



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 018-06



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
Meg Fernekees, DLCD Regional Representative
Stacy Humphrey, DLCD Regional Representative
Paul Schaefer, Washington County

<paa> ya



FORM 2

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)

DEPT OF

10/12/06

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Washington County

Local File No.: Ordinance No. 675 (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: Tualatin Urban Planning Area Agreement Amendment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Ordinance No. 675 amended the Washington County – Tualatin Urban Planning Area Agreement to reflect changes to the regional urban growth boundary.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." SAME

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

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

Location: Tualatin 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: 018-06 (15515)

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**

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and Public Hearing –
Land Use & Transportation; County Counsel (CPO 5, 4M)

Agenda Title: **PROPOSED ORDINANCE NO. 675 – AN ORDINANCE
AMENDING THE WASHINGTON COUNTY – TUALATIN
URBAN PLANNING AREA AGREEMENT (UPAA)**

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

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 675 proposes to amend the Washington County – Tualatin Urban Planning Area Agreement (UPAA) to reflect changes made by Metro to the regional urban growth boundary in 2004. The urban planning area boundary is amended to add some of the parcels that were added to the regional urban growth boundary in 2004. These parcels are currently in the process of being annexed into the city. Text changes are also made to the urban planning area agreement that allow the use of e-mail by the city and the County when providing intergovernmental notice as required by the agreement.

The Planning Commission is scheduled to consider Ordinance No. 675 at a public hearing on October 18, 2006. 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. 675 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt Ordinance No. 675.

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

ADOPTED

Agenda Item No.	4.d.
Date:	10/24/06

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 675

An Ordinance Amending the Washington
County – Tualatin Urban Planning Area
Agreement To Reflect Recent Changes to
the Regional Urban Growth Boundary

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Tualatin Urban Planning Area Agreement was adopted by way of Ordinance No. 332 and amended by Ordinance No. 646.

B. Subsequent ongoing planning efforts of the City of Tualatin and the County indicate a need for an update of the Washington County – City of Tualatin Urban Planning Area Agreement to reflect recent expansions to the Regional Urban Growth Boundary in 2002 and 2004. The Board takes note that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

////

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 The attached exhibit (10 pages), attached hereto as Exhibit "1" and incorporated herein by
8 reference, is hereby adopted as amendments to the Washington County – Tualatin Urban Planning
9 Area Agreement.

10 SECTION 3

11 All other provisions that have been adopted by prior ordinance, which are not expressly
12 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 invalid or
18 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby
19 and shall remain in full force and effect, and any provision of a prior land use ordinance amended or
20 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full
21 force and effect.

22 ////

1 SECTION 6

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

7 SECTION 7

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

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

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 John Leeper for
CHAIRMAN
16 Barbara Hejtmanek
RECORDING SECRETARY

17 READING
18 First October 24, 2006
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____
Sixth _____

PUBLIC HEARING
October 24, 2006

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

22 Recording Secretary: Barbara Hejtmanek Date: October 24, 2006

Washington County – Tualatin Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF TUALATIN, 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 State Oregon 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, the Regional Urban Growth Boundary (UGB) was expanded in December 2002 and June 2004 ~~and approved by the Oregon State Land Conservation and Development Commission. 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 ~~CITY boundary and the urban growth boundary~~ 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 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, 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 or Understanding" negotiated and signed by the planning directors of the CITY and the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".
- b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in

feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, individual subdivisions, partitionings or planned unit developments, variances, and other similar actions requiring a hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail 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, 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.

- 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 hearings agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electric 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 Urban Planning Area that are inconsistent with the provisions of the Future Development 10 Acre District (FD-10) or the Future Development 20 Acre District (FD-20).
- 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 shall not oppose annexations to the CITY within the CITY's Urban Planning Area.
- H. The Tualatin Comprehensive Plan employs a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. The CITY's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of any property within the Urban Planning Area to the CITY, the Planning District specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130 (2) a).

If a property owner, contract purchaser, the authorized representative of a property owner or contract purchaser, or the CITY desire a Planning District from that shown on the Comprehensive Plan Map, an application for a Plan Map Amendment may be filed with the CITY at the time of or following annexation.

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 30 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 to evaluate the effectiveness of the processes set forth herein and to make any amendments. The review process shall commence two (2) years from the date of execution and shall be completed within 60 days. Both parties shall make a good faith effort to resolve 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.

V. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County – Tualatin Urban Planning Area Agreement ~~executed December 2005~~ ~~dated November 24, 1988~~. The effective date of this Agreement shall be the last date of signature on the signature page.

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

CITY OF TUALATIN

By _____ Date _____
Mayor

Approved as to Form:

By _____ Date _____
City Attorney

WASHINGTON COUNTY

By _____ Date _____
Chair, Board of County Commissioners

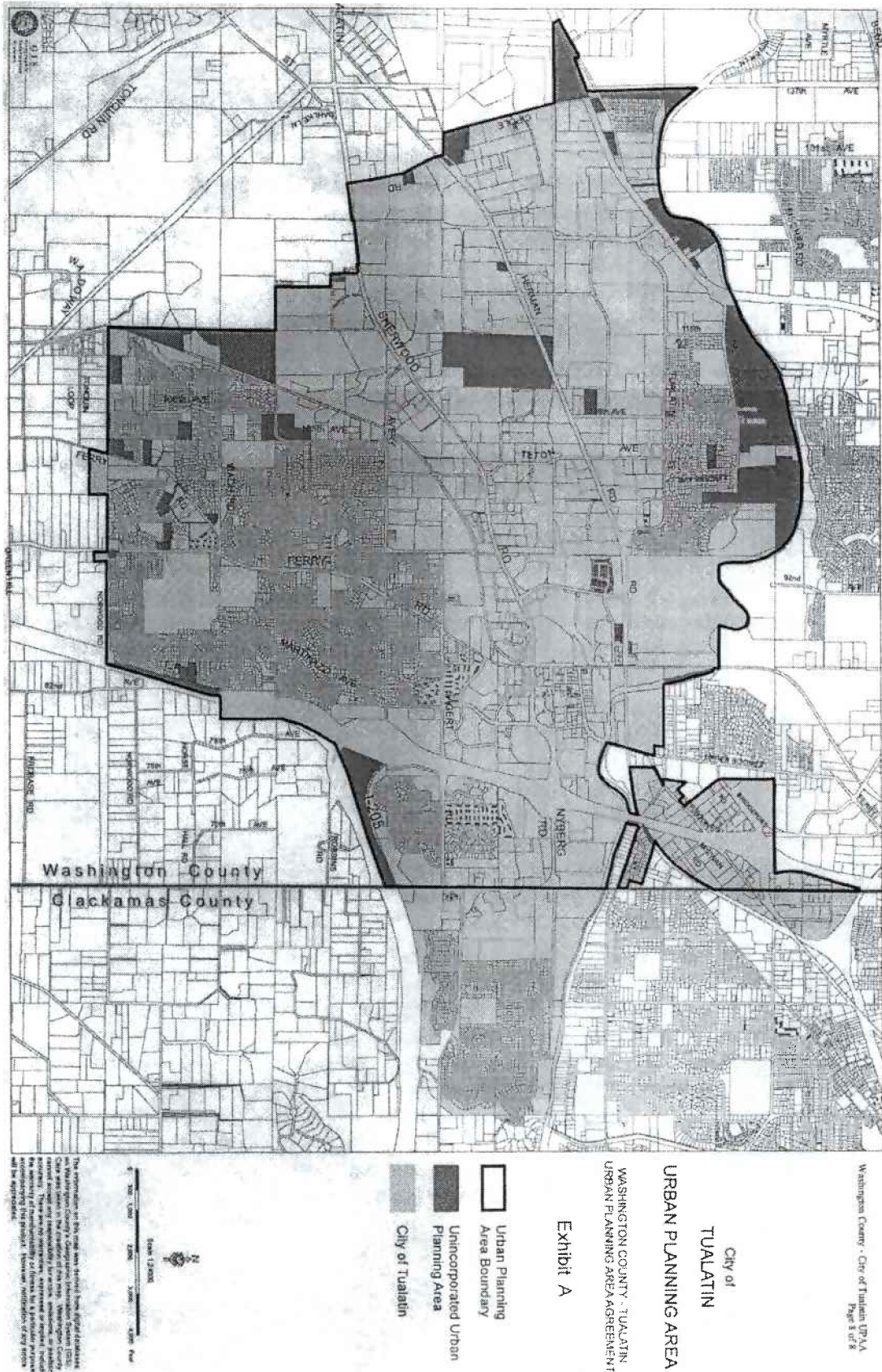
Approved as to Form:

By _____ Date _____
County Counsel

By _____ Date _____
Recording Secretary

abcdef Proposed additions
~~abcdef~~ Proposed deletions

Delete Exhibit "A" of the Washington County-Tualatin Urban Planning Area Agreement as shown below:



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Department of Land Use & Transportation (CPO 5, 4M)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 675

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 675 proposes to amend the Washington County – Tualatin Urban Planning Area Agreement (UPAA) to reflect changes made by Metro to the regional urban growth boundary in 2004. The urban planning area boundary is amended to add some of the parcels that were added to the regional urban growth boundary in 2004. These parcels are currently in the process of being annexed into the city. Text changes are also made to the urban planning area agreement that allow the use of e-mail by the city and the County when providing intergovernmental notice as required by the agreement.

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. 675 and sign the Resolution and Order memorializing the action.

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

RO 06-229

Agenda Item No.	<u>5.d.</u>
Date:	<u>10/24/06</u>

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 675) No. 06-229

This matter having come before the Washington County Board of Commissioners at its meeting of October 24, 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 Ordinance No. 675; 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 October 18, 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 audio tapes of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

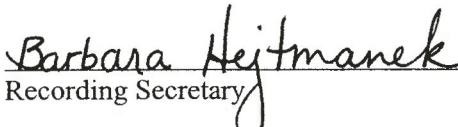
RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 675 are hereby adopted.

DATED this 24th day of October, 2006.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
LEEPER	✓	—	—
ROGERS	—	—	✓
APPROVED AS TO FORM:	—	—	✓
DUYCK	—	—	—

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary



County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 675 AMENDING THE WASHINGTON COUNTY – TUALATIN URBAN PLANNING AREA AGREEMENT ELEMENT OF THE COMPREHENSIVE PLAN

October 24, 2006

GENERAL FINDINGS

Ordinance No. 675 amends the Washington County – Tualatin Urban Planning Area Agreement (UPAA) to incorporate changes made to the Regional Urban Growth Boundary (UGB) by Metro in 2004. The expansion of the Regional UGB was approved by the Land Conservation and Development Commission (LCDC) on July 25, 2005. The ordinance also allows the use of e-mail by the County and the city when providing notice required by the UPAA.

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 Ordinance No. 675 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. 675 and an accompanying summary were mailed on September 8, 2006 to the CPOs and CCI. Also on September 8th, 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 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. 675 were published in the following newspapers: *The Hillsboro Argus* on September 29, 2006 and the Washington County Weekly section of *The Oregonian* on September 28, 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. 675 was mailed to the list of individuals on the General Notification List on October 4, 2006.
7. On October 18, 2006, the Planning Commission (Commission) held a public hearing for Ordinance No. 675. The Commission voted to forward a recommendation to the Board that they adopt the ordinance as filed.
8. The Board held a public hearing for Ordinance No. 675 on October 24, 2006. After receiving public testimony on the ordinance, the Board voted to adopt the ordinance as filed.

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 – Tualatin 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. Ordinance No. 675 amends the Washington County – Tualatin 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 September 22, 2006 to draft a notice for Ordinance No. 675. 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 Hillsboro Argus* on September 29, 2006 and the Washington County Weekly section of *The Oregonian* on September 28, 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. 675 was mailed to DLCD on August 30, 2006.
6. The existing Urban Planning Area Agreement (UPAA) between Washington County and the City of Tualatin dated August 2, 2005 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 Tualatin. The ordinance proposed to implement the changes was presented to the Planning Commission and Board, and adopted by the Board on October 24, 2006. Therefore, the proposed amendments to the UPAA are consistent with the UPAA and Goal 2.

7. Ordinance No. 675 maintains the current land use designation (AF-10) on the properties added to the planning area boundary for the City of Tualatin. 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 Tualatin and the city applies a new Institutional zoning district to the property.

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. 675. 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. Additionally, the lands to be added to the Tualatin urban planning area boundary are designated AF-10, and not EFU or AF-20.

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. 675 are consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts:

FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. Ordinance No. 675 did not amend any plan policies or strategies related to the EFC District. Additionally, the lands to be added to the Tualatin urban planning area boundary are designated AF-10, and not EFC.

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. The ordinance was filed to fulfill commitments set forth in the June 2002 Intergovernmental Agreement between the Tualatin Basin Natural Resources Coordinating Committee and Metro to carry out key components of the Tualatin Basin element of Metro's Nature in Neighborhoods Program. A companion ordinance is also scheduled to be filed next year (2007) to make additional and more substantive changes to the County's Comprehensive Plan relating to the implementation of Goal 5.

Ordinance No. 675 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 or the various Code sections that guide and direct protection of identified Goal 5 resources. This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 675 did not affect a Goal 5 resource as defined by OAR 660-023-0250(3).
2. The Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), Section 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control). Ordinance No. 675 did not amend these Code standards related to Goal 5 resources.
3. Ordinance No. 675 did not amend the applicable policies of the Framework Plan or the Rural / Natural Resource Plan related to Goal 5 resources.
4. There are no Goal 5 resources identified on the land added to the Tualatin urban planning area boundary

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. 675. 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. Ordinance No. 675 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 Ordinance No. 675. 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. Ordinance No. 675 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 Ordinance No. 675. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts:

FACTS

1. The Code standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks), 430-97 (Parks), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. Ordinance No. 675 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 Ordinance No. 675. 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. Ordinance No. 675 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 Ordinance No. 675. 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. 675 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 Ordinance No. 675. 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. Ordinance No. 675 does not amend the Washington County Public Facilities Plan.
3. Ordinance No. 675 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 Ordinance No. 675. 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. 675 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 Ordinance No. 675. 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. 675 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 Ordinance No. 675. 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 2004 to include land south of Tualatin. The expansion was subsequently acknowledged by the Land Conservation and Development Commission in July 2005. The county relies on the findings acknowledged by LCDC to demonstrate compliance with Statewide Planning Goal 14.
2. The changes proposed in Ordinance No. 675 were requested by the City of Tualatin. Doug Rux, Community Development Director requested in May 2006 that the Washington County – Tualatin UPAA be amended to update the urban planning area boundary to include some of the parcels that were added to the Regional UGB in 2004. In addition, the city requested that expansion of the urban planning area boundary be limited to the lots or parcels on which the current high school and church is being constructed. It is for this reason that the proposed urban planning area boundary excludes 4 other tax lots from the new urban planning area boundary. Tax lots excluded are further identified as 2S1 35D 106, 110, 300 and 302.

The city is very concerned about any and all development in the entire UGB expansion south of the present city boundary and until the city has better transportation infrastructure funding in place for this area, and establishment of an alignment and corridor for the I-5/99W Connector project, the city does not want more land area to conduct urban planning for with subsequent urban development that would compound the traffic congestion in this area. Consequently, the city requested that the changes to the urban planning area boundary be limited to just the property currently owned and being developed by the church. Ordinance No. 675 implements that request.

3. Ordinance No. 675 amended the Washington County – Tualatin Urban Planning Area Agreement to include to add some of the parcels that were added to the Regional UGB in 2004 to the urban planning area of Tualatin. The land added to the planning area boundary of Tualatin will retain its AF-10 designation until annexed to the City of Tualatin. Upon annexation to the city, the property will be designated Institutional in recognition of the approved use (currently under construction), which is a high school and a church.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN FOR ORDINANCE NO. 675 (RELATING TO PLANNING FOR
NEW URBAN GROWTH BOUNDARY LANDS)**

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, 8 and 11 of the Functional Plan.

Title 1 - Requirements for Housing and Employment Accommodations

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

RESPONSE

Ordinance No. 675 amended the Washington County – Tualatin Urban Planning Area Agreement (UPAA) to add properties added to the Regional UGB in 2004 by Metro to the city's urban planning boundary. The AF-10 designation on the properties added to the urban planning area will remain until the land is annexed to the City of Tualatin and rezoned with an urban city zoning district in accord with Title 11. Upon annexation to the city, the property will be given an Institutional zone in recognition of the approved high school and church uses currently under construction on the property.

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. Ordinance No. 675 does not change any standards relating to water quality or flood plain management.

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. 675 amended the Washington County – Tualatin Urban Planning Area Agreement (UPAA) to add several properties added to the Regional UGB in 2004 by Metro to the city's urban planning boundary. Some of the properties added to the Regional UGB in 2004 that were added to the city's urban planning area by Ordinance No. 675 are designated as Employment and Industrial Lands on Metro's 2040 Growth Concept Plan. However, the high school and church (institutional uses) were approved by the County prior to the expansion of the Regional UGB and before Metro identified the property (on which they are being constructed) as Employment and Industrial Lands.

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. 675 amended the Washington County – Tualatin Urban Planning Area Agreement (UPAA) to add properties added to the Regional UGB in 2004 by Metro to the city's urban planning boundary. None of the properties added to the city's urban planning area boundary by Ordinance No. 675 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. 675 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 County has on its 2007 work program the task of applying the interim, protective Title 11 land use designations similarly to what was done in 2004 when the County fulfilled the requirements of Title 11 for lands added to the regional urban growth boundary in December 2002 through the adoption of Ordinance No. 615. Ordinance No. 615 established the FD-20 district. 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 FD-20 district will be applied to all other lands added by Metro for future industrial (Title 4 lands) uses. This includes the area west, south and east of the church and high school property.