



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

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

NOTICE OF ADOPTED AMENDMENT

October 4, 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 012-06



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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 19, 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
Stacy Hopkins, DLCD Regional Representative
Paul Schaefer, Washington County

<paa> ya/



FORM 2

DEPT OF

SEP 29 2006

DLCD NOTICE OF ADOPTION **LAND CONSERVATION AND DEVELOPMENT**

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. 668
(If no number, use none)

Date of Adoption: October 26, 2006 Date Mailed: October 28, 2006
(Must be filled in)

Date the Notice of Proposed Amendment was mailed to DLCD: July 19, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Sherwood Urban Planning Area Agreement Amendment
(Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
A-Engrossed Ordinance No. 668 amended the Washington County - Sherwood Urban Planning Area Agreement to reflect recent changes to the regional urban growth boundary. Text changes were also made to the urban planning area agreement to allow the use of electronic mail (i.e., e-mail) by the city and the County when providing intergovernmental notice as required by the urban planning area agreement.

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 urban planning area boundary (in the proposed amendment) was amended to add an additional parcel and a portion of BPA to the urban planning area. The urban planning area contained in the adopted amendment is the corrected boundary.

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

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

Location: Sherwood Urban Planning Area Acres involved: N/A

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

Applicable Statewide Planning Goals: 1, 2, 11, 12, 14

Is an Exception Proposed? Yes: No:

Was an Exception Adopted? Yes: No:

DLCD No: 012-06
(15398)

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, City of Tualatin

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.

CONTINUED FROM SEPTEMBER 19, 2006

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Second Reading and Public Hearing –
Land Use & Transportation; County Counsel (CPO 5)

Agenda Title: PROPOSED A-ENGROSSED ORDINANCE NO. 668 – AN
ORDINANCE AMENDING THE WASHINGTON COUNTY –
SHERWOOD URBAN PLANNING AREA AGREEMENT (UPAA)

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

SUMMARY (Attach Supporting Documents if Necessary)

The Planning Commission (Commission) considered Ordinance No. 668 at a public hearing on September 6, 2006. Ordinance No. 668 proposes to amend the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to reflect changes made by Metro to the Regional Urban Growth Boundary (UGB). The urban planning area boundary is amended to add areas that were added to the Regional UGB in 2002. Changes are also proposed that would allow the use of e-mail by the County and the city when providing notice required by the UPAA and that would update Section III.E. of the UPAA relating to development of lands designated Future Development 20 Acre District. The Commission recommended that the Board engross the ordinance to include the change set forth in Attachment A to the staff report.

On September 19, 2006, the Board opened the public hearing for Ordinance No. 668. At the conclusion of public testimony on September 19th, the Board directed engrossment of Ordinance No. 668 to include the recommended change set forth in Attachment A to the staff report and continued the public hearing to September 26, 2006 at 6:30 PM.

The staff report will be provided to the Board prior to the September 26, 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. 668 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt A-Engrossed Ordinance No. 668.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

Agenda Item No. 3.b.

Date: 9/26/06

FILED

SEP 20 2006

Washington County
County Clerk

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3
4 A-ENGROSSED ORDINANCE NO. 668
5

An Ordinance Amending the
Washington County – Sherwood Urban
Planning Area Agreement Element of the
Washington County Comprehensive Plan

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

7 SECTION 1

8 A. The Board of County Commissioners of Washington County, Oregon,
9 recognizes that the Urban Planning Area Agreement with City of Sherwood was adopted by
10 way of Ordinance No. 332 on October 25, 1988.

11 B. Subsequent ongoing planning efforts of the City of Sherwood and the County
12 indicate a need for an update of the Washington County – Sherwood Urban Planning Area
13 Agreement to reflect changes made to the Regional Urban Growth Boundary and the need for
14 urban planning of the new urban land. The Board takes note that such changes are necessary
15 for the benefit of the health, safety, and general welfare of the residents of Washington
16 County, Oregon.

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

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

6 SECTION 2

7 Exhibit 1 (10 pages), attached hereto and incorporated herein by reference, is hereby
8 adopted as amendments to the Washington County – Sherwood Urban Planning Area
9 Agreement Element of the Washington County Comprehensive Plan.

10 SECTION 3

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

13 SECTION 4

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

16 SECTION 5

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

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SECTION 6

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

SECTION 7

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

ENACTED this 26 day of September, 2006, being the 2nd reading and 2nd public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ADOPTED

Tom Brian
CHAIRMAN

Barbara Hejtmanek
RECORDING SECRETARY

READING

PUBLIC HEARING

First September 19, 2006
Second September 26, 2006
Third _____
Fourth _____

September 19, 2006
September 26, 2006

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

Recording Secretary: Barbara Hejtmanek Date: 9-26-06

**WASHINGTON COUNTY – SHERWOOD
URBAN PLANNING AREA AGREEMENT**

THIS AGREEMENT is entered into ~~this 25th day of October 1988~~ by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF SHERWOOD, 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 State Land Conservation and Development Commission (LCDC) 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 (UGB) will be implemented; and

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

1. An Urban Planning Area Agreement incorporating a site-specific Urban Planning Area within the Regional ~~Urban Growth Boundary-UGB~~ 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.

WHEREAS, Metro expanded the Regional UGB in December 2002 and June 2004. LCDC acknowledged the 2002 UGB expansion in July 2003 and the 2004 expansion in July 2005; and

WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the changes in the Regional UGB and the need for urban planning of the new urban land.

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 includes the

abcdef Proposed additions
~~abcdef~~ Proposed deletions

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.

For purposes of this agreement, Electronic Mail (i.e., e-mail) means the transmission of messages (including public hearing notices, agency comments or other communications relating to this agreement), over communications networks in an electronic form. Attachments, including public hearing notices and agency comments, to an e-mail shall be formatted as a Microsoft Word document, a PDF file or other format as agreed upon by the originating and responding agencies.

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, partitioning 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, by first class mail or as an attachment to electronic mail 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 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.
- 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 map 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 or as an attachment to electronic 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 or electronic 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 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. The originating agency shall utilize tracking options to ensure that the responding agency receives the public hearing notice in a timely manner. In the event that tracking indicates that the responding agency did not receive the e-mailed notice within 24-hours of being sent, the originating agency shall send no later than the next business day a copy of the notice by first class mail.
 - f. The originating and responding agencies shall keep copies of all electronic mail as part of the public record consistent with state archive laws.

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.

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abedef Proposed deletions

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearing 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 or electronic 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. Definition

Urban 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 Urban Planning Area is designated on Exhibit "A".

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-011 within the Urban Planning Area.
- D. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.
- E. The COUNTY shall not approve land divisions within the unincorporated portions of the Urban Planning Area which would create lots less than ten (10) acres in size, or for lands designated FD-20, land divisions that are inconsistent with the provisions of the Future Development 20 Acre District (FD-20).

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- F. The COUNTY shall not approve a development proposal in the Urban 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 the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
- G. The COUNTY will not oppose any annexation of land to the City of Sherwood within the CITY's Urban Planning Area.

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.
 - 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~~that 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 drawn 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, or more frequently if mutually needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. The review process shall commence two (2) years from the date of execution and shall be completed within sixty (60) days. Both parties shall make a good faith effort to resolve any 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.

IV. ~~This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated September 9, 1986. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement dated October 25, 1988. The effective date of this Agreement shall be the last date of signature on the signature page.~~

~~This Agreement commences on November 24, 1988.~~

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

CITY OF SHERWOOD

By _____ Date 9-30-88
Mayor

Date _____
City Recorder

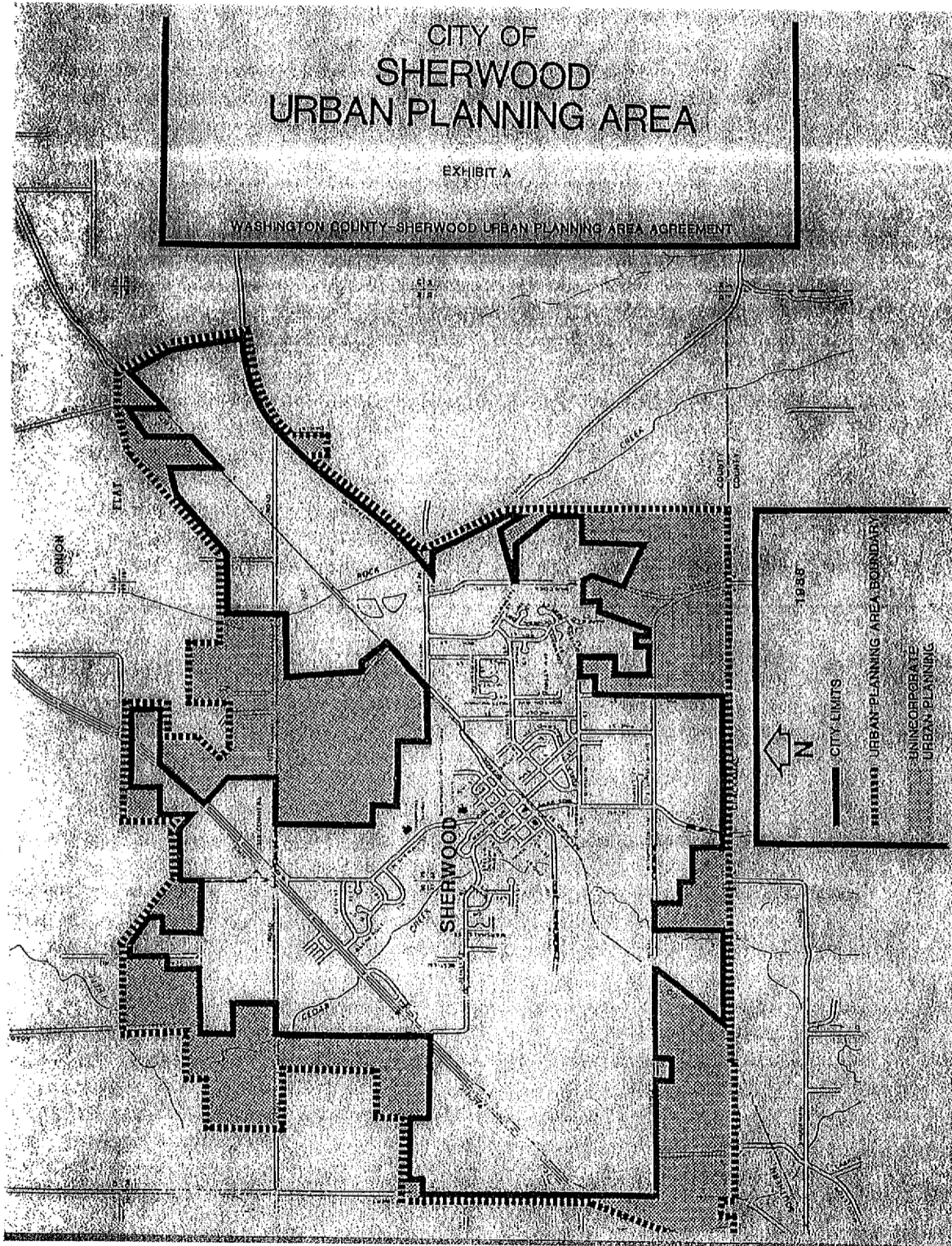
WASHINGTON COUNTY

By _____ Date 11-9-88
Chairman, Board of County Commissioners

Date 11-9-88
Recording Secretary

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~~abcdef~~ Proposed deletions

Delete Exhibit "A" of the Washington County-Sherwood Urban Planning Area Agreement dated October 25, 1988 as shown below:







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DELETE THE FOLLOWING MAP AS EXHIBIT A
 OF THE WASHINGTON COUNTY-SHERWOOD
 URBAN PLANNING AREA AGREEMENT FROM
 ORDINANCE 668.

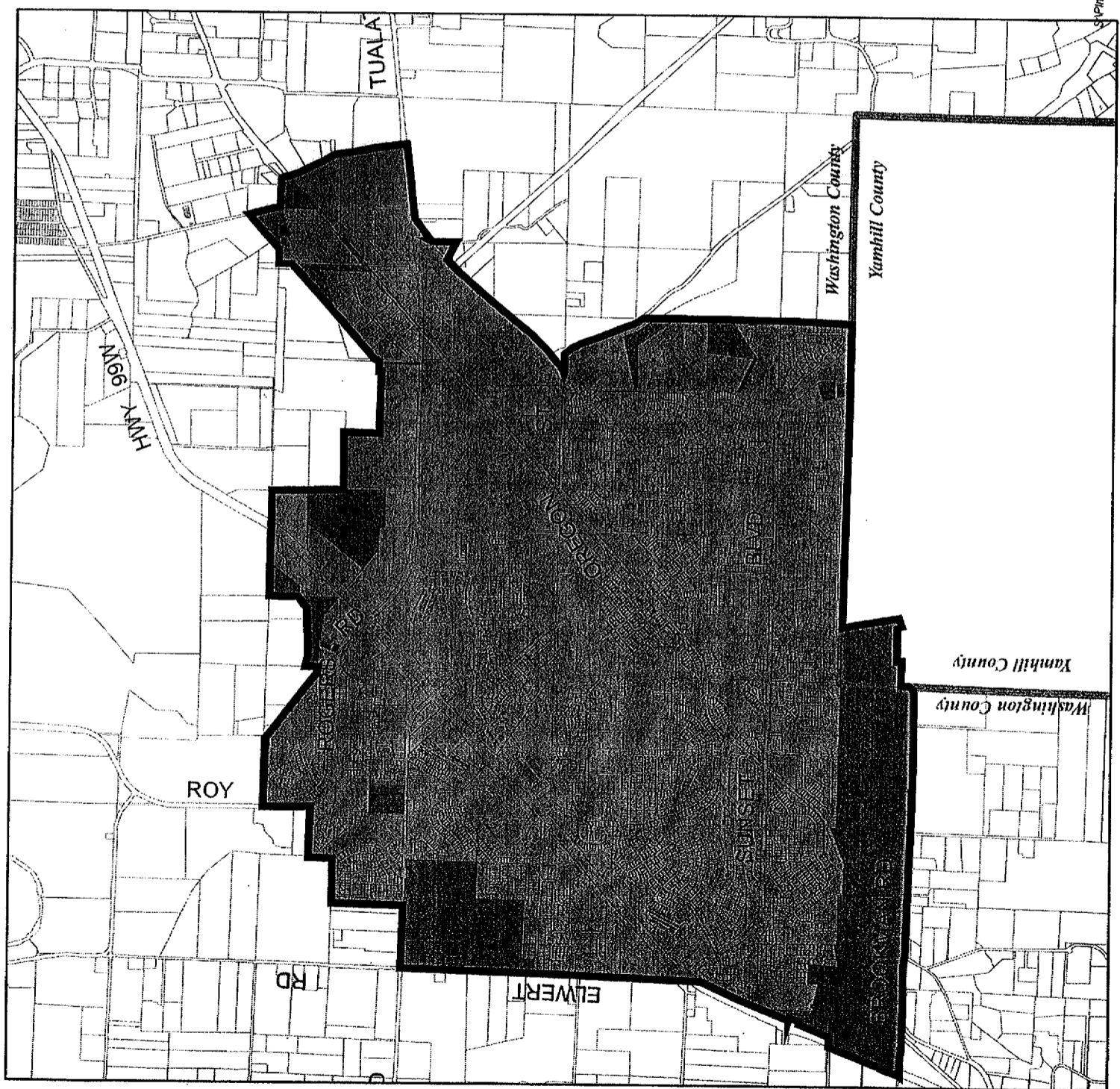
City of Sherwood
 URBAN PLANNING AREA
 Washington County-Sherwood
 Urban Planning Area Agreement

Exhibit A

-  Urban Planning Area Boundary
-  Unincorporated Urban Planning Area
-  City of Sherwood
-  County line







The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors or omissions that may appear in this product. However, notification of any errors will be appreciated.
 Department of Land Use Planning, Planning Division
 155 N. First Ave., Suite 350-14, Hillsboro, OR 97124
 (503)846-3519 Email: luplan@co.washington.or.us
 S:\P\WP-SH-12006ord\Ord668\ExhibitA\Sherwood_upaa_deleted.mxd
 DW 8/29/06

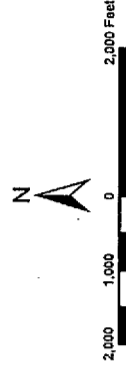


ADD THE FOLLOWING MAP AS EXHIBIT A
 OF THE WASHINGTON COUNTY-SHERWOOD
 URBAN PLANNING AREA AGREEMENT

City of Sherwood
 URBAN PLANNING AREA
 Washington County-Sherwood
 Urban Planning Area Agreement

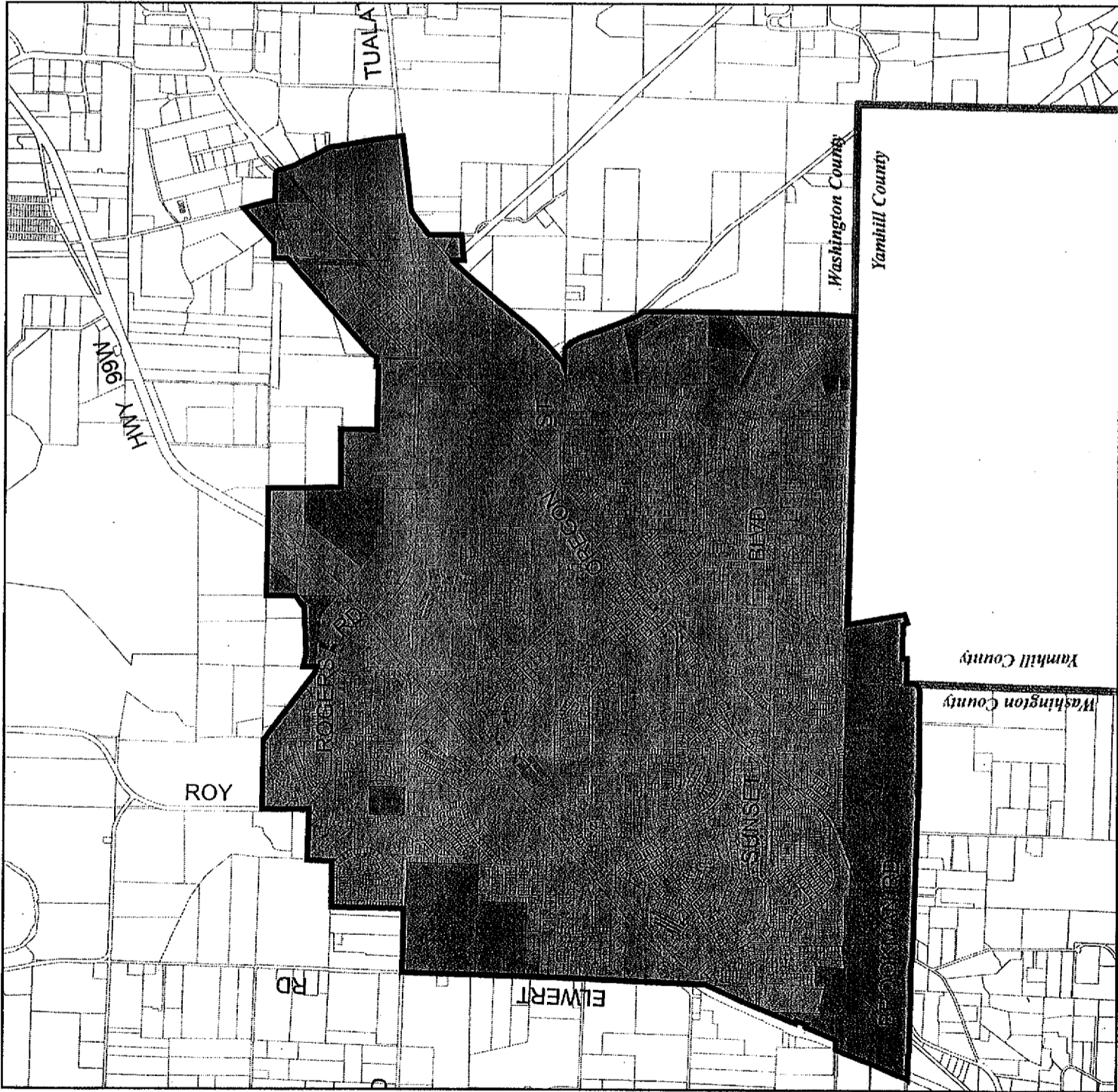
Exhibit A

-  Sherwood UPAA Boundary
-  Sherwood UPAA
-  City of Sherwood
-  County line



The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for any errors or omissions that may appear in this product. However, the publisher of any errors will be appreciated.

Department of Land, Washington County, Planning Division,
 155 N. First Ave., Suite 350, Tillamook, OR 97124
 503.846-3519, Email: ljrplan@co.washington.or.us
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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Department of Land Use & Transportation (CPO 5)
Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 668
Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

A-Engrossed Ordinance No. 668 proposes to amend the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to reflect changes made by Metro to the Regional Urban Growth Boundary (UGB). The urban planning area boundary is amended to add areas that were added to the Regional UGB in 2002. Changes are also proposed that would allow the use of e-mail by the County and the city when providing notice required by the UPAA and that would update Section III.E. of the UPAA relating to development of lands designated Future Development 20 Acre District.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County’s Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County’s Comprehensive Plan. Additionally, as required by Title 8, Section 3 of Metro’s Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings. The proposed findings will be 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 A-Engrossed Ordinance No. 668 and sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 06-205

Agenda Item No.	5.b.
Date:	9/26/06

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 668) No. 06-205

This matter having come before the Washington County Board of Commissioners at its meeting of September 26, 2006; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 668; 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 September 6, 2006, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-Engrossed Ordinance No. 668 are hereby adopted.

DATED this 26th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
LEEPER	✓	—	—
ROBERTS	✓	—	—
DUYCK	✓	—	—

Tom Busin
Chairman

[Signature]
County Counsel
For Washington County, Oregon

Barbara Hejtmanek
Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 668 AMENDING THE WASHINGTON COUNTY – SHERWOOD URBAN PLANNING AREA AGREEMENT ELEMENT OF THE COMPREHENSIVE PLAN

September 26, 2006

GENERAL FINDINGS

A-Engrossed Ordinance No. 668 amends the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to incorporate changes made to the Regional Urban Growth Boundary (UGB) by Metro in December 2002. The expansion of the Regional UGB was approved by the Land Conservation and Development Commission (LCDC) in July 2003. The ordinance also allows the use of e-mail by the County and the city when providing notice required by the UPAA and updates Section III.E. of the UPAA relating to development of lands designated Future Development 20 Acre (FD-20) District.

The Board of County Commissioners (Board) finds that the Statewide Planning 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 A-Engrossed Ordinance No. 668 is consistent with Statewide Planning Goals, ORS and OAR requirements and the Washington County Comprehensive Plan.

Goal 1 - Citizen Involvement

CONCLUSION

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

FACTS

1. Washington County's Citizen Participation Policy is outlined in Resolution and Order 86-58.

2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, town hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPOs).
3. Proposed Ordinance No. 668 and an accompanying summary were mailed on July 28, 2006 to the CPOs and CCI. Also on July 28th, 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 and Metro on July 19, 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. 668 were published in the following newspapers: *The Hillsboro Argus* on August 18, 2006 and the Washington County Weekly section of *The Oregonian* on August 17, 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. The notice prepared by the Land Use Ordinance Advisory Commission (LUOAC) describing proposed Ordinance No. 668 was mailed to the list of individuals on the General Notification List on August 23, 2006. The notice also described additional changes to the proposed ordinance that the 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 August 23rd. Therefore, the Board is only required to only hold one engrossment hearing (on September 26, 2006 at 6:30 PM) to consider the proposed amendment. The amendment consists of amending the proposed urban planning area boundary to include property that was inadvertently excluded from the proposed boundary.
7. On September 6, 2006, the Planning Commission (Commission) held a public hearing for Ordinance No. 668. The Commission voted unanimously to forward a recommendation to the Board that they engross the ordinance to include the recommended change set forth in Attachment A to the staff report.
8. The Board held a public hearing for Ordinance No. 668 on September 19, 2006. After receiving public testimony on the ordinance, the Board voted to engross the ordinance to include the recommended change set forth in Attachment A to the staff report and to continued the hearing to September 26, 2006 at 6:30 PM.

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 the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (Code). Washington County utilized this process to adopt this ordinance.

The amendments that were made to the Washington County – Sherwood Urban Planning Area Agreement 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. A-Engrossed Ordinance No. 668 amends the Washington County – Sherwood Urban Planning Area Agreement, 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 LUOAC. LUOAC met August 15, 2006 to draft a notice for Ordinance No. 668. 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 August 23, 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 September 6, 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 Hillsboro Argus* on August 18, 2006 and the Washington County Weekly section of *The Oregonian* on August 17, 2006.
5. ORS 197.610, OAR 660-18-020 and Senate Bill 543 (effective on June 30, 1999) require that notice of proposed amendments to the county’s acknowledged comprehensive plan shall be forwarded to the Director of the Department of Land Conservation and

Development (DLCD) at least 45 days before the first hearing. Notice of proposed Ordinance No. 668 was mailed to DLCD on July 19, 2006.

6. The existing Urban Planning Area Agreement (UPAA) between Washington County and the City of Sherwood dated November 24, 1988 provides the basis for intergovernmental cooperation for adopting plan amendments and amending the City's planning area boundary. The county received a request for changes to the UPAA from the City of Sherwood. The ordinance proposed to implement the changes was presented to the Planning Commission and Board, and adopted by the Board on September 26, 2006 as A-Engrossed Ordinance No. 668. Therefore, the proposed amendments to the UPAA are consistent with the UPAA and Goal 2.
7. Policies 1, 18 and 41 of the Comprehensive Framework Plan for the Urban Area guide the designation of lands added to an urban growth boundary. B-Engrossed Ordinance No. 615, adopted in April 2004, amended Policy 18 to state that lands added to the regional urban growth boundary shall be designated FD-20. Because the county provided notice consistent with state law and no appeals were filed, the changes made to Policy 18 became acknowledged on May 27, 2004 by operation of law as provided under ORS 197.625(1).
8. A-Engrossed Ordinance No. 668 maintains the FD-20 designation on the properties added to the planning area boundary for the City of Sherwood. Land use and resource designations for the property will continue to apply on the properties until such time that they are annexed to the City of Sherwood.

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 A-Engrossed Ordinance No. 668. 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. These amendments will not alter allowed or prohibited uses or activities in these districts.

Goal 4 - Forest Lands

CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments made by A-Engrossed Ordinance No. 668 are consistent with Goal 4; OAR

Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts:

FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. A-Engrossed Ordinance No. 668 did not amend any plan policies or strategies related to the EFC District.

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 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.

A-Engrossed Ordinance No. 668 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. A-Engrossed Ordinance No. 668 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). A-Engrossed Ordinance No. 668 did not amend these Code standards related to Goal 5 resources.
3. A-Engrossed Ordinance No. 668 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

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 A-Engrossed Ordinance No. 668. 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 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 424 (Erosion Control).
2. A-Engrossed Ordinance No. 668 did not amend the applicable Plan policies or Code standards related to air, water and 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 A-Engrossed Ordinance No. 668. 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 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. A-Engrossed Ordinance No. 668 did not amend the applicable Plan policies or Code standards related to flood plain areas, or to natural disasters and hazards. Therefore, it is not necessary to make specific findings for Goal 7.

Goal 8 - Recreation Needs

CONCLUSION

Policies 33, 34 and 35 of the 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 A-Engrossed Ordinance No. 668. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts:

FACTS

1. The Code standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks), 430-97 (Parks), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. A-Engrossed Ordinance No. 668 did not amend any Plan policies, Code sections, or Community Plan provisions related to recreation. 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 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 A-Engrossed Ordinance No. 668. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

FACTS

1. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's Comprehensive Framework Plan for the Urban Area states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific Code standards directly related to this goal, amendments to the Code should follow this policy to achieve the economic development goal.
2. A-Engrossed Ordinance No. 668 did not amend the applicable Plan policies or code standards related to Goal 9. Therefore, it is not necessary to make specific findings for Goal 9.

Goal 10 - Housing

CONCLUSION

Policies 21, 22, 23 and 24 of the 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 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 A-Engrossed Ordinance No. 668. 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. A-Engrossed Ordinance No. 668 did not amend the applicable Plan policies related to housing. Therefore, it is not necessary to make specific findings for Goal 10.

Goal 11 - Public Facilities and Services

CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the 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 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 A-Engrossed Ordinance No. 668. 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 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. A-Engrossed Ordinance No. 668 does not amend the Washington County Public Facilities Plan.
3. A-Engrossed Ordinance No. 668 did not amend the applicable Plan policies related to public facilities and services. Therefore, it is not necessary to make specific findings for Goal 11.

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 Code. Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 668. 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. A-Engrossed Ordinance No. 668 did not amend any Plan policies and strategies relating to Goal 12. Therefore, it is not necessary to make specific findings for Goal 12.

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the 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 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 A-Engrossed Ordinance No. 668. 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. A-Engrossed Ordinance No. 668 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 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 A-Engrossed Ordinance No. 668. 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. The Regional UGB was expanded in 2002 to include land generally north and south of Sherwood. The expansion was subsequently acknowledged by the Land Conservation and Development Commission in July 2003. The county relies on the findings acknowledged by LCDC to demonstrate compliance with Statewide Planning Goal 14.
2. A-Engrossed Ordinance No. 668 amended the Washington County – Sherwood Urban Planning Area Agreement to include areas added to the urban growth boundary of Sherwood. The land added to the planning area boundary of Sherwood will retain their FD-20 designation until annexed to the City of Sherwood.
3. Policies 1, 18 and 41 of the Comprehensive Framework Plan for the Urban Area guide the designation of lands added to an urban growth boundary. B-Engrossed Ordinance No. 615, adopted in April 2004, amended Policy 18 to state that lands added to the regional urban growth boundary shall be designated FD-20. Because the county provided notice consistent with state law and no appeals were filed, the changes made to Policy 18 became acknowledged on May 27, 2004 by operation of law as provided under ORS 197.625(1).
4. The Washington County – Sherwood Urban Planning Area Agreement was amended by A-Engrossed Ordinance No. 668 to reflect the expansion of the Regional UGB adopted by Metro. Subsequent to the urban growth boundary expansion, the City of Sherwood requested that land subject to the expansion be added to the city's planning area boundary. A-Engrossed Ordinance No. 668 implements that request.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN FOR A-ENGROSSED ORDINANCE NO. 668 (RELATING TO
PLANNING FOR NEW URBAN GROWTH BOUNDARY LANDS)**

FOR THE SEPTEMBER 26, 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, 8 and 11 of the Functional Plan.

Title 1 - Requirements for Housing and Employment Accommodations

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

RESPONSE

A-Engrossed Ordinance No. 668 amended the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to add properties added to the Regional UGB in 2002 by Metro to the city's urban planning boundary. The FD-20 designation on the properties added to the urban planning area will remain until the land is annexed to the City of Sherwood.

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 regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated areas of Washington County. A-Engrossed Ordinance No. 668 does not change any standards relating to water quality or flood plain management. Significant natural, historic and cultural designations on the properties added to the urban planning boundary are maintained as shown on the "Goal 5 Resources for Future Development Areas" shown in Policy 41 of the Comprehensive Framework Plan for the Urban Area. 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

A-Engrossed Ordinance No. 668 amended the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to add properties added to the Regional UGB in 2002 by Metro to the city's urban planning boundary. Some of the properties added to the Regional UGB in 2002 that were added to the city's urban planning area by A-Engrossed Ordinance No. 668 are designated as Employment and Industrial Lands on Metro's 2040 Growth Concept Plan. These same lands were designated FD-20 by B-Engrossed Ordinance No. 615, adopted in April 2004. The FD-20 designation on the properties added to the urban planning area will remain until the land is annexed to the City of Sherwood.

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

A-Engrossed Ordinance No. 668 amended the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to add properties added to the Regional UGB in 2002 by Metro to the city's urban planning boundary. None of the properties added to the city's urban planning area boundary by A-Engrossed Ordinance No. 668 are located within a Metro designated Central City, Regional Center, Town Center or Station Community.

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. 668 on July 19, 2006. The findings in this document demonstrate the amendments made by this ordinance are in substantial compliance with the UGMFP.

Title 11 - Planning For New Urban Areas

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

RESPONSE

The requirements of Title 11 for lands added to the regional urban growth boundary in December 2002 were incorporated into B-Engrossed Ordinance No. 615 by the creation of the FD-20 and the establishment of Areas of Special Concern for new UGB lands with specific development criteria prescribed by Metro. The FD-20 district requires a minimum parcel size of 20 acres, in keeping with Metro's interim protection measures for new urban lands. The lands added to the city's urban planning area are designated FD-20. The FD-20 designation will remain until the properties have been annexed to the City of Sherwood.



WASHINGTON COUNTY
OREGON

October 2, 2006

Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Revised Form 2 – DLCD Notice of Adoption for A-Engrossed Ordinance No. 668

Enclosed is a revised Form 2 Notice for the above Washington County land use ordinance. The Date of Adoption and Date Mailed fields have been amended to reflect the correct dates.

Please replace the Form 2 notice mailed with the adopted ordinance on September 28, 2006 with this revised version.

If you have any questions, please call me at (503) 846-8817.

Sincerely,

Paul Schaefer
Senior Planner

c: Metro

Enclosure

FORM 2

REVISED

DEPT OF

DLCD NOTICE OF ADOPTION

OCT 03 2006

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 DEVELOPMENT

Jurisdiction: Washington County

Local File No.: Ordinance No. 668 (If no number, use none)

Date of Adoption: September 26, 2006 October 26, 2006 (Must be filled in)

Date Mailed: September 28, 2006 October 28, 2006

Date the Notice of Proposed Amendment was mailed to DLCD: July 19, 2006

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: Sherwood Urban Planning Area Agreement Amendment (Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." A-Engrossed Ordinance No. 668 amended the Washington County - Sherwood Urban Planning Area Agreement to reflect recent changes to the regional urban growth boundary. Text changes were also made to the urban planning area agreement to allow the use of electronic mail (i.e., e-mail) by the city and the County when providing intergovernmental notice as required by the urban planning area agreement.

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 urban planning area boundary (in the proposed amendment) was amended to add an additional parcel and a portion of BPA to the urban planning area. The urban planning area contained in the adopted amendment is the corrected boundary.

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

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

Location: Sherwood Urban Planning Area Acres involved: N/A

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

Applicable Statewide Planning Goals: 1, 2, 11, 12, 14

Is an Exception Proposed? Yes: [] No: [X]

Was an Exception Adopted? Yes: [] No: [X]

DLCD No: _____

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, City of Tualatin

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.