



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

June 13, 2008



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 003-08

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: June 26, 2008**

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  
Bill Holmstrom, DLCD Transportation Planner  
Gregg Leion, Washington County

<paa> ya/

FORM

# 2 DLCD Notice of Adoption

in person  electronic  mailed

**DEPT OF**

**JUN 06 2008**

**LAND CONSERVATION AND DEVELOPMENT**  
For DLCD Use Only

DATE  
STAMP

THIS FORM **MUST BE MAILED** TO DLCD WITHIN  
**5 WORKING DAYS AFTER THE FIRST FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 695**

Date First Evidentiary Hearing: **5/7/2008**

Date of Final Hearing: **6/3/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date submitted: **March 21, 2008**

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):  
**Ordinance No. 695 amends the Community Development Code (CDC) to ensure that certain roadway improvements will occur between a proposed development site and the nearest collector or arterial roadway that is likely to attract the highest traffic volumes.**

**The ordinance also amends CDC Section 501-8.2 to require street lighting to be provided in conjunction with new half-streets that are required as conditions of approval for new development.**

Does the Adoption differ from proposal? Please select one  
**No**

Plan map changed from: \_\_\_\_\_ to: \_\_\_\_\_  
 Zone map changed from: \_\_\_\_\_ to: \_\_\_\_\_  
 Location: **Unincorporated Urban Washington County**  
 Specify density:      Previous      New density:      Acres involved:

Mark applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1                                   | 2                                   | 3                        | 4                        | 5                        | 6                        | 7                        | 8                        | 9                        | 10                       | 11                                  | 12                                  | 13                       | 14                       | 15                       | 16                       | 17                       | 18                       | 19                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

- |  |   |                             |
|--|---|-----------------------------|
| 45-days prior to first evidentiary hearing?                    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply?                  | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |

DLCD file No. 003-08 (16792)

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

Local Contact: **Gregg Leion, Senior Planner**  
E-mail: [gregg\\_leion@co.washington.or.us](mailto:gregg_leion@co.washington.or.us)  
Phone: (503) 846-3969

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

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## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **[webserver.lcd.state.or.us](http://webserver.lcd.state.or.us)**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **[mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us)**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us)** - ATTENTION: PLAN AMENDMENT SPECIALIST.



# WASHINGTON COUNTY OREGON

April 2, 2008

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *BC*  
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 695**

Enclosed for your information is a copy of proposed Ordinance No. 695. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

### **Ordinance Purpose and Summary**

The purpose of Ordinance 695 is to ensure that when road resurfacing to a minimum 5-year wearing surface and 22-foot width is required as part of development review approval, the affected local street or neighborhood route will be improved between the development site and the nearest collector or arterial street likely to attract the greatest number of trips. Ordinance 695 will also ensure that street lighting is provided in conjunction with new half-streets that are required as part of development review approval.

### **Who Is Affected**

Persons seeking permits to develop land within urban unincorporated Washington County where the development is subject to application of the Public Facilities and Services standards set forth in Article 5 of the Community Development Code (Type II and III development requests).

### **What Land is Affected**

Lands on which new Type II and Type III development proposals are located and that are within the Urban Growth Boundary of unincorporated Washington County.

### **Key Provisions**

- Amends existing requirement for new development relating to roadway surfacing and width (5-year wearing surface/22' width) so that such resurfacing will be done between the development site and the nearest adequate arterial or collector roadway that is likely to attract the highest traffic flow. (CDC Section 501-8.1 B.(2)).
- Amends existing standards for all new Local, Neighborhood Route, Collector and Arterial streets to require provision of street lighting when half street improvements are required as a condition of development review approval (CDC Section 501-8.2 C.).

### **Initial Public Hearings**

#### **Time and Place**

**Planning Commission**  
**1:30 pm**  
**May 7, 2008**

**Board of County Commissioners**  
**10:00 am**  
**June 3, 2008**

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

On June 3, 2008, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on July 3, 2008.

**Urban Comprehensive  
Plan Policies Amended**

- None

**Community  
Development Code  
Standards Amended**

- CDC Sections 501-8.1 B.(2) and 501-8.2 C.

**How to Submit  
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **We are unable to accept e-mail as public testimony.**

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

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

**Staff Contact**

Gregg Leion, Senior Planner  
155 North 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3969 Fax: 503-846-4412  
e-mail: gregg\_leion@co.washington.or.us

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

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MAR 20 2008

FOR WASHINGTON COUNTY, OREGON

Washington County  
County Clerk

ORDINANCE NO. 695

An Ordinance Amending the  
Community Development Code  
Element of the Comprehensive Plan  
Relating to Standards for Local and  
Neighborhood Route Roads and Street  
Lighting on Half-Street Improvements

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, (Board) recognizes that the Community Development Code (CDC) Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677 and 682-686.

B. Subsequent ongoing planning efforts of the County indicate a need for a general update to the CDC relating to the standards for development for critical and essential services that are part of the public facility and service requirements. The Board

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1 takes note that such changes are necessary for clarification and the benefit of the residents  
2 of Washington County, Oregon.

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

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

14 SECTION 2

15 The following exhibits, attached hereto and incorporated herein by reference, are  
16 adopted as amendments to the designated document as follows:

- 17 A. Exhibit 1 (2 pages) amending CDC Section 501-8.1 Standards for  
18 Development – Critical Services for PUBLIC FACILITY AND SERVICE  
19 REQUIREMENTS; and  
20 B. Exhibit 2 (1 page) amending CDC Section 501-8.2 Standards for  
21 Development – Essential Services for PUBLIC FACILITY AND  
22 SERVICE REQUIREMENTS.

1     SECTION 3

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

5     SECTION 4

6             All applications received prior to the effective date shall be processed in accordance  
7 with ORS 215.427 (2007 Edition).

8     SECTION 5

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

14    SECTION 6

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

21    /////

22    /////



Community Development Code Section 501-8.1 Standards for Development – Critical Services for PUBLIC FACILITY AND SERVICE REQUIREMENTS is amended to reflect the following:

501-8.1 Critical Services

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

- (3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.
- (4) For those existing Local and Neighborhood Route roads which are not improved in accordance with Washington County's Uniform Road Improvement Design Standards and abut a development in a transit oriented district, or abut a development outside a transit oriented district which is adjacent to a designated special area street, a half street improvement along the site's frontage shall be constructed.
- (5) Outside of transit oriented districts, a half-street improvement may be required on Local or Neighborhood Route roads at the discretion of the Review Authority.

Community Development Code Section 501-8.2 Standards for Development – Essential Services for PUBLIC FACILITY AND SERVICE REQUIREMENTS is amended to reflect the following:

501-8.2 Essential Services

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C. Street Lighting

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

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# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

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**Agenda Title:** **PROPOSED ORDINANCE NO. 695 – AN ORDINANCE  
AMENDING A PORTION OF THE COMMUNITY  
DEVELOPMENT CODE RELATING TO THE STANDARDS FOR  
LOCAL AND NEIGHBORHOOD ROUTE STREETS AND  
ADDING A REQUIREMENT FOR STREET LIGHTING IN  
CONJUNCTION WITH HALF-STREET IMPROVEMENTS**

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

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### SUMMARY:

Ordinance No. 695 proposes to amend portions of Article V (Public Facilities and Services) of the Community Development Code (CDC) that apply to new development located within urban growth boundaries (CDC Sections 501-8.1 B. (2) and 501-8.2 C.). The ordinance will ensure that when road resurfacing is required as part of development review approval, the affected local or neighborhood route street will be improved between the development site and the nearest adequate collector or arterial that is likely to attract the greatest number of trips. The ordinance will also require that street lighting be provided in conjunction with new half streets that are conditioned through development review.

On May 7, 2008, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission voted 5-1 to recommend that the Board of Commissioners adopt Ordinance 695. A staff report will be provided and copies of the report will 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. 695 by title only and conduct the public hearing. At the conclusion of the hearing, adopt Ordinance No. 695.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

# ADOPTED

Agenda Item No.	<u>5.d.</u>
Date:	06/03/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS

**MAR 20 2008**

FOR WASHINGTON COUNTY, OREGON

**Washington County  
County Clerk**

ORDINANCE NO. 695

An Ordinance Amending the  
Community Development Code  
Element of the Comprehensive Plan  
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B. Subsequent ongoing planning efforts of the County indicate a need for a general update to the CDC relating to the standards for development for critical and essential services that are part of the public facility and service requirements. The Board

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1 takes note that such changes are necessary for clarification and the benefit of the residents  
2 of Washington County, Oregon.

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

9 D. The Board finds and takes public notice that it is in receipt of all matters and  
10 information necessary to consider this Ordinance in an adequate manner, and that this  
11 Ordinance complies with the Statewide Planning Goals, and the standards for legislative  
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1     SECTION 3

2             All other Comprehensive Plan provisions that have been adopted by prior  
3 ordinance, which are not expressly amended or repealed herein, shall remain in full force  
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6             All applications received prior to the effective date shall be processed in accordance  
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8     SECTION 5

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

14    SECTION 6

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

21    /////

22    /////

1 SECTION 7

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

3 ENACTED this  3  day of  June , 2008, being the  1st  reading  
4 and  1st  public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9  *Tam Bevan*   
CHAIRMAN

10  *Barbara Hejtmanek*   
RECORDING SECRETARY

11 READING

12 PUBLIC HEARING

13 First  June 3, 2008   
14 Second \_\_\_\_\_  
15 Third \_\_\_\_\_  
16 Fourth \_\_\_\_\_  
17 Fifth \_\_\_\_\_  
18 Sixth \_\_\_\_\_

13  June 3, 2008   
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_

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

21 Recording Secretary:  Barbara Hejtmanek  Date:  June 3, 2008

Community Development Code Section 501-8.1 Standards for Development – Critical Services for PUBLIC FACILITY AND SERVICE REQUIREMENTS is amended to reflect the following:

501-8.1 Critical Services

- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.
- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:
- (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's Uniform Road Improvement Design Standards; and
  - (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation Plan, likely to attract the highest traffic volume from the proposed development (based on existing and/or forecast traffic volumes) the road(s) must meet the following minimum standards:
    - (a) Have a wearing surface and structural life expectancy period of no less than five (5) years (paved) as determined by the County Operations Engineer;
    - (b) Paved surfaces for existing roadways shall be twenty-two feet or greater in width. New roads shall meet the adopted County Road Standards;
    - (c) On-site means all lands in the land use application and one half (½) the right-of-way of existing roads lying adjacent to such lands;
    - (d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990; and
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501-8.2 Essential Services

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C. Street Lighting

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

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# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action – Land Use & Transportation (All Urban CPOs)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 695

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

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### SUMMARY:

Ordinance No. 695 proposes to amend a portion of Article V (Public Facilities and Services) of the Community Development Code (CDC) that applies to new development within urban growth boundaries (CDC Sections 501-8.1 B. (2) and 501-8.2 C.). The ordinance will ensure that when road resurfacing is required as part of development review approval, the affected local or neighborhood route street will be improved between the development site and the nearest adequate collector or arterial that is likely to attract the greatest number of trips. The ordinance will also require that street lighting be provided in conjunction with new half streets that are conditioned through development review.

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 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 for Ordinance No. 695. 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. 695 and sign the Resolution and Order memorializing the action.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 08-63

Agenda Item No.	<u>6.b.</u>
Date:	6/03/08

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. 695 ) No. 08-63

This matter having come before the Washington County Board of Commissioners at its meeting of June 3, 2008, 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. 695; 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 May 7, 2008, 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, 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. 695 are hereby adopted.

DATED this 3rd day of June, 2008.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	✓	—	—
ROGERS	✓	—	—
DUYCK	✓	—	—

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Tom Bua  
Chairman

Barbara Hejtmancik  
Recording Secretary

[Signature]  
County Counsel  
For Washington County, Oregon

## EXHIBIT A

### FINDINGS FOR ORDINANCE 695, AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO STANDARDS FOR LOCAL AND NEIGHBORHOOD ROUTE ROADS AND STREET LIGHTING ON HALF-STREET IMPROVEMENTS

June 3, 2008

#### GENERAL FINDINGS

Ordinance 695 amends portions of Article V (Public Facilities and Services) of the Community Development Code (CDC) that applies to new development located within urban growth boundaries (CDC Sections 501-8.1B(2) and 501-8.2 C.). The amendments ensure that when road resurfacing to a minimum 5-year wearing surface and 22-foot width is required as part of development review approval, the affected local street or neighborhood route will be improved between the development site and the nearest collector or arterial street likely to attract the greatest number of trips. Ordinance 695 also ensures that street lighting is provided in conjunction with new half-streets that are required as part of development review approval.

Pursuant to Statewide Planning Goal 2 (Land Use Planning – OAR 660-015-0000(2)), ORS 197.610 (Post-Acknowledgment Procedures) and the Transportation Planning Rule (OAR 660-012-0015(3)(a)) the amendments made by Ordinance 695 must be consistent with the adopted portions of the state and regional Transportation System Plans (TSP's) – the Oregon Transportation Plan (OTP) and Metro's Regional Transportation Plan (RTP). The amendments made to the Community Development Code by Ordinance 695 are limited in scope and the Board finds that the OTP and RTP apply to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of these plans, and that the amendments comply with the applicable goals and policies of the OTP and RTP. In addition, the Board finds that the statewide planning goals apply to the amendments covered by these findings only to the extent noted in specific responses to individual goals, and that the amendments comply with the goals.

#### GOAL FINDINGS

##### 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 these ordinances.

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 and in Chapter X of the Washington County Charter.
2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, Town Hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPO).
3. Ordinance 695 has been adopted in compliance with the acknowledged Citizen Participation Policies of the County outlined in R & O 86-58 and in Chapter X of the Charter. Citizen participation efforts included conducting public hearings before the Planning Commission and before the Board of County Commissioners, providing for CPO involvement as well as general public participation in the process via public notifications.
4. The Planning Commission held a public hearing on May 7, 2008 that resulted in a recommendation for adoption of Ordinance 695 to the Board of Commissioners.
5. The Board of Commissioners held a public hearing on Ordinance 695 on June 3, 2008 as required by Chapter X of the Washington County Charter.
6. Copies of the proposed ordinance and staff reports were provided to the CPOs and other interested individuals and groups. Notices for Ordinance 695 were sent to CPOs and cities on April 3, 2008; notices and copies of the ordinance were mailed to special districts on April 3, 2008.
7. Chapter X of the County Charter requires that individual notice for the initial ordinance public hearings be mailed at least 14 days prior to the first hearing to those persons who have requested them in writing and paid a fee. Notice of Ordinance 695 was mailed to the 466 persons that requested such notice on April 23, 2008.
8. 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 on the initial ordinance. Display ads for Ordinance 695 were published in the following newspapers: The Hillsboro Argus and The Oregonian, Washington County Weekly section, on April 18 and April 17, 2008 respectively.

## **Goal 2 - Land Use Planning**

### CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Washington County has a land use planning process that is acknowledged as complying with Statewide Planning Goal 2 and which provides for the review and update of the various elements of the Comprehensive Plan, including the Community Development Code. Washington County utilized this process to adopt this ordinance.

The amendments made to the Community Development Code by Ordinance 695 are in compliance with Statewide Planning Goal 2. The amendments also are consistent with the policies set forth in the acknowledged Rural/Natural Resource Plan, Policy 1, Implementing Strategy d. These conclusions are supported by the following facts.

### FACTS

1. The acknowledged Urban Comprehensive Plan and Rural/Natural Resource Plan require that legislative Plan amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.
2. Chapter X, Section 100(d) of the County Charter defines 'land use ordinances' to include any ordinance that amends a comprehensive plan. Ordinance 695 amends the Community Development Code, which is an element of the County's Comprehensive Plan. It is therefore a legislative land use ordinance in accordance with the definitions in Chapter X of the County Charter.
3. Chapter X of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission. The Commission met April 10, 2008 to draft a notice for Ordinance 695. The Charter further requires that the notice be mailed at least 14 days prior to the initial Planning Commission hearing to the 466 persons who have requested notices in writing and paid a fee. This notice was mailed on April 23, 2008. The initial Planning Commission meeting was held on May 7, 2008.
4. Chapter X requires that a display newspaper ad be published 14 days prior to the initial Planning Commission hearing, which was held on May 7, 2008. ORS Chapter 215.060 requires the County to provide 10 days advance public notice in a newspaper of general circulation prior to the first public hearing. Display ads were published in the following newspapers: The Hillsboro Argus and The Oregonian, Washington County Weekly section, on April 18 and April 17, 2008 respectively. The publishing of the ads complied with both the County Charter and ORS 215.060 provisions.

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 prior to the first evidentiary hearing. Notice of proposed Ordinance 695 was mailed to DLCD on March 21, 2008 in compliance with this requirement.
6. Chapter X of the Charter requires that the Planning Commission hold at least one public hearing for a land use ordinance. The Planning Commission held a public hearing on May 7, 2008 that resulted in a recommendation for approval of Ordinance 695 to the Board of Commissioners.
7. Chapter X of the Charter requires the Board to hold a hearing for land use ordinances after the Planning Commission's hearing. The Board of Commissioners held a public hearing on Ordinance 695 on June 3, 2008 as required by Chapter X of the Washington County Charter.
8. Notice of Ordinance 695 was provided to the public, affected cities and the Department of Land Conservation and Development. No comments were provided in response to these notices.
9. Statewide Planning Goal 2 (OAR 660-015-0000(2)) requires that opportunities be provided for review and comment on the plan by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances. As previously explained, the County followed its acknowledged public involvement procedures to involve citizens in developing and adopting Ordinance 695. Development of Ordinance 695 also included the electronic posting of the draft ordinance and related documents on the Internet and invitations for citizen comment.

### **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 695 based upon the following relevant facts.

#### FACTS

1. The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts.
2. Ordinance 695 did not amend any plan policies or strategies applicable to the EFU and AF-20 Districts.

3. Article III of the Community Development Code (CDC Sections 340 and 344) and Article VII set forth the uses that may be allowed on lands within exclusive farm use districts. The provisions included in these portions of the CDC have been previously acknowledged. Ordinance 695 does not amend any of the permitted uses or development standards relating to transportation improvements on lands within the exclusive farm use districts.

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

##### CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. The amendments made by Ordinance 695 are consistent with Goal 4; OAR Chapter 660, Division 06; and the County's acknowledged policies for preservation of forest lands.

##### FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. Ordinance 695 did not amend any plan policies or strategies related to the EFC District.
3. Ordinance 695 did not amend standards in the EFC District or any other standards applicable to this district including the standards of CDC Section 342 and CDC Article VII relating to allowed transportation improvements. Ordinance 695 will therefore not affect the County's acknowledged Goal 4 land base.

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

##### CONCLUSION

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

Plan compliance with Goal 5 is maintained with the amendments made by Ordinance 695. The amendments are consistent with the County's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660 Division 23. This conclusion is supported by the following facts.

## FACTS

1. Ordinance 695 does not amend any Plan policies or strategies relating to Goal 5.
2. Ordinance 695 does not amend any provisions of the Community Development Code relating to Goal 5. The amendments made by this ordinance do not alter the County's acknowledged Plan requirements and land use regulations relating to Goal 5.
3. Ordinance 695 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
4. Ordinance 695 does not allow any new uses in any affected land use district and there will consequently be no new uses that conflict with acknowledged Goal 5 resources.

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

## CONCLUSION

Policies 4, 5, 6 and 7 in the Urban Comprehensive Framework Plan 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 695 and the amendments are consistent with the County's acknowledged policies and standards for the protection of Goal 6 resources. This conclusion is supported by the following facts.

## FACTS

1. The Community Development Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), Section 423 (Environmental Performance Standards), Section 426 (Erosion Control) and Article VII (Public Transportation Facilities).
2. Ordinance 695 did not amend any applicable Plan policies or Code standards related to air, water and land resources.

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

## CONCLUSION

Policy 8 in the Urban Comprehensive Framework Plan 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 695. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7. This conclusion is supported by the following facts.

#### FACTS

1. The Community Development Code standards related to natural disasters and hazards are contained in Sections 410 (Grading and Drainage), 421 (Flood Plain and Drainage Hazard Area Development) and 426 (Erosion Control).
2. Ordinance 695 does not amend these Code Sections or the applicable Plan policies related to natural disasters and hazards.

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

#### CONCLUSION

Policies 33, 34 and 35 of the Urban Comprehensive Framework Plan, 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 695. 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) and in certain Special Use Standards of CDC Section 430.
2. Ordinance 695 did not amend any of these Code Sections, the Community Plans or the applicable Plan policies related to recreation.

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

#### CONCLUSION

Policy 20 in the Urban Comprehensive Framework Plan and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set forth the County's policies to strengthen the local economy. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance 695. The amendments are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts.

## FACTS

1. Ordinance 695 did not amend the applicable Plan policies related to Goal 9.
2. Ordinance 695 did not amend any Community Development Code provisions relating to economic development.

### **Goal 10 - Housing**

## CONCLUSION

Policies 21, 22, 23 and 24 of the Urban Comprehensive Framework Plan and Policies 19 and 25 of the Rural\Natural Resource Plan address the provision of housing in the urban and rural areas of the County.

The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments by Ordinance 695. 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 695 did not amend any of the applicable Plan policies related to housing.

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

## CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Urban Comprehensive Framework Plan and Policy 22 of the Rural\Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance 695. 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. This conclusion is supported by the following facts.

## FACTS

1. The standards for public facilities and services in the Community Development Code are in Article V (Public Facilities and Services). Ordinance 695 amends these standards to ensure that when road resurfacing to a minimum 5-year wearing surface and 22-foot

width is required as part of development review approval, the affected local street or neighborhood route will be improved between the development site and the nearest collector or arterial street likely to attract the greatest number of trips. Ordinance 695 also ensures that street lighting is provided in conjunction with new half-streets that are required as part of development review approval.

2. In 1991, Washington County adopted a Public Facility Plan, consistent with OAR 660, Division 11. Ordinance 695 does not amend that plan.
3. Ordinance 695 will help ensure continued development of an orderly and efficient transportation system. The Ordinance amends a portion of the Community Development Code to ensure adequate roadway surfacing and provision of street lighting in conjunction with new development. These amendments support existing 2020 Transportation Plan policies and strategies for transportation facilities.

### **Goal 12 - Transportation**

#### CONCLUSION

The County's adopted and acknowledged Transportation Plan was developed to accommodate the transportation needs of Washington County through the year 2020. Ordinance 695 is intended to implement existing provisions relating to roadway safety in the acknowledged 2020 Transportation Plan.

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) as described below.

#### FACTS

1. OAR 660-012-0045(6) sets forth the elements that are to be included as part of the planned bicycle and pedestrian system in developed areas. Ordinance A-Engrossed 588, which adopted the 2020 Transportation plan, together with previously adopted and acknowledged ordinances that implemented CDC Section 408, was found to fully comply with the provisions of Subsection –0045(6). Ordinance 695 does not amend any provisions of CDC Section 408. Ordinance 695 is limited in its scope and implements adopted roadway safety strategies from the 2020 Transportation Plan.
2. Ordinance 695 provides for roadway safety analyses and improvements when found to be necessary to maintain roadway safety for the traveling public.
3. OAR 660-012-0050 concerns transportation project development. Subsection –0050(3) concerns project development, land use decision making and unresolved issues of compliance with comprehensive plan policies and land use regulations. Adopted and acknowledged Ordinances A-Engrossed No. 421 and No. 573 created and refined

Article VII of the Community Development Code which is consistent with the requirements of OAR 660-012-0050. CDC Article VII provides a consolidated review process for review of land use decisions for permitting transportation projects. Ordinance 695 does not amend this process for land use review of transportation projects.

4. OAR 660-012-0060 sets forth requirements for plan and land use regulation amendments. Ordinance 695 is consistent with the provisions of OAR 660-012-0060. Ordinance 695 does not significantly affect any transportation facilities because it will not result in any of the following:

- Changes in the functional classification of an existing or planned transportation facility;
- Changes in the standards implementing a functional classification system;
- As measured at the end of the planning period identified in the adopted TSP (year-2020), Ordinance 695 also will not allow:

Types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

Reductions in the performance standards of facilities below the minimum acceptable level identified in the Transportation System Plan; or

Worsening of the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.

Ordinance 695 is limited to amendments which ensure that when road resurfacing to a minimum 5-year wearing surface and 22-foot width is required as part of development review approval, the affected local street or neighborhood route will be improved between the development site and the nearest collector or arterial street likely to attract the greatest number of trips. Ordinance 695 also ensures that street lighting is provided in conjunction with new half-streets that are required as part of development review approval.

Ordinance 695 does not amend the adopted capacities (2020 Transportation Plan Lane Numbers Map – Figure 5) for roadways as set forth in the 2020 Transportation Plan. Ordinance 695 does not change any land use classifications or plan designations. Providing safety improvements where needed will improve performance and safety of roadways. Based on these facts, Ordinance 695 is consistent with the Transportation Planning Rule requirements.

### **Goal 13 - Energy Conservation**

#### CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Urban Comprehensive Framework Plan and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County.

The Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance 695. 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.

#### FACTS

Ordinance 695 did not amend the applicable Plan policies or Code provisions that relate to energy conservation.

### **Goal 14 - Urbanization**

#### CONCLUSION

Policies 13, 14, 16, 17, 18 and 19 of the Urban Comprehensive Framework Plan address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

Plan compliance with Goal 14 is maintained with the amendments made by Ordinance 695. The amendment is consistent with the County's acknowledged policies and strategies for urbanization as required by Goal 14. This conclusion is supported by the following facts.

#### FACTS

1. Ordinance 695 did not amend the Plan policies or Code standards related to urbanization.
2. Ordinance 695 does not change any land designations that provide for urban development nor does it amend any policies or implementing provisions relating to urbanization.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN (UGMFP) AND REGIONAL TRANSPORTATION 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 Board finds that the UGMFP applies to the amendments covered by these findings to the extent noted in specific responses below, and that Ordinance 695 complies with and has been developed in a manner that meets the requirements of the UGMFP.

The following findings have been prepared to address Titles 6 and 8 of the Functional Plan.

**UGMFP Title 6: Regional Accessibility and Compliance with the Metro Regional Transportation Plan (RTP):**

**CONCLUSION:**

Title 6: Regional Accessibility provisions of the UGMFP that applied to local transportation plan amendments were repealed by the Metro Council in August 2000. These provisions, which essentially addressed transportation system and facility design issues, functioned as placeholders until the Regional Transportation Plan could be developed and adopted. On August 10, 2000, the Metro Council adopted the 2000 Regional Transportation Plan (RTP) and repealed UGMFP Title 6. The Washington County 2020 Transportation Plan, adopted in October 2002, incorporated provisions necessary to achieve consistency with the Regional Transportation Plan.

**FACTS:**

1. Ordinance 695 does not amend any policies or strategies of the adopted 2020 Transportation Plan and does not modify 2020 Transportation Plan provisions affecting compliance with Chapter 6 of the Regional Transportation Plan.

**UGMFP Title 8 - Compliance Procedures**

**CONCLUSION:**

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan. This title includes procedures local jurisdictions must follow to ensure that Metro has the opportunity to review amendments to Comprehensive Plans. These procedures have been followed in the development and adoption processes for Ordinance 695.

**FACTS:**

1. Consistent with Title 8, Metro was sent a copy of Proposed Ordinance 695 on March 21, 2008. A copy of findings relating to the UGMFP will be provided to Metro following the adoption of Ordinance 695. These findings demonstrate the amendments made by this ordinance comply with the UGMFP.

**FINDINGS OF COMPLIANCE WITH THE OREGON TRANSPORTATION PLAN (OTP):**

CONCLUSION

The amendments made by Ordinance 695 do not affect the 2020 Transportation Plan's consistency with the OTP.

FACTS:

1. Ordinance A-Engrossed 588 adopted the 2020 Transportation Plan and was found to fully comply with applicable provisions of the OTP.
2. The amendments to the Community Development Code made by Ordinance 695 are limited in scope and implement adopted strategies of the System Safety Policy (Policy 2.0) and the Roadway Element (Policy 8.0 – Roadway Safety Policy) of the Plan.
3. The amendments made by Ordinance 695 do not amend any policy or strategy of the 2020 Transportation Plan. Consistency with the OTP is therefore not affected.

**FINDINGS OF COMPLIANCE WITH THE STATE TRANSPORTATION PLANNING RULE (OAR 660-012-0060)**

Some portions of this rule apply to the development of Transportation Systems Plans; other portions apply to comprehensive plan amendments and zone changes, whereas other portions apply to development actions. With regard to Ordinance 695, the applicable sections are 660-012-0060 (1) relating to "... amendments to functional plans, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility. ..." and 660-012-0060(4) relating to plan amendments being "... coordinated with affected transportation facility and service providers and other affected local governments."

**TPR Provision 660-012-0060(1):**

CONCLUSION

Ordinance 695 fully complies with the provisions of Subsection - 0060.

FACTS:

1. As previously discussed in these findings, OAR 660-012-0060 sets forth requirements for plan and land use regulation amendments. Subsection -0060 is applicable only if an amendment will significantly affect an existing or planned transportation facility as defined in Subsection -0060(1). Ordinance 695 does not significantly affect any transportation facilities because it will not result in any of the following:

- Changes in the functional classification of an existing or planned transportation facility;
- Changes in the standards implementing a functional classification system;
- As measured at the end of the planning period identified in the adopted TSP (year-2020), Ordinance 695 also will not allow:

Types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

Reductions in the performance standards of facilities below the minimum acceptable level identified in the Transportation System Plan; or

Worsening of the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.

2. Ordinance 695 is limited to amendments ensuring that when road resurfacing to a minimum 5-year wearing surface and 22-foot width is required as part of development review approval, the affected local street or neighborhood route will be improved between the development site and the nearest collector or arterial street likely to attract the greatest number of trips. Ordinance 695 also ensures that street lighting is provided in conjunction with new half-streets that are required as part of development review approval. These amendments clarify the intent of the adopted and acknowledged 2020 Transportation Plan. The Plan is intended to provide for roadway safety. The amendments made by Ordinance 695 will provide for improved traffic safety by ensuring adequate roadway surfacing and street lighting are provided in conjunction with new development. The amendments are therefore consistent with the existing Plan provisions.

**TPR Provision 660-012-0060(4):**

**CONCLUSION**

Development and adoption of Ordinance 695 was coordinated with affected transportation facility and service providers and other affected local governments in full compliance with Subsection –0060(4).

**FACTS:**

1. Staff mailed notice of Ordinance 695 to all affected cities, transportation facility and service providers, local, regional and state agencies on or before April 3, 2008.

601006

COUNTY - DLUT  
SION, #350-14  
Avenue  
7124-3072



PROHIBITED

Attn: Plan Amendment Specialist  
 DLCD  
 635 Capital St. NE Ste 150  
 Salem OR 97301-2540