 4.

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

##### CONCLUSION

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural

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Resource Plan and various sections of the Community Plans and the Community Development Code (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 amendments made to the Plan by Ordinance No. 671. 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 No. 671 did not amend any Plan policies or strategies relating to Goal 5.
2. The amendments did not specifically change the County's implementing regulations for protection of Goal 5 resources.
3. Ordinance No. 671 removes properties added to the UGB from the Rural/Natural Resource Plan and adds them to the CFP and to the West Union Community Plan. Resource data from the Rural/Natural Resource Plan is carried over to the urban plan documents.
4. Ordinance No. 671 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
5. The amendments to the Plan did not change uses or activities allowed in designated Goal 5 resource areas. Ordinance No. 671 did not amend any Code standards related to Goal 5. The amendments made by this ordinance, therefore, did not alter the County's acknowledged Plan requirements and land use regulations relating to Goal 5. Therefore, it is not necessary to make specific findings for this use for Goal 5.

#### **Goal 6 - Air, Water and Land Resource Quality**

#### CONCLUSION

Policies 4, 5, 6 and 7 in the CFP 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 these amendments made by Ordinance No. 671. 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), Section 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control).
2. Ordinance No. 671 did not amend any of the current sections of the Code or any other Plan policies related to air, water and land resources which addresses the County's compliance with Goal 6.

#### **Goal 7 - Natural Disasters and Hazards**

#### CONCLUSION

Policy 8 in the CFP 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 No. 671. 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 relating to natural disasters and hazards are contained in Sections 410 (Grading and Drainage) and 421 (Flood Plain and Drainage Hazard Area Development).
2. Ordinance No. 671 did not amend the applicable Plan policies or Code standards related to flood plain areas, or to natural disasters and hazards. Therefore, it is not necessary to make specific findings for Goal 7.

#### **Goal 8 - Recreation Needs**

#### CONCLUSION

Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the

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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 No. 671. 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), 430-11 (Amusement Park), 430-25 (Campground), 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks), 430-97 (Parks), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. Ordinance No. 671 did not amend these Code Sections, or the applicable Plan or community plan policies related to recreation. Therefore, it is not necessary to make specific findings for Goal 8.
3. Ordinance No. 671 applies the Area of Special Concern 4 (ASC 4) designation to the area of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. One of the ASC 4 provisions speaks to recreation in that the general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan, shall be incorporated into any Title 11 planning involving ASC 4.
4. Ordinance No. 671 applies the Area of Special Concern 5 (ASC 5) designation to the area of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. One of the ASC 5 provisions speaks to recreation in that the general location of the Tonquin Trail as shown on the 2004 Regional Transportation Plan shall be incorporated into any Title 11 planning involving ASC 5.

#### **Goal 9 - Economy of the State**

#### CONCLUSION

Policy 20 in the CFP and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the County's policies to strengthen the local economy. The Community Development Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 671. 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. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the County's CFP states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific Code standards directly related to this goal, amendments to the Code should follow this policy to achieve the economic development goal.
2. Ordinance No. 671 did not amend any Community Development Code provisions relating to economic development.
3. Ordinance No. 671 did not amend the applicable Plan policies related to Goal 9. Therefore, it is not necessary to make specific findings for Goal 9.

#### **Goal 10 - Housing**

#### CONCLUSION

Policies 21, 22, 23 and 24 of the CFP 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 made by Ordinance No. 671. 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. Metro's adoption of Ordinance 04-1040B in 2004 expanded the UGB by approximately 1,538 acres within Washington County. The purpose of the expansion was to include additional land for industrial employment, not housing. However, Ordinance 04-1040B included a condition in which part of the 2004 industrial lands expansion could potentially be 'converted to' "Outer Neighborhood" (i.e., residential). The condition states that if the selected right-of-way for the I5/99 Connector follows the approximate course of the "South Alignment", as shown on the Region 2040 Growth Concept Map, as amended by Metro Ordinance No. 03-1014, adopted October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Outer Neighborhood" on the Growth Concept Map and the portion that lies south shall be designated "Industrial."

2. Ordinance No. 671 did not amend the applicable Plan policies related to housing. Therefore, it is not necessary to make specific findings for Goal 10.

### **Goal 11 - Public Facilities and Services**

#### **CONCLUSION**

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP 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 No. 671. 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. The amendments are also consistent with the provisions of Chapter 660, Division 11 of the Oregon Administrative Rules and Oregon Revised Statute 195.110. This conclusion is supported by the following facts:

#### **FACTS**

1. The standards for public facilities and services in the Community Development Code are outlined in Article V (Public Facilities and Services).
2. Ordinance No. 671 does not amend Washington County's acknowledged Public Facilities Plan.

### **Goal 12 - Transportation**

#### **CONCLUSION**

Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 671. 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) and the Regional Transportation Plan (RTP). This conclusion is supported by the following facts:



## FACTS

1. Ordinance No. 671 applies ASC 5 to the area of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment and ASC 6 to the area of land generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The provisions for each of these Areas of Special Concern (ASCs) speaks to transportation in that the general location of the projected right-of-way location for the I-5/99W Connector as shown on the 2004 Regional Transportation Plan shall be incorporated into any Title 11 planning.
2. Ordinance No. 671 did not amend any Plan policies and strategies relating to Goal 12. Therefore, it is not necessary to make specific findings for Goal 12.

## **Goal 13 - Energy Conservation**

### CONCLUSION

Policies 36, 37, 38, 39 and 40 of the CFP 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 No. 671. 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:

### FACT

1. Ordinance No. 671 did not amend the applicable Plan policies or Code provisions related to energy conservation. Therefore, it is not necessary to make specific findings for Goal 13.

## **Goal 14 - Urbanization**

### CONCLUSION

Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP 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 No. 671. The amendments are 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 No. 671 revised the ASC text for ASCs 1, 2, and 3 set forth in Policy 41 of the CFP. Changes to the text of ASCs 1 and 3 are minimal and housekeeping in nature, while the proposed changes to the text of ASC 2 are more substantive in that they incorporate provisions contained in Metro's Title 4 as well as Special Conditions applicable to RSIA lands. Reconfigurations of lots or parcels in ASC 2 must result in at least one parcel that is 100 acres or larger and at least one parcel 50 acres or larger. Reconfiguration of all remaining lots or parcels in ASC 2 shall be generally limited to 50 acres in size. However, lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels. These changes apply Title 4's minimum lot area standards applicable to RSIA lands, except as modified by specific conditions of approval of Ordinance No. 1040B.
2. Ordinance No. 671 added ASCs 4, 5, and 6 to the CFP because they are located outside of existing community plan boundaries. These ASCs relate to areas that received specific development conditions through the Metro UGB expansion process (Ordinance 04-1040B). An additional ASC (ASC 1) for the Helvetia Road expansion is included in the West Union Community Plan.

ASC 4: Land in ASC 4 was designated by Metro as Industrial. To be consistent with conditions imposed through Ordinance 04-1040B, no lot or parcel that encompasses 50 acres or more may be subdivided or partitioned into lots or parcels smaller than 50 acres. In addition, if possible, Title 11 planning of this area shall be coordinated with the Title 11 planning for ASCs 2 and 3 that were added to the UGB in 2002 (Metro Ordinance 02-969B).

ASC 5: Land in ASC 5 was also designated as Industrial. To be consistent with Title 4, the minimum lot area for new parcels shall generally be 50 acres. In addition, Metro imposed two specific conditions of approval addressing the timing of future Title 11 planning for this area and the future I-5/99W Connector. First, Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040B, whichever occurs earlier. Secondly, Title 11 planning shall incorporate the general location of the projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. In the event that the right-of-way selected for the connector follows the approximate course of the "South Alignment", as shown on the Metro's 2040 Growth Concept Map, as amended by Ordinance No. 03-1014 then that portion of the ASC that lies north



of the right-of-way shall be designated "Outer Neighborhood" and the portion that lies south shall be designated "Industrial."

ASC 6: Land in ASC 6 was also designated by Metro as Industrial. To be consistent with conditions imposed through Title 4, minimum lot area for new parcels shall generally be 50 acres. In addition, Metro imposed a specific condition of approval addressing the timing of future Title 11 planning and the future I-5/99W Connector. Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.

3. Ordinance No. 671 amended the "Future Development Areas" map contained in Policy 41 of the CFP to include properties that were added to the UGB in 2004 and designate them FD-20. The "Goal 5 Resources for the Future Development Areas" map also shows natural, cultural and historic resource data. Areas of Special Concern that are not within the boundary of a community plan are also shown on the "Future Development Areas" map.
4. Ordinance No. 671 amended the West Union Community Plan to add a new Subarea map ('Helvetia Subarea') and a new ASC (ASC 1) to include the approximately 250 acres of land added to the UGB by Metro in 2004 for industrial uses. The community plan's land use district map was also amended to apply the FD-20 designation to these new UGB lands and the community plan's Significant Natural and Cultural Resources map is amended to apply county's Goal 5 resource designations shown on the Rural / Natural Resource Plan. The amendments to the West Union Community Plan also include a text description of the new 'Helvetia Subarea' and the new ASC 1. ASC 1 requires that until the effective date of new regulations adopted pursuant to Title 11, FD-20 development applications within this ASC shall be subject to Section 308 and any other applicable provisions of the Community Development Code, except no lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH  
MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 671 (RELATING  
TO NEW URBAN GROWTH BOUNDARY LANDS)**

**Urban Growth Management Functional Plan**

Section 3.07.830.A. of Title 8 of the Urban Growth Management Functional Plan (UGMFP) requires that all comprehensive plan changes submitted after February 19, 1997 "...be consistent with this functional plan." The following findings have been prepared to address Titles 1, 3, 4, 6, 8 and 11 of the Functional Plan.

**Title 1 - Requirements for Housing and Employment Accommodations**

Functional Plan policies in Title 1 seek ways to increase the capacity within the urban growth boundary, such as changing local zoning to accommodate development at higher densities in locations supportive of the transportation system.

**RESPONSE**

Ordinance No. 671 implements Metro's Title 11 by applying interim protection measures designed to regulate development until permanent industrial zoning has been established in accordance with Title 4. The FD-20 designation will remain until the completion of Title 11 planning and the adoption by the governing jurisdiction(s) of comprehensive plan amendments and land use regulations that are consistent with Section 3.07.1120 of the UGMFP. Ordinance No. 671 does however, carry forward a specific Metro provision that if the selected right-of-way for the I5/99 Connector follows the approximate course of the "South Alignment", as shown on the Region 2040 Growth Concept Map, as amended by Metro Ordinance No. 03-1014 the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Outer Neighborhood" (i.e., residential) on the Growth Concept Map and the portion that lies south shall be designated "Industrial."

**Title 3 - Water Quality, Flood Management and Fish/Wildlife Habitat Conservation**

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

**RESPONSE**

Implementation of Title 3 requirements has been completed primarily through the adoption of implementation regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated



areas of Washington County. Ordinance No. 671 does not change any standards relating to water quality or flood plain management. Significant natural, historic and cultural designations are carried over from the Rural/Natural Resource Plan to the Future Development Areas Map in the CFP and various community plans. The ordinance does not amend any significant natural resource designations.

#### **Title 4 - Industrial and Other Employment Areas**

To improve the region's economic climate, the Plan seeks to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas.

#### **RESPONSE**

Ordinance No. 671 created Areas of Special Concern (ASCs) for the Industrial Areas located near Hillsboro and between Tualatin and Sherwood and between Tualatin and Wilsonville. The ASCs describe the development criteria applied to the properties by Metro through the UGB expansion process in 2004. The provisions applicable to ASCs 4, 5, 6 and ASC 1 (West Union Community Plan) also implement certain provisions set forth in Title 4 regarding minimum lot sizes.

#### **Title 6 - Regional Accessibility (Regional Transportation Plan)**

On August 10, 2000, the Metro Council adopted the 2000 Regional Transportation Plan (2000 RTP) and repealed Title 6. Former Title 6 requirements for street design, local street connectivity, level of service and modal targets are not included in Chapter 6 of the 2000 RTP.

#### **RESPONSE**

The accessibility requirements described in Chapter 6 of the Regional Transportation Plan were implemented in the Washington County 2020 Transportation Plan, which was adopted in October 2002. Ordinance No. 671 amends the Rural/Natural Resource Plan, the CFP and the West Union Community Plan to implement changes made to the urban growth boundary in 2004. Ordinance No. 671 does not amend the 2020 Transportation Plan.

#### **Title 8 - Compliance Procedures**

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan. Included in this title are steps local

jurisdictions must take to ensure that Metro has the opportunity to review amendments to Comprehensive Plans.

#### RESPONSE

Consistent with Title 8, Metro was sent a copy of Proposed Ordinance No. 671 on January 22, 2007. The findings in this document demonstrate the amendments made by this ordinance are in substantial compliance with the UGMFP.

#### **Title 11 - Planning For New Urban Areas**

Title 11 describes Metro's requirements for converting from rural to urban use of areas brought into the urban growth boundary. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

#### RESPONSE

The requirements of Title 11 have been incorporated into Ordinance No. 671 by applying the Future Development - 20 Acre District (FD-20) through Areas of Special Concern to the new 2004 industrial UGB lands and by applying specific development criteria prescribed by Metro. The FD-20 designation will remain until the completion of Title 11 planning and the adoption by the governing jurisdiction(s) of comprehensive plan amendments and land use regulations that are consistent with Section 3.07.1120 of the UGMFP.