



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

November 6, 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 020-06



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: November 16, 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
Matthew Crall, DLCD Transportation Planner
Mark Brown, Washington County

<paa> ya/

FORM 2

DEPT OF

OCT 30 2006

LAND CONSERVATION AND DEVELOPMENT

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)

Jurisdiction: Washington County

Local File No.: Ordinance No. 677 (If no number, use none)

Date of Adoption: October 24, 2006 (Must be filled in)

Date Mailed: October 26, 2006

Date the Notice of Proposed Amendment was mailed to DLCD: August 30, 2006

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Ordinance No. 677 makes amendments to the Community Development Code Element of the Comprehensive Plan To make housekeeping amendments related to half-street improvements. The amended text clarifies that half-street Improvements may also be required outside of transit oriented districts at the discretion of the review authority.

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." SAME

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: Countywide Acres involved: N/A

Specified Change in Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 11, 12

Is an Exception Proposed? Yes: No: Was an Exception Adopted? Yes: No:

DLCD No: 020-06 (15517)

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:
Washington County

Local Contact: Mark Brown Area Code + Phone Number: 503-846-4502

Address: Washington County DLUT, 155 N First Avenue, Suite 350-13

City: Hillsboro Zipcode + 4: 97124-3072

Email Address: Mark_brown@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.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **PROPOSED ORDINANCE NO. 677 – AN ORDINANCE
AMENDING THE COMMUNITY DEVELOPMENT CODE
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO
HALF-STREET IMPROVEMENT STANDARDS**

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

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 677 proposes to amend Section 501-8 (Standards for Development), of the Washington County Community Development Code (CDC) to codify the requirements for half-street improvements outside of transit oriented districts (TODs). Currently, CDC requires half-street improvements in transit oriented districts. The proposed changes would allow the Review Authority to require half-street improvements outside of transit oriented districts in certain circumstances.

On October 18, 2006, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission's recommendation will be included in the staff report, which will be provided to the Board prior to the October 24, 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 Ordinance No. 677 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt Ordinance No. 677.

COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.f.</u>
Date:	10/24/06

FILED

AUG 29 2006

**Washington County
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 677

An Ordinance Amending the Community
Development Code Element of the
Comprehensive Plan Relating to the
Housekeeping Changes to Half-Street
Improvement Standards

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code (“CDC”) element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 660, and 661.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC element of the Comprehensive Plan in order to implement the 2005 legislative changes. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the residents of Washington County, Oregon.

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

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

12 SECTION 2

13 Attached hereto and incorporated herein by reference is Exhibit 1 (6 pages)
14 amending CDC Section 501-8, STANDARDS FOR DEVELOPMENT.

15 SECTION 3

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

19 ////

20 ////

21 ////

22 ////

1 SECTION 4

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

4 SECTION 5

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

10 SECTION 6

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

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18 /////

19 /////

20 /////

21 /////

22 /////

1 SECTION 7

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

3 ENACTED this 24th day of October, 2006, being the 1st reading
4 and 1st public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 John L. Hayes for
CHAIRMAN
10 Barbara Hejtmanek
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First October 24, 2006
13 Second _____
14 Third _____
15 Fourth _____
16 Fifth _____
17 Sixth _____

October 24, 2006

18 VOTE: Aye: Brian, Leeper, Schouten Nay: _____

19
20 Recording Secretary: Barbara Hejtmanek Date: October 24, 2006
21
22

CDC Section 501-8 Standards for Development is amended to reflect the following:

501-8 Standards for Development

501-8.1 Critical Services

- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.
- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:
 - (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's Uniform Road Improvement Design Standards; and
 - (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation Plan, the road(s) must meet the following minimum standards:
 - (a) Have a wearing surface and structural life expectancy period of no less than five (5) years (paved) as determined by the County Operations Engineer;
 - (b) Paved surfaces for existing roadways shall be twenty-two feet or greater in width. New roads shall meet the adopted County Road Standards;
 - (c) On-site means all lands in the land use application and one half (½) the right-of-way of existing roads lying adjacent to such lands;
 - (d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990; and
 - (e) Right-of-way on or adjacent to the frontage property meets Washington County functional classification standards.

- (3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.
 - (4) For those existing Local and Neighborhood Route roads which are not improved in accordance with Washington County's Uniform Road Improvement Design Standards and abut a development in a transit oriented district, or abut a development outside a transit oriented district which is adjacent to a designated special area street, a half street improvement along the site's frontage shall be constructed.
 - (5) Outside of transit oriented districts, a half-street improvement may be required on Local or Neighborhood Route roads at the discretion of the Review Authority.
- C. No development shall be approved without adequate drainage as prescribed by the County Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for storm water, surface water and water quality management as required by the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.
- D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.
- E. For development in a transit oriented district, or development outside a transit oriented district but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

501-8.2 Essential Services

A. Service Provider Documentation

- (1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider.

- (2) If the service provider documents that an adequate level of service is not available or will not be available within the time frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:
- (a) Schools:
 - (i) Amount of bonded indebtedness;
 - (ii) Use of double shifting;
 - (iii) Extended school periods;
 - (iv) Bussing to underutilized facilities;
 - (v) Year-round school;
 - (vi) Construction of new facilities;
 - (vii) Portable classrooms;
 - (viii) Impact fees;
 - (ix) Any combination of these or other alternatives.
 - (b) Police or Sheriff Services:
 - (i) Contracting with private agency;
 - (ii) Contracting with other public agency;
 - (iii) Impact fees;
 - (iv) Any combination of these or other alternatives.
 - (c) Provision of Transit Improvements:
 - (i) All applications subject to Article V shall provide documentation from the transit agency which demonstrates whether or not an appropriate level of transit access to the proposed site exists. The documentation from the Transit District shall indicate: a) whether existing transit service exists near the site, and if it does b) whether bus stops located near the site are adequate, and, if not, what improvements are necessary.

- (ii) Property located along an Arterial or Collector which currently has hourly headways during the mid-day on a weekday. If an existing transit stop is located in front of the subject property, the transit district may request via the service availability letter that the County require an easement or dedication of right-of-way at the stop in order to make future passenger boarding facility improvements. Additionally, the transit district may relocate an existing stop or request via the service availability letter that the County require a new stop in front of the property along with an easement at the stop. The transit district shall make the determination as to whether or not additional right of way or an easement is necessary.
- (iii) Properties subject to this section may also be subject to more expansive transit related requirements. As set forth in Section 380, Convenient Access to Transit Overlay District.

B. Adequate Level of Arterial and Collector Roads

An applicant shall ensure that an adequate level of Arterial and Collector roads will be available to the proposed development. This requirement is satisfied by payment of the Traffic Impact Fee unless the provisions of Section 501-10 and 501-11 are applicable. Payment of the Traffic Impact Fee is not an assurance for improvements required by Sections 501-8.2.D [Gravel Roads], 501-8.2 F. [Future Alignments], 501-8.2 G. [Half-Street Improvements] or 501-8.2 H. [Pedestrian/Utility Easement]. In addition to payment of the Traffic Impact Fee an applicant shall assure that all identified safety improvements within the impact and analysis area pursuant to Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation) shall be constructed prior to occupancy of a development with the assurance provided prior to issuance of a building permit and the following:

- (1) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half (½) the right-of-way of existing roads lying adjacent to such lands;
- (2) Entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990;
- (3) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards;
- (4) Access to Arterials and Collectors will be allowed in accordance with Section 501-8.5; and
- (5) Collectors or Arterials inside the UGB that front a site and have an existing gravel surface must be brought up to urban standards.

C. Street Lighting

For all new Local, Neighborhood Route, Collector and Arterial streets, an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.

- D. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the County has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.
- E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with Washington County's Urban Road Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.
- F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with Washington County's Urban Road Standards.
- G. For development in a transit oriented district, a half-street improvement shall be constructed along the site's frontage of those existing Collector and Arterial roads which abut the site and are not improved in accordance with Washington County's Uniform Road Improvement Design Standards.
- H. Outside of transit oriented districts, a half-street improvement may be required on Collector or Arterial roads at the discretion of the Review Authority.
- H~~I~~. For development in a transit oriented district, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.
- I~~J~~. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along Arterials and Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.

JK. When a development site includes frontage on a roadway that is identified as a 'Boulevard' or 'Street' on the Regional Street Design Overlay Map in the Transportation Plan, the Director shall determine if additional right-of-way, set backs, easements or right-of-way reservations are required so that implementation of Regional Street Design Guidelines will not be precluded.

KL. Law Enforcement Services

No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 677

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 677 proposes to amend Section 501-8 (Standards for Development), of the Washington County Community Development Code (CDC) to codify the requirements for half-street improvements outside of transit oriented districts (TODs). Currently, CDC requires half-street improvements in transit oriented districts. The proposed changes would allow the Review Authority to require half-street improvements outside of transit oriented districts in certain circumstances.

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 and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for Ordinance No. 677 and sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action.

RO 06-231

Agenda Item No. 5.f.

Date: 10/24/06

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of Ordinance No. 677) No. 06-231

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 24, 2006; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Metro's Urban Growth Management Functional Plan and
10 Washington County's Comprehensive Plan relating to Ordinance No. 677; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on October 18, 2006, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance
21 No. 677 are hereby adopted.

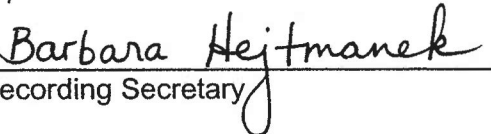
22 DATED this 24th day of October, 2006.

	AYE	NAY	ABSENT
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LEEPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DUYCK	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPROVED AS TO FORM: _____

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary


County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 677 AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO HALF-STREET IMPROVEMENT STANDARDS

OCTOBER 24, 2006

GENERAL FINDINGS

Ordinance No. 677 proposes to amend Section 501-8 (Standards for Development), of the Washington County Community Development Code (CDC) to codify the requirements for half-street improvements outside of transit oriented districts (TODs). Currently, CDC requires half-street improvements in transit oriented districts. The proposed changes would allow the Review Authority to require half-street improvements outside of transit oriented districts in certain circumstances.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not addressed because these resources are not located within Washington County.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 677 is consistent with Statewide Planning Goals, ORS and OAR requirements and the Washington County Comprehensive Plan, and Metro's urban Growth management Functional Plan (UGMFP).

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. Proposed Ordinance No. 677 and an accompanying summary were mailed September 8, 2006 to the CPOs and CCI. Also on September 8, 2006, notice of the ordinance was mailed to special service districts and cities in Washington County and other interested parties. Additionally, notice of the proposed ordinance and copies of the ordinance were mailed to DLCD on August 30, 2006.
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. 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. 677 were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on September 28, 2006 and *The Hillsboro Argus* on September 29, 2006.
6. 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. Notice for Proposed Ordinance No. 677 was mailed on October 4, 2006.
7. The Planning Commission held a public hearing for this ordinance on October 18, 2006. This hearing resulted in a recommendation for non adoption of Ordinance No. 677 to the Board of Commissioners. The Board of Commissioners held a public hearing on the ordinance on October 24, 2006 and voted to adopt Ordinance No 677.

Goal 2, Land Use Planning

CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires an adequate factual base to support a decision and coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code. Washington County utilized this process to adopt this ordinance.

The amendments that were made to the Community Development Code by this ordinance are consistent with the parameters set forth in the acknowledged Comprehensive Framework Plan for the Urban Area - 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 Comprehensive Framework Plan for the Urban Area and Rural/Natural Resource Plan both require that legislative Plan and Code 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. 677 amends the county's Community Development Code, which is an element of the county's Comprehensive Plan. It is therefore a legislative land use ordinance in accordance with the definitions in Chapter X of the County Charter.
3. Chapter X of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission. The Commission met September 21, 2006 to draft a notice for Ordinance No. 677. 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 October 4, 2006.
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 October 18, 2006. 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 Washington County Weekly section of *The Oregonian* on September 28, 2006 and *The Hillsboro Argus* on September 29, 2006.

5. ORS 197.610, OAR 660-018-0020 and Senate Bill 543 (effective on June 30, 1999) require that notice of proposed amendments to the county's acknowledged comprehensive plan be forwarded to the Director of the Department of Land Conservation and Development (DLCDC) at least 45 days before the first hearing. Notice of Proposed Ordinance No. 677 was mailed to DLCDC on August 30, 2006.
6. At its hearing on April 18, 2006, the Board of County Commissioners authorized the 2006 Planning Division and Land Use Ordinance Work Program, which included the filing of an ordinance to make a number of changes to the CDC. These changes were included in Proposed Ordinance No. 677.

Goal 3 - Agricultural Land

CONCLUSION

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance No. 677. 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. Ordinance No. 677 did not amend the applicable Plan policies related to exclusive farm land. Therefore, it is not necessary to make additional findings 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 made by Ordinance No. 677 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. Ordinance No. 677 did not amend the applicable Plan policies or Code standards

related to forest land resources which impact the county's compliance with Goal 4. Therefore, it is not necessary to make specific findings for Goal 4.

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

CONCLUSION

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

Plan compliance with Goal 5 is maintained with amendments made by Ordinance No. 677. 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. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements of half-street improvements. The ordinance does not amend any Plan policies or strategies or Code standards related to natural resources, therefore, it is not necessary to make specific findings for Goal 5.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

Policies 4, 5, 6 and 7 in the Comprehensive Framework Plan for the Urban Area and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 677. 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 423 (Environmental Performance Standards) and Section 426 (Erosion Control).
2. Ordinance No. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements of half-street improvements. The ordinance does not amend any Plan policies or strategies or Code standards related to air, water, or land resources which impact the county's compliance with Goal 6. Therefore, it is not necessary to make specific findings for Goal 6.

Goal 7 - Natural Disasters and Hazards

CONCLUSION

Policy 8 in the Comprehensive Framework Plan for the Urban Area 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. 677. 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. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements of half-street improvements. The ordinance does not amend the applicable Plan policies 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 and 34 of the Comprehensive Framework Plan for the Urban Area, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 677. 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), 430-50 and 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks – Type I), 430-97 (Parks – Type II), 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. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements of half-street improvements. The ordinance does not directly amend any Plan policies or strategies or Code standards relating to Goal 8. Therefore, it is not necessary to make specific findings for Goal 8.

Goal 9 - Economy of the State

CONCLUSION

Policy 20 in the Comprehensive Framework Plan for the Urban Area 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. 677. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements of half-street improvements. The ordinance does not directly amend any Plan policies or strategies or Code standards relating 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 Comprehensive Framework Plan for the Urban Area 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. 677. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural area as required by Goal 10. This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements of half-street improvements. The ordinance does not directly amend any Plan policies or strategies or Code standards relating to Goal 10. 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 Comprehensive Framework Plan for the Urban Area 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. 677. 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. In 1991, Washington County adopted a public facility plan, consistent with OAR 660, Division 11. Ordinance No. 677 does not amend the Washington County Public Facilities Plan.
3. Ordinance No. 677 amended the Community Development Code element of the Comprehensive Plan to more widely allow half-street improvements to be used as conditions of development if approved.
4. Ordinance No. 677 proposed code changes would provide the policy direction and the flexibility in requiring half-street improvements in specific circumstances. Some examples where half-street improvements may be appropriate include:
 - A road where it is obvious that the ultimate number of lanes as well as other features (e.g. bike lanes, sidewalks, planter strips, etc.) are well known and identified in adopted plans;
 - The ultimate alignment and grade has been determined or is easily determined;
 - A wide expanse of asphalt in the interim will not create a traffic or parking problem;
 - Adjacent properties have built half-streets;
 - It is unlikely that a major project is planned for the near future on the street;
 - Construction of a half-street will not radically change the street grade resulting in impacts to properties either adjacent or across the street from the development.

Goal 12 - Transportation

CONCLUSION

Policy 32 of the Comprehensive Framework Plan for the Urban Area, 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. 677. 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. 677 did not amend the applicable Plan policies related to transportation.
2. Ordinance No. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements of half-street improvements.
3. Ordinance No. 677 proposed code changes would provide the policy direction and the flexibility in requiring half-street improvements in specific circumstances.

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area 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. 677. 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. 677 did not amend the applicable Plan policies or code sections 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 and 19 of the Comprehensive Framework Plan for the Urban Area 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. 677. 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. 677 amended the Community Development Code element of the Comprehensive Plan to make changes related to the requirements for half-street improvements. These changes would standardize procedures for half-street improvements to be consistent with the Transit Oriented District, and the requirements would be uniform across all Districts.
2. Ordinance No. 677 proposed code changes would provide the policy direction and the flexibility in requiring half-street improvements in specific circumstances. Constructing half-streets in infill situations contributes to the quality of the neighborhood by providing finished streets.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH
MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 677
AMENDING THE COMMUNITY DEVELOPMENT CODE
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO
HALF-STREET IMPROVEMENT STANDARDS**

FOR THE OCTOBER 24, 2006 HEARING

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 and 8 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. 677 amended the Community Development Code element of the Comprehensive Plan to more widely allow half-street improvements to be used as conditions of development if approved and does not impact housing or employment accommodations.

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. 677 does not change any standard relating

to water quality or flood plain management. 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. 677 amended the Community Development Code element of the Comprehensive Plan to more widely allow half-street improvements to be used as conditions of development if approved and does not impact industrial and other employment areas,

Title 6 - Central City, Regional Centers, Town Centers and Station Communities

Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles.

RESPONSE

Ordinance No. 677 does not change any standards relating to the designation of Title 6 Centers.

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. 676 on August 30, 2006. These findings demonstrate the amendments made by this ordinance are in substantial compliance with the UGMFP.