



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

August 15, 2006

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 010-06



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: August 30, 2006

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: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Stacy Hopkins, DLCD Regional Representative
Paul Schaefer, Senior Planner, Washington County

<paa> ya/



AUG 10 2006

DLCD NOTICE OF ADOPTION

This form **must be received** by DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 – Division 18
(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENTJurisdiction: Washington CountyLocal File No.: Ordinance 666
(If no number, use none)Date of Adoption: August 8, 2006
(Must be filled in)Date Mailed: August 9, 2006Date the Notice of Proposed Amendment was mailed to DLCD: June 9, 2006☒ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☒ Other: Urban Planning Area Agreement
(Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

A-Engrossed Ordinance No. 666 amended Policy 15 of the Comprehensive Framework Plan for the Urban Area to specify that if the urban unincorporated area in Bull Mountain incorporates as a city, the Tigard Urban Service Agreement and the Washington County – City of Tigard Urban Planning Area Agreement (UPAA) will be amended as necessary to recognize the new city.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the proposed amendment, write "N/A."

The ordinance also amended the Washington County – Tigard UPAA as well as the Bull Mountain Community Plan to recognize the new city.

Plan Map Changed from: N/A to: N/AZone Map Changed from: N/A to: N/ALocation: N/A Acres involved: N/ASpecified Change in Density: Previous: N/A New: N/AApplicable Statewide Planning Goals: 1, 2, 11, 12, 14Is an Exception Proposed? Yes: ☐ No: ☒Was an Exception Adopted? Yes: ☐ No: ☒

DLCD No:

010-06(15296)

Did the Department of Land Conservation and Development receive a notice a Proposed Amendment FORTY-FIVE (45) days prior to the first evidentiary hearing?

Yes: ☒ No: ☐

If no, do the Statewide Planning Goals apply?

Yes: ☐ No: ☐

If no, did The Emergency Circumstances require immediate adoption?

Yes: ☐ No: ☐

Affected State and Federal Agencies, Local Governments or Special Districts: Cities of Tigard, King City, Durham; Metro; Clean Water Services; Tualatin Valley Fire and Rescue; Tigard Water District; TriMet; Tualatin Hills Park and Recreation District; Tualatin Valley Water District; the following Washington County service districts: Enhanced Sheriff Patrol District, Urban Road Maintenance District, Service District for Lighting # 1.

Local Contact: Paul Schaefer, Senior Planner

Area Code + Phone Number: 503-846-8817

Address: Washington County DLUT, 155 N First Avenue, Suite 350-14

City: Hillsboro

Zipcode + 4: 97124-3072

Email Address: paul_schaefer@co.washington.or.us

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 (2)** Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bound, please submit **TWO (2)** complete copies of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD no 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 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 copy this form on to 8½ x 11 inch green paper only; or call the DLCD Office at (503) 373-0050; or Fax you request to (503) 378-5518; or email your request to Larry.French@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

LUT - Linda Schroeder

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

DEPT OF

Agenda Category: Public Hearing - Second Reading and Public Hearing-
Land Use & Transportation; County Counsel (CPO 4B) **AUG 10 2006**

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 666 - AN** **LAND CONSERVATION AND DEVELOPMENT**
ORDINANCE AMENDING THE COMPREHENSIVE PLAN
RELATING TO THE POSSIBLE INCORPORATION OF A CITY
IN THE URBAN UNINCORPORATED AREA OF BULL
MOUNTAIN

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

SUMMARY (Attach Supporting Documents if Necessary)

The Planning Commission (Commission) considered Ordinance No. 666 at a public hearing on July 26, 2006. Ordinance No. 666 proposes to amend Policy 15 of the *Comprehensive Framework Plan for the Urban Area* (CFP) relating to the possible incorporation of the new city of Bull Mountain. The Commission recommended that the Board engross the ordinance to include changes set forth in Attachments A & B to the staff report.

On August 1, 2006, the Board opened the public hearing for Ordinance No. 666. At the conclusion of public testimony on August 1st, the Board directed engrossment of Ordinance No. 666 to include the recommended changes set forth in Attachments A & B to the staff report and continued the public hearing to August 8, 2006 at 10:00 AM.

The staff report will be provided to the Board prior to the August 8, 2006 hearing. Copies of the report will also 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 A-Engrossed Ordinance No. 666 by title only and conduct the required public hearing for the engrossed ordinance. At the conclusion of public testimony, adopt A-Engrossed Ordinance No. 666.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTEDAgenda Item No. **3.a.**Date: **8/8/06**

AUG 03 2006

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE NO. 666

An Ordinance Amending the
Comprehensive Plan relating to the
Possible Incorporation of a City in the
Urban Unincorporated Area of Bull
Mountain

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

SECTION 1

A. Subsequent ongoing planning efforts of the County indicate a need for changes to the Comprehensive Plan. The Board takes note that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

1 SECTION 2

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

- 4 A. Exhibit 1 (6 pages) amending Policy 15 of the Comprehensive Framework
5 Plan for the Urban Area;
6 B. Exhibit 2 (14 pages) amending the Washington County – Tigard Urban
7 Planning Area Agreement; and
8 C. Exhibit 3 (1 page) amending General Design Element 15 of the Bull
9 Mountain Community Plan.

10 SECTION 3

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

14 SECTION 4

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

17 SECTION 5

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

1 SECTION 6

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

8 SECTION 7

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

10 ENACTED this 8 day of August, 2006, being the second reading and
11 second public hearing before the Board of County Commissioners of Washington
12 County, Oregon.

13 BOARD OF COUNTY COMMISSIONERS
14 FOR WASHINGTON COUNTY, OREGON

15 **ADOPTED**

16 *Joey Leeper*
17 CHAIRMAN
18 *Barbara Hejtmanek*
19 RECORDING SECRETARY

20 READING

21 First August 1, 2006
22 Second August 8, 2006
23 Third _____
24 Fourth _____
25 Fifth _____
26 Sixth _____

27 PUBLIC HEARING

28 August 1, 2006
29 August 8, 2006
30 _____
31 _____
32 _____

33 VOTE: Aye: Brian, Leeper, Duyck, Nay: _____
34 Rogers, Schouten

35 Recording Secretary: Barbara Hejtmanek Date: August 8, 2006

Amend Policy 15 of the Comprehensive Framework Plan for the Urban Area as shown below.

POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning.
- b. Continue to provide the following facilities and services as resources permit:

Service	Portions of County Served
Public Health	County-wide
Sheriff Patrol	County-wide (limited)
Assessment and Taxation	County-wide
Road Maintenance	County roads
Land Development Regulations	Unincorporated Areas Only
Solid Waste Collection System	Unincorporated Areas Only
Management (franchising)	
Solid Waste Disposal	Unincorporated Areas Outside UGB
Cooperative Library System	County-wide
Records and Elections	County-wide

- c. Consider being an interim provider of park land and recreation facilities either directly or through an intergovernmental agreement with a park and recreation provider when the provisions of Policy 33 are met.
- d. In conjunction with Washington County cities and special service districts and Metro, adopt urban service agreements that address all unincorporated and incorporated properties in the Regional Urban Growth Boundary consistent with the requirements of ORS 195.060 to 080.

Urban service agreements shall identify which service providers will be responsible for the long-term provision of the urban services described below and the ultimate service area of each provider. Urban service agreements shall also identify the service provision principles for each of the following urban services described below.

In the event the urban unincorporated territory in the Bull Mountain area is incorporated into a new city, the County will work with affected service providers and amend the Tigard Urban Service Agreement as may be necessary to assure ongoing compliance with ORS 195.

Urban services that will be addressed in urban service agreements include:

- Fire Protection and Emergency Services

- Law Enforcement
- Parks, Recreation and Open Space
- Public Transit
- Sewer
- Roads and Streets
- Storm Water
- Water

1. In the Tigard Urban Service Area, the designated long-term providers of the urban services described above are:

Service	Long-Term Provider
Fire protection and emergency services	Tualatin Valley Fire and Rescue
Law enforcement	City of Tigard
Parks, recreation and open space	City of Tigard
Public transit	TriMet
Roads and streets	City of Tigard, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)
Sewer	City of Tigard and Clean Water Services
Storm water	City of Tigard and Clean Water Services
Water	City of Tigard, Tualatin Valley Water District and the Tigard Water District

2. In the Hillsboro Urban Service Area, the designated long-term providers of the urban services described above are:

Service	Long-Term Provider
Fire protection and emergency services	City of Hillsboro
Law enforcement	City of Hillsboro
Parks, recreation and open space	City of Hillsboro
Public transit	TriMet
Roads and streets	City of Hillsboro, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)

Sewer	City of Hillsboro and Clean Water Services
Storm water	City of Hillsboro and Clean Water Services
Water	City of Hillsboro and Tualatin Valley Water District

e. Establish a coordination system with all cities, special districts and private companies that now or will provide services to the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:

1. Sanitary sewage collection and treatment,
2. Drainage management,
3. Fire protection,
4. Water distribution and storage,
5. Schools,
6. Libraries,
7. Utilities (electricity, telephone and cable communications, natural gas, etc.),
8. Solid waste disposal,
9. Roads and transportation facilities,
10. Parks, recreation facilities, and open space,
11. Police,
12. Transit, and
13. Street Lighting

f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

1. Process for review of development proposals,
2. Process for review of proposed service extension or facility expansion,
3. Service district or city annexation,
4. Planning of service extensions, new facilities, or facility expansions,
5. Procedures for amending the agreement,
6. Methods to be used to finance service and or facility improvements, operation and maintenance,

7. Methods to be used to acquire and develop park land and recreation facilities.
 8. Standards to be used by the County and the service provider in assessing "adequate" service levels,
 9. Area or clientele to be served now and in the future,
 10. Consistency with Plan policies and strategies,
 11. Coordination of capital improvements programs, and
 12. Cost effectiveness of service provision.
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.
- h. Not oppose proposed annexations to a special service district:
1. That are consistent with an urban service agreement; or
 2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

- i. Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by the City of Beaverton consistent with the Portland Urban Service Boundary, the City of Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of Oleson Road that is currently in Portland.
- j. For the Raleigh Hills Center as shown on the acknowledged Metro 2040 Growth Concept Map, the affected jurisdictions of Beaverton, Portland, Washington County and Metro shall enter into an urban planning agreement to assure implementation of the Urban Growth Management Functional Plan provisions relating to town centers, including the establishment of town center boundaries and demonstration of target capacities for jobs and housing.
- k. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements.
- l. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not violation of an already existing Urban Planning Area Agreement between the County and an affected city.
- m. Notwithstanding Implementing Strategy I. above, the Board of Commissioners may place a petition to incorporate a city in the urban unincorporated portion of the Bull Mountain area on the ballot provided the Board determines that the petition is consistent with other applicable requirements governing incorporation under state law and the Metro Code. If the voters approve incorporation, the county shall coordinate with the new city and the City of Tigard to amend the existing Washington County – City of Tigard Urban Planning Area Agreement (UPAA) as may be required to assure ongoing compliance with the coordination requirements required by ORS 195 and Goal 2.

~~an.~~ Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.

~~no.~~ Enter into intergovernmental agreements with high growth school districts that are consistent with state law, and that contain at a minimum the following items:

1. An explanation of how objective criteria for school capacity in the District's school facility plan will be used by the County;
2. School District involvement with the County's periodic review; and
3. How the County will coordinate comprehensive plan amendments and residential land use regulation amendments with the District, including notice of hearing.

These intergovernmental agreements may be adopted by the Board of County Commissioners through Resolution and Order.

~~op.~~ Require developing properties not currently located within the service area of a park district that provides park and recreation services to annex to a park district when the following conditions are met:

1. The property lies within an area identified for park and recreation service by a park district in an urban service agreement adopted pursuant to ORS 195.065; or, if no urban service agreement applies to the property, the property lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and
2. The park district has adopted a Park Master Plan for the subject area, which provides the basis for the development of park and recreation facilities.

~~pg.~~ Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland Urban Service Boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.

Summary Findings and Conclusions

Public facilities and services necessary for growth in Washington County historically have been provided by a variety of unrelated special districts, local governments, and other agencies. Cooperation and coordination between service providers in developing plans and programming capital facilities has been limited.

The County has the responsibility under State law to coordinate the timely provision of public facilities and services within the County. Due to the fact that the County itself does not provide a full range of urban services, the best means of fulfilling this responsibility--which will result in a better living environment for County residents--is the formal establishments of a strong coordination system between the County and all service providers and the adoption of urban service agreements.

In 1993 the State Legislature adopted Senate Bill 122 (codified as ORS 195), which requires local governments to work together to establish urban service boundaries and adopt urban service agreements. ORS 195.060 to 080 requires local governments to determine who will be the ultimate urban service providers of the following services: fire protection, parks, recreation, open space, sewer, streets,

roads, and public transit. In addition to these services, Washington County local governments determined that law enforcement and storm water services should also be addressed. Urban service agreements identify the ultimate service area of each provider and identify the service provision principles for each urban service. Urban service agreements are applicable to land inside the Regional Urban Growth Boundary, including incorporated and unincorporated areas. Urban service boundaries have been adopted for Hillsboro, Portland and Tigard and urban service agreements have been adopted for Hillsboro and Tigard. Efforts to establish needed urban service agreements and designate urban service boundaries for other cities shall continue. Urban service agreements are a very important tool in ensuring that residents and businesses in the urban area receive all the services addressed in urban service agreements, as well as ensuring the timely and efficient provisions of public facilities and services within the County. In the event the urban unincorporated territory in the Bull Mountain area is incorporated to create a new city, the County will work with affected service providers to recognize the new service provider and determine the long-term service providers to the area.

The County has the additional responsibility to its citizens of ensuring that the services needed to allow growth will be provided by the agency or agencies best able to do so in a coordinated, efficient and cost effective manner. Therefore, County review of and recommendations on annexation or incorporation proposals involving cities and special service districts is imperative.

Requiring developing properties to annex to special service districts that provide park and recreation services helps to assure that such services are provided within a reasonable time frame.

wps\share\2006\ord\Ord666\Engrossed Exhibits\A-Engrossed Exhibit 1.doc

Washington County – Tigard Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF TIGARD, an incorporated municipality of the State of Oregon, hereinafter referred to as the “CITY”.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, the CITY and COUNTY have entered into cooperative agreements with special service districts for fire and life safety; water; parks, recreation and open space; sanitary sewer; and surface water services, consistent with ORS 195.020; and

WHEREAS, the CITY and COUNTY have entered into the Tigard Urban Service Agreement with Clean Water Services, Tigard Water District, TriMet, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue and Tualatin Valley Water District, consistent with ORS 195.060 to 085; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Planning Area within the Regional Urban Growth Boundary within which both the COUNTY and the CITY maintain an interest in comprehensive planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area;

3. Policies regarding comprehensive planning and development in the Urban Planning area; and
4. A process to amend the Urban Planning Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area

The Urban Planning Area mutually defined by the COUNTY and the CITY is the Tigard Urban Service Area and includes the area designated on Exhibit "A" to this agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partition or planned unit development approval or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to

notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors of the CITY and the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".
- b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, individual subdivisions, partitionings or planned unit developments, variances, and other similar actions requiring a hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.

3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail a copy of the public hearing notice which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
- c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.

- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail a copy of all public hearings agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Comprehensive Planning and Development Policies

A. Active Planning Area

1. Definition

Active Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate

development activities to the greatest extent possible. The CITY Active Planning Area is designated as Area A on Exhibit "A".

2. The CITY shall be responsible for comprehensive planning within the Active Planning Area.
3. The CITY is responsible for the preparation, adoption and amendment of the public facility plan, required by OAR 660-11 within the Active Planning Area.
4. The COUNTY shall not approve land divisions within the Active Planning Area which would create lots less than 10 acres in size, unless public sewer and water service are available to the property.
5. The COUNTY shall not approve a development in the Active Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for, redevelopment to urban densities consistent with CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
6. Approval of the development actions in the Active Planning Area shall be content upon provision of adequate urban services including sewer, water, storm drainage, streets, and police and fire protection.
7. The COUNTY shall not oppose annexation to the CITY within the CITY's Active Planning Area.

B. Area of Interest

1. Definition

Area of Interest or Primary Area of Interest means unincorporated lands contiguous to the Active Planning Area in which the CITY does not conduct comprehensive planning but in which the CITY does maintain an interest in comprehensive planning and development actions by the COUNTY because of potential impacts on the CITY Active Planning Area. The CITY Area of Interest within the Urban Planning Area is designated as Area B on Exhibit "A".

2. The COUNTY shall be responsible for comprehensive planning and development actions within the Area of Interest. The COUNTY has entered into an intergovernmental agreement with the CITY for the CITY to provide land development services on behalf of the COUNTY within the Area of Interest. Through this intergovernmental agreement the CITY

also provides building services and specific road services to the area on behalf of the COUNTY.

3. The COUNTY is responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Area of Interest.

C. Annexations

1. The COUNTY and CITY recognize the CITY as the ultimate service provider of the urban services specified in the Tigard Urban Service Agreement. The COUNTY also recognizes the CITY as the ultimate local governance provider to all of the territory in the Tigard Urban Service Area, including unincorporated properties. So that all properties within the Tigard Urban Service Area will be served by the CITY, the COUNTY and CITY will be supportive of annexations to the CITY.
2. The CITY and COUNTY desire to transfer COUNTY services to the CITY in an orderly and efficient manner upon annexation so that service provision to residents and businesses will not be interrupted or diminished.
3. In order to provide for the orderly transfer of COUNTY services to the CITY, the CITY and COUNTY recognize annexation plans as the most appropriate method to annex properties to the CITY. Annexations to the CITY, however, shall not be limited to an annexation plan and the CITY and COUNTY recognize the rights of the CITY and property owners to annex properties using the other provisions provided by the Oregon Revised Statutes. All annexations shall be consistent with the provisions of the Tigard Urban Service Agreement.
4. So that there will be an orderly transfer of COUNTY services to the CITY as a result of annexations, the CITY and COUNTY shall enter into an inter-governmental agreement which specifies how the two will comply with the requirements of Section I. G. of the Tigard Urban Service Agreement no later than February 2, 2004.
5. The CITY agrees in principle to a plebiscite or other representative means for annexation in the Metzger/Progress Community Planning Area within the CITY Area of Interest. Not contrary to the foregoing, the CITY reserves all of its rights to annex and acknowledges the rights of individual property owners to annex to the CITY pursuant to Oregon Revised Statutes.

6. Upon annexation of land within the Area of Interest to the CITY, the CITY agrees to convert COUNTY plan designations to CITY plan designations which most closely approximate the density, use provisions and standards of COUNTY designations. Furthermore, the CITY agrees to maintain this designation for one year after the effective date of annexation unless both the CITY and the COUNTY Planning Directors agree at the time of annexation that the COUNTY designation is outdated and an amendment may be initiated before the one year period is over.

D. Special Policies

1. The CITY and the COUNTY shall provide information of comprehensive planning and development actions to the Community Planning Organizations (CPO) through the notice procedures outlined in Section III of this Agreement.
2. At least one copy of any COUNTY ordinance which proposes to (1) amend the COUNTY comprehensive plan, (2) adopt a new plan, or (3) amend the text of the COUNTY development code shall be mailed to the CITY within five (5) days after its introduction.
3. At least one copy of any COUNTY ordinance which proposes to rezone land within one (1) mile of the corporate limits of the CITY shall be mailed to the CITY within five (5) days after its introduction.
4. The City of Tigard, City of Beaverton and Washington County have agreed to the following stipulations regarding the connection of Murray Boulevard from Old Scholls Ferry Road to the intersection of SW 121st Avenue and Gaarde Street:
 - a. The City of Tigard, City of Beaverton and Washington County agree to amend their respective comprehensive plans to reflect the following functional classification and design considerations:
 1. Designation: Collector
 2. Number of Travel Lanes: 2 (plus turn lanes at major intersections)
 3. Bike Lanes: Yes
 4. Right-of-Way: 60 feet (plus slope easements where necessary)

5. Pavement Width: 40 foot minimum
 6. Access: Limited
 7. Design Speed: 35 M.P.H.
 8. Minimum Turning Radius: 350 to 500 feet
 9. Parking Facilities: None provided on street
 10. Upon verification of need by traffic analysis, the connection may be planned to eventually accommodate additional lanes at the Murray/Old Scholls Ferry and Murray/New Scholls Ferry intersections.
 11. The intersection of the SW 135th Avenue and Murray Boulevard connection will be designed with Murray Boulevard as a through street with 135th Avenue terminating at the Murray connection with a "T" intersection.
 12. The general alignment of the Murray Boulevard connection is illustrated in Exhibit "B".
- b. Any changes to the land use designations in the Murray Boulevard connection area shall be coordinated with all jurisdictions to assure that traffic impacts are adequately analyzed.
 - c. The City of Tigard, City of Beaverton and Washington County shall support improvements to the regional transportation system as outlined in the adopted Regional Transportation Plan (RTP).
5. The COUNTY and the CITY will execute a Memorandum of Understanding outlining the methodology for transferring COUNTY records regarding land use activities to the CITY when property is annexed to the CITY.

IV. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
 1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.

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Proposed additions
Proposed deletions

2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.
3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 days of the date the request is received.
4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 90 days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the County prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations draw from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.
- B. The parties will jointly review this Agreement every two (2) years to evaluate the effectiveness of the processes set forth herein and to make any amendments. The review process shall commence two (2) years from the date of execution and shall be completed within 60 days. Both parties shall make a good faith effort to resolve inconsistencies that may have developed since the previous review. If,

after completion of the 60-day review period inconsistencies still remain, either party may terminate this Agreement.

C. The COUNTY and CITY, in conjunction with other Washington County cities, shall begin in 2004 to update all county – city urban planning area agreements so they address planning issues and initiatives that have occurred since 1988.

D. In the event the urban unincorporated territory in the Bull Mountain area is incorporated into a new city, the COUNTY and CITY will amend the language of the Urban Planning Area Agreement and revise the Urban Planning Area Boundary (Exhibit A) as may be necessary to exclude the newly incorporated city.

V. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County – Tigard Urban Planning Area Agreement dated October ~~25, 1988~~2003. The effective date of this agreement shall be the last date of signature on the signature pages.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF TIGARD

By _____ Date: _____
Mayor

Approved as to Form:

By _____
City Attorney

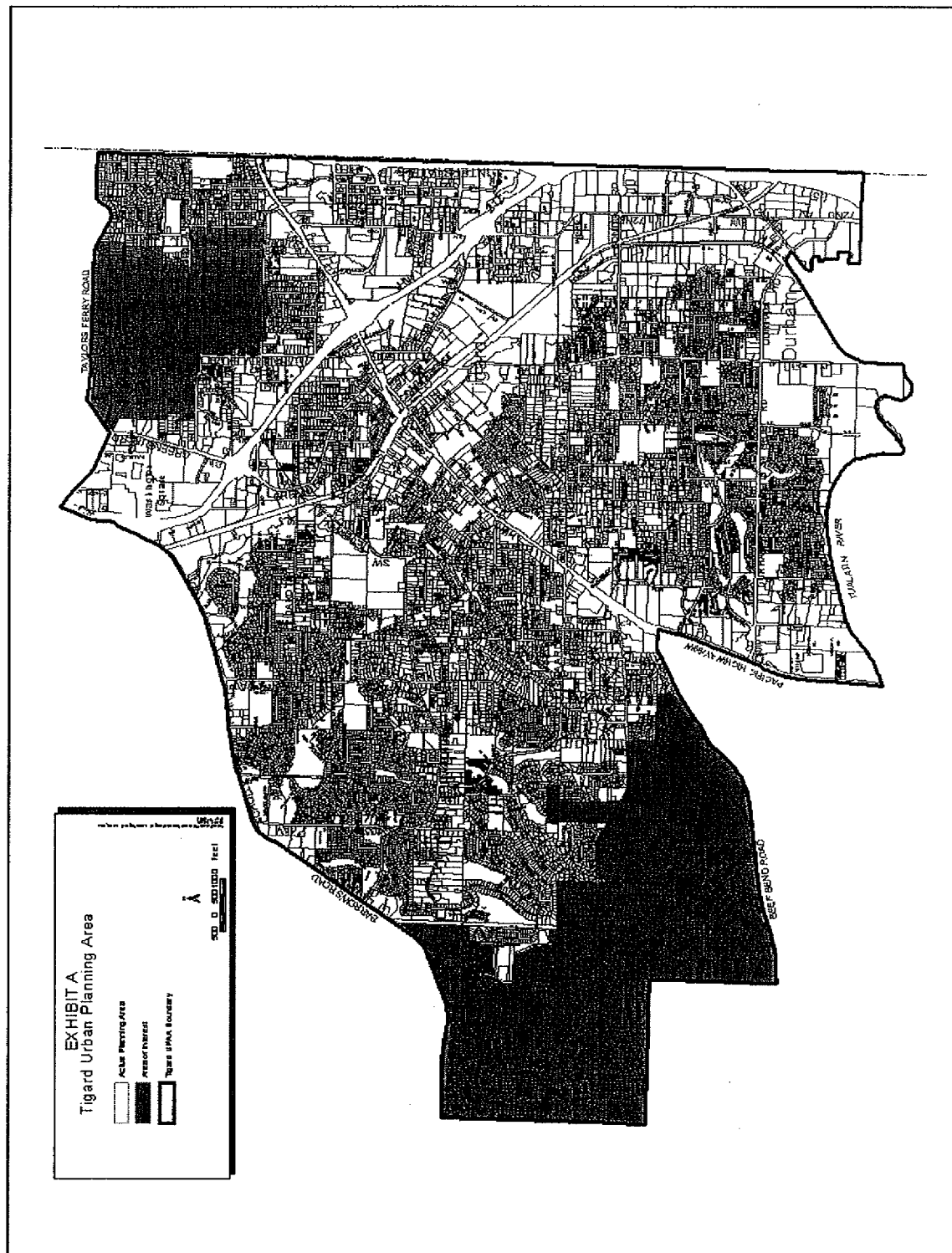
WASHINGTON COUNTY

By _____ Date: _____
Chair, Board of County Commissioners

Approved as to Form:

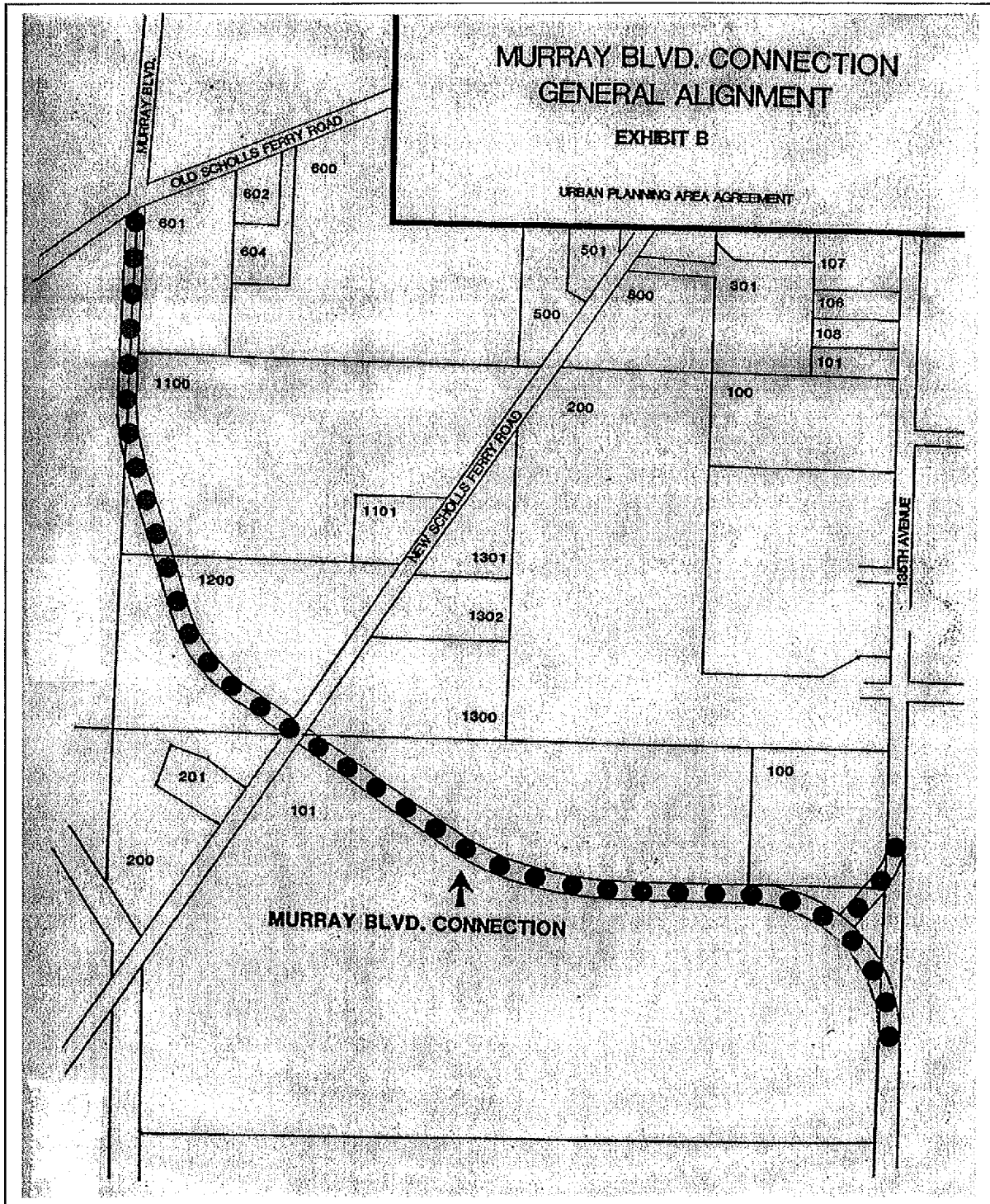
By: _____
County Counsel

By _____ Date: _____
Recording Secretary



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Amend General Design Element 15 of the Bull Mountain Community Plan as shown below.

15. Coordinate with the ~~City of Tigard~~appropriate park providers for the planning and provision of park and recreation facilities and services.

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AGENDA

DEPT OF

WASHINGTON COUNTY BOARD OF COMMISSIONERS

AUG 10 2006

LAND CONSERVATION
AND DEVELOPMENT

Agenda Category: Action – Department of Land Use & Transportation (CPO 4B)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 666

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

A-Engrossed Ordinance No. 666 proposes to amend the *Comprehensive Framework Plan for the Urban Area* to the possible incorporation of the new city of Bull Mountain. The proposed amendments would allow the incorporation petition (WA-3106) to be placed on the ballot if the Board determines that the incorporation petition complies with the legal requirements applicable to the formation of a new city. The proposed amendments would make the incorporation petition compliant with the CFP. As required by Chapter 10 of the County Charter, the Washington County Board of Commissioners (Board) and Planning Commission held the required number of public hearings for Ordinance No. 666.

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 provided to the Board prior to the hearing. They will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for A-Engrossed Ordinance No. 666 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 06-182

Agenda Item No.	<u>6.a.</u>
Date:	<u>8/8/06</u>

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting)
Legislative Findings in Support)
of A-Engrossed Ordinance No. 666)

RESOLUTION AND ORDER

No. 06-182

This matter having come before the Washington County Board of Commissioners (Board) at its meetings of August 1 and August 8, 2006; 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 A-Engrossed Ordinance No. 666; 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 July 26, 2006, made a recommendation to the Board which is in the record and has been reviewed by the Board.

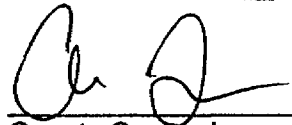
It appearing to the Board that in the course of their deliberations the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with other items submitted to the Planning Commission and Board regarding this ordinance;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

RESOLVED AND ORDERED that the attached findings in support of A-Engrossed Ordinance No. 666 are hereby adopted.

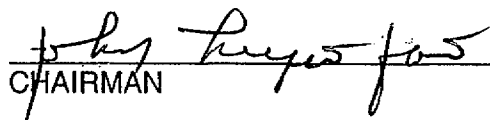
DATED this 8th day of August 2006.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
LEEPER	✓	—	—
ROEDERS	✓	—	—
DUICK	✓	—	—

APPROVED AS TO FORM: _____


County Counsel
for Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


CHAIRMAN


RECORDING SECRETARY

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 666 RELATING TO AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN RELATING TO THE POSSIBLE INCORPORATION OF A CITY IN THE BULL MOUNTAIN AREA OF URBAN UNINCORPORATED WASHINGTON COUNTY

August 8, 2006

GENERAL FINDINGS

Ordinance 666 was filed June 9, 2006 and engrossed on August 1, 2006. A-Engrossed Ordinance 666 amends Policy 15 of the *Comprehensive Framework Plan for the Urban Area* (Framework Plan) relating to the possible incorporation of the new city of Bull Mountain. The amendments allow the incorporation petition (WA-3106) to be placed on the ballot if the Board were to determine that the incorporation petition complied with the legal requirements applicable to the formation of a new city. The amendments make the incorporation petition compliant with the Comprehensive Plan.

The following findings in support of A-Engrossed Ordinance No. 666 are arranged by Statewide Planning Goal topic, but also address state statutes, Oregon Administrative Rules (OAR), Metro's Urban Growth Management Functional Plan (UGMFP) and Washington County's Comprehensive Plan. Statewide Planning Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related OARs are not addressed because they do not apply to Washington County; while Goals 3 (Agricultural Lands) and 4 (Forest Lands) and related OARs are not addressed because they do not apply to urban Washington County as it relates to the possible incorporation of the new city of Bull Mountain.

FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 666 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's UGMFP, and the Washington County Comprehensive Plan.

GOAL 1 - CITIZEN INVOLVEMENT

CONCLUSION

Pursuant to Statewide Planning Goal 1, 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 notification and involvement in hearings prior to adoption of land use ordinances. Washington County has utilized these requirements for the adoption of this ordinance. Compliance of the Framework Plan with Goal 1 is maintained by implementing this citizen involvement program. 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 (CPO's).
3. Proposed Ordinance No. 666 and an accompanying summary were mailed on June 20, 2006 to the CPO's and CCI. On June 20, 2006, notice of the ordinance was also mailed to special service districts and cities in Washington County and other interested parties. Additionally, notice of the proposed ordinance and a copy of the ordinance were faxed and mailed to the Department of Land Conservation and Development (DLCD) on June 9, 2006.
4. The notice prepared by the Land Use Ordinance Advisory Commission (LUOAC) describing proposed Ordinance No. 666 was mailed to the list of individuals on the General Notification List on July 10, 2006. The notice also described additional changes to the proposed ordinance that the Board of Commissioners (Board) could consider making to the filed ordinance. The County Charter requires two engrossment hearings by the Board, one of which must be a night hearing. The charter however, allows the Board to conduct only one engrossment hearing without providing additional notice when the LUOAC notice clearly describes any additional changes to the filed ordinance that the Board could consider at its noticed public hearing. These changes were clearly described in the LUOAC notice mailed on July 10, 2006. Therefore, the Board is only required to only hold one engrossment hearing (on August 8, 2006 at 10:00 AM) to consider the proposed amendments.
5. A display advertisement about the proposed ordinance, including initial hearing dates, was published in the Hillsboro Argus and in The Oregonian on July 11, 2006. Additional notice was published in the Beaverton Valley Times and in the Tigard Times on July 20, 2006.
6. A copy of this proposed ordinance was made available for review at the Cedar Mill Library and at the Tigard Public Library. Copies of this proposed ordinance were also made available for review at the Department of Land Use and Transportation. The ordinance was also posted on the Washington County Web site: (www.co.washington.or.us).
7. On July 26, 2006, the Planning Commission (Commission) held a public hearing for Ordinance No. 666. The Commission voted unanimously to forward a recommendation to the Board that they engross the ordinance to include the recommended changes set forth in Attachments A & B to the staff report.
8. The Board held a public hearing for Ordinance No. 666 on August 1, 2006. After receiving public testimony on the ordinance, the Board voted to engross the ordinance to include the recommended changes set forth in Attachments A & B to the staff report and to continue the hearing to August 8, 2006 at 10:00 AM.

GOAL 2 - LAND USE PLANNING

CONCLUSION

This topic is addressed by Statewide Planning Goal 2, Chapter 660; Division 18 of the Oregon Administrative Rules, and Title 1 of Metro's UGMFP. 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 by this ordinance are in compliance with Statewide Planning Goal 2, OAR 660-18 and Title 1 of Metro's UGMFP. The amendments are also consistent with the parameters set forth in the acknowledged Framework Plan - Policy 1, Implementing Strategy (c). This conclusion is supported by the following facts:

FACTS

1. The acknowledged Framework Plan requires that legislative Comprehensive Plan amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.
2. Chapter X of the Washington County Charter requires that land use related ordinances be considered through a defined process. This process was used, as described in findings for citizen involvement.
3. ORS 197.610 and OAR 660-18-020 require that notice of proposed amendments to the County's acknowledged comprehensive plan be forwarded to the Director of the DLCD at least 45 days before the final hearing. Notice on proposed Ordinance No. 666 was faxed to DLCD on July 9, 2006.
4. Notification of the proposed ordinance was also faxed to Metro on July 9, 2006 as required by the Functional Plan.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

CONCLUSION

This topic is addressed by Statewide Planning Goal 5, and Division 23 of Chapter 660 in the Oregon Administrative Rules. Policies 10, 11 and 12 of the Framework Plan, Policies 7, 10, 11, 12 and 13 of the Rural/Natural Resource Plan and various sections of the Community Development Code (Code) include strategies and provisions for the protection of Goal 5 resources.

Local governments are required to complete the Goal 5 process in accordance with provisions set forth in Metro's Functional Plan (OAR 660-023-0080(2)). Metro has completed its Goal 5 process for Fish & Wildlife Habitat and is undergoing acknowledgement with LCDC. As Partners in a watershed-based approach to addressing Regional Goal 5 program efforts, the County and other Partner jurisdiction and service providers in the Tualatin Basin entered into an Intergovernmental Agreement with Metro in June 2002 to coordinate with Metro in the development of a Fish & Wildlife Habitat Program unique to the Tualatin Basin, based on Metro's Significant Habitat Inventory. The County is in the process of updating the Comprehensive Plan to implement Metro's Goal 5 program, called Nature in Neighborhoods.

To date, one ordinance (Ordinance No. 662) has been filed to make changes to certain elements of the Comprehensive Plan relating to Goal 5. If adopted as filed, Ordinance No. 662 would amend several elements of the Comprehensive Plan in order to support and encourage habitat friendly / low-impact development in unincorporated Washington County. The proposed amendments affect the Code, the Framework Plan, as well as the Rural / Natural Resource Plan Element. The ordinance was filed to fulfill commitments set forth in the June 2002 Intergovernmental Agreement between the Tualatin Basin Natural Resources Coordinating Committee and Metro to carry out key components of the Tualatin Basin element of Metro's Nature in Neighborhoods Program. A companion ordinance is also scheduled to be

filed next year (2007) to make additional and more substantive changes to the County's Comprehensive Plan relating to the implementation of Goal 5.

Ordinance No. 666 is not inconsistent with Metro's UGMFP as it pertains to Goal 5 since this ordinance does not affect or otherwise make changes to the Framework Plan, the Rural / Natural Resource Plan Element or the various Code sections that guide and direct protection of identified Goal 5 resources. This conclusion is supported by the following facts.

FACTS

1. Ordinance No. 666 did not affect a Goal 5 resource as defined by OAR 660-023-0250(3).
2. The 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). Ordinance No. 666 did not amend these Code standards related to Goal 5 resources.
3. Ordinance No. 666 did not amend the applicable policies of the Framework Plan or the Rural / Natural Resource Plan Element related to Goal 5 resources.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY

CONCLUSION

This topic is addressed by Statewide Planning Goal 6 and Title 3 of Metro's UGMFP. Policies 4, 6 and 7 of the Framework Plan provide for the maintenance and improvement of the quality of air, water and land resources. Comprehensive Plan compliance with Goal 6 and Metro's UGMFP is maintained with the amendments made by Ordinance No. 666. The amendments do not change the County's acknowledged policies and standards for the protection of Goal 6 resources. These conclusions are supported by the following facts.

FACTS

1. The 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. 666 did not amend the applicable Framework Plan policies related to air, water and land resources. Additionally, Ordinance No. 666 did not amend any Significant Natural Resource designations.
3. Ordinance No. 666 did not change any Code standards relating to water quality or flood plain management (see also findings under Goal 5 above).

GOAL 7 - NATURAL DISASTERS AND HAZARDS

CONCLUSION

This topic is addressed by Statewide Planning Goal 7 and Title 3 of Metro's UGMFP. Policy 8 in the Framework Plan sets out the County's policy to protect life and property from natural disasters and hazards. The amendments made to the Comprehensive Plan do not affect its compliance with Goal 7. The amendments do not change the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7 and Metro Title 3. These conclusions are supported by the following facts.

FACTS

1. The Code standards related to natural disasters and hazards are contained in Sections 410 (Grading and Drainage) and 421 (Flood Plain and Drainage Hazard Area Development).
2. The Code standards related to water quality are contained in Section 426 (Erosion Control).
3. Ordinance No. 666 did not amend these Code Sections or the applicable Framework Plan policies related to natural disasters and hazards.

GOAL 8 - RECREATION NEEDS

CONCLUSION

This topic is addressed by Statewide Planning Goal 8. Policies 33, 34 and 35 of the Framework Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Comprehensive Plan compliance with Goal 8 is maintained with the amendments made to it by Ordinance No. 666. With exception of the Bull Mountain Community Plan, the amendments do not change the County's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8 set forth in the Community Plans. The amendment made to the Bull Mountain Community Plan is consistent with Goal 8. This conclusion is supported by the following facts.

FACTS

1. The Code standards related to recreational uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-51 (Golf Courses), 430-95 (Parks), 430-97 (Parks), and 430-131 (Special Recreation Use). Ordinance No. 666 does not amend these Code standards.
2. Ordinance No. 666 does not amend Policies 33, 34 and 35 of the Framework Plan relating to the provision of recreational needs of the citizens of Washington County and visitors.
3. Ordinance No. 666 amended General Design Element (GDE) 15 of the Bull Mountain Community Plan to require that the County to coordinate with the appropriate park providers for the planning and provision of park and recreation facilities and services in the Bull Mountain Community Plan area. Prior to the amendment to GDE 15, the design element presumed that the City of Tigard would be the future provider of park service to the area subject to the proposed incorporation. As such coordination efforts by the County are limited to the City of Tigard. The proposed amendment would

include the new city of Bull Mountain, as a park provider, if the new city were established. Consequently, the amendment maintains the County's role in coordinating with all park providers for the planning and provision of park and recreation facilities and services in the Bull Mountain Community Plan area.

GOAL 9 – ECONOMIC DEVELOPMENT

CONCLUSION:

This topic is addressed by Statewide Planning Goal 9 and Titles 1 & 4 of Metro's UGMFP. Policy 20 in the Framework Plan sets out the County's policies to strengthen the local urban economy. The Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Comprehensive Plan compliance with Goal 9 is maintained with the amendments made to it by Ordinance No. 666. The amendments are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. The amendments do not change the County's adopted provisions that implement Titles 1 & 4 of the UGMFP relating to employment and residential accommodations. This conclusion is supported by the following facts.

FACTS:

1. Ordinance No. 666 does not amend the applicable plan policies related to Goal 9.
2. Title 1 of the UGMFP requires that the County's Comprehensive Plan accommodate a "Fair Share Capacity" for new employment growth and assigns a minimum number of jobs (split into "Mixed-Use" and "Other" categories). The County's Transit Oriented districts provide "Mixed-Use" area growth assignments for new jobs.
3. Title 4 of the UGMFP requires cities and counties to prohibit retail development in excess of 60,000 square feet per building in areas designated as "industrial" on the Title 4 map. The changes made by Ordinance No. 666 do not affect the County's regulation of industrial or retail uses.
4. The County's acknowledged Comprehensive Plan provides sufficient land to accommodate forecast employment and housing growth. Ordinance No. 666 does not alter the amount of land designated for either employment or housing.

GOAL 10 - HOUSING

CONCLUSION

This topic is addressed by Statewide Planning Goal 10; OAR 660, Division 7 (the Metro Housing Rule) and Title 1 of the Metro's UGMFP. Policies 21, 22, 23 and 24 in the Framework Plan address the provisions of housing in the urban area of the County. The Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient manner. Comprehensive Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 666. The amendments are consistent with the County's acknowledged policies and standards for regulating housing in the urban areas as required by Goal 10. The amendments are also consistent with the provisions of OAR 660, Division 7 and Title 1 of the UGMFP. This conclusion is supported by the following facts.

FACTS

1. Ordinance No. 666 does not amend the applicable Comprehensive Plan policies related to housing.
2. The Code standards relating to urban housing development provide for a broad range of housing types, ranging from small lot single family detached units, through various types of single family attached units (duplexes, triplexes, townhouses and rowhouses), to various densities of apartments. The Code standards relating to housing development and the types of housing allowed in individual land use districts were not amended by Ordinance No. 666.
3. Title 1 of the UGMFP requires that the County's Comprehensive Plan accommodate a "Fair Share Capacity" for new housing growth and assigns a target number of dwelling units to be accommodated within the County. Transit oriented districts are associated with "Mixed-Use" areas and are expected to absorb a commensurate share of the "Mixed-Use" area growth assignments.
4. The Code standards relating to housing development provide for a minimum density of development for each district (see findings addressing Goal 2, Land Use Planning above). Ordinance No. 666 does not amend the applicable Code standards related to housing.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

CONCLUSION

This topic is addressed by Statewide Planning Goal 11, Chapter 660, Division 11 of the Oregon Administrative Rules (Public Facilities Planning), and Oregon Revised Statutes 195.110 (School Facility Planning). Policies 15, 25, 26, 27, 28, 29, 30 and 31 in the Framework Plan address the provision of public facilities and services in the urban area of unincorporated Washington County. The Code requires that adequate public facilities and services be available for new urban development, while limiting urban services to the rural area. Comprehensive Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 666. The amendments are consistent with the County's acknowledged policies and strategies for the provision of public facilities and services in the urban and rural areas as required by Goal 11. The amendments are also consistent with provisions of Chapter 660, Division 11 of the Oregon Administrative Rules, and Oregon Revised Statutes 195.110. This conclusion is supported by the following facts.

FACTS

1. The standards for public facilities and services in the Code are in Article V (Public Facilities and Services). Ordinance No. 666 does not amend these Code Sections or the applicable Comprehensive Plan policies related to Public Facilities and Services, with the exception to Policy 15 of the Framework Plan.
2. Ordinance No. 666 amended Policy 15 of the Framework Plan. The amendments recognize the possibility of incorporating a new city in the Bull Mountain area and the need to amend existing coordination and service agreements. The changes made to Policy 15 relate to the possible incorporation of the new city of Bull Mountain.

3. Ordinance No. 666 amended Implementing Strategy d. of Policy 15 and added a new implementing strategy (Implementing Strategy m.), also to Policy 15. The amendments recognize that incorporation of a new city in the Bull Mountain area will require the county, the City of Tigard and other affected service districts to amend existing coordination and service agreements and for the County to amend certain elements of the Comprehensive Plan.

Implementing Strategy d. requires that the County, in conjunction with Washington County cities and special service districts as well as Metro, adopt urban service agreements that address all unincorporated and incorporated properties in the Regional Urban Growth Boundary (UGB). Implementing Strategy d. was added to Policy 15 through the adoption of Ordinance No. 614, which was adopted on October 7, 2003. Ordinance No. 614 was adopted to make the Framework Plan and the Washington County - Tigard Urban Planning Area Agreement (UPAA) consistent with the Tigard Urban Service Agreement (TUSA), which established the Tigard Urban Service Area and designated the agencies that will be the long term service providers of urban services. The TUSA became effective in February of 2003.

Framework Plan Policy 15 did not envision that an incorporation petition would be filed to incorporate the urban unincorporated area of Bull Mountain. Policy 15 presumes the City of Tigard would be the eventual provider of most urban services, such as water and law enforcement. Consequently, prior to the adoption of Ordinance No. 666, the language did not recognize that a new city could be formed to provide the urban unincorporated area of Bull Mountain with urban services. The amendments to Implementing Strategy d. state that in the event the urban unincorporated territory in the Bull Mountain area is incorporated into a new city, the County will work with service providers and amend the TUSA, if necessary, to assure consistency with state law. The amendments do not approve the incorporation of the new city, but rather allow the Board to consider whether to approve the proposed incorporation petition.

Prior to the adoption of Ordinance No. 666, Implementing Strategy l. of Policy 15 stated that the County will support the incorporation of new communities (e.g., cities) provided that the incorporation will result in the provision of services in the most efficient and cost effective manner and is not violation of an already existing Urban Planning Area Agreement between the County and an affected city. The current Washington County – City of Tigard UPAA does not recognize the possible incorporation of a new city. This new implementing strategy recognizes the right to petition for incorporation of a new city as provided under state law and allows the Board to consider such a petition notwithstanding the existing UPAA. The addition of this new strategy would allow, but not require, the Board to place an incorporation petition involving the unincorporated portion of Bull Mountain area on the ballot.

4. Ordinance No. 666 also amended the Washington County – Tigard Urban Planning Area Agreement (UPAA) to recognize the possibility of incorporating a new city in the Bull Mountain area. Ordinance No. 666 added Section IV. D. to the UPAA. The amendment requires the County and Tigard to amend the UPAA's Urban Planning Area Boundary to remove a new city and make any other necessary amendments to the UPAA to recognize the new city – if the new city is established.
5. In 1991 Washington County adopted a Public Facility Plan, consistent with OAR 660, Division 11. Ordinance No. 666 does not amend the Washington County Public Facilities Plan.

6. All affected service providers were informed of and invited to participate in the public hearing process for this ordinance.

GOAL 12 - TRANSPORTATION

CONCLUSION:

This topic is addressed by Statewide Planning Goal 12; the Transportation Planning Rule (TPR); the Regional Transportation Plan (RTP) and Titles 2 & 6 of Metro's UGMFP. Policy 32 in the Framework Plan addresses the provision of an adequate transportation system in the urban area of unincorporated Washington County.

Washington County has an acknowledged Transportation Plan, which describes the transportation system necessary to accommodate the transportation needs of Washington County residents. Implementing measures are contained in the Code.

Plan compliance with Goal 12 is maintained with these amendments to the Comprehensive Plan. The amendments in Ordinance No. 666 are consistent with the County's acknowledged policies and standards for complying with Goal 12, the TPR requirements in OAR 660-12-045 and OAR 660-12-060. These conclusions are supported by the following facts.

FACTS AND SUPPORTING ANALYSIS:

1. Ordinance No. 666 does not amend the Transportation Plan.
2. Amendments to the Comprehensive Plan by Ordinance No. 666 do not change any plan policies or implementation strategies that guide implementation of the requirements of the TPR, the RTP, Metro's UGMFP or the Framework Plan.

GOAL 13 - ENERGY CONSERVATION

CONCLUSION

This topic is addressed by Statewide Planning Goal 13. Policies 36, 37, 38, 39 and 40 of the Framework Plan address energy conservation in the urban area of unincorporated Washington County. The Code implements the energy conservation policies by establishing standards that promote energy-efficient development, especially in Article IV of the Code. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance No. 666. The amendments do not change 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

1. Ordinance No. 666 did not amend the applicable Comprehensive Plan policies or Code provisions related to energy conservation.

GOAL 14 - URBANIZATION

CONCLUSION

This topic is addressed by Statewide Goal 14 and Title 1 of the Metro's UGMFP. Policies 13, 14, 16, 17, 18 and 19 of the Framework Plan address urbanization within the Regional Urban Growth Boundary. The Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Code implements the urbanization policies by maximizing the residential capacity of transit oriented residential districts. 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. 666. The amendments are consistent with the County's acknowledged policies and strategies for urbanization as required by Goal 14. The amendments are also consistent with Title 1 of the UGMFP. These conclusions are supported by the following facts.

FACTS

2. Ordinance No. 666 did not amend the applicable Comprehensive Plan policies or Code provisions related to energy conservation.