



# 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](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

June 30, 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 004-08



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: July 11, 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: Doug White, DLCD Community Services Specialist  
Meg Fernekees, DLCD Regional Representative  
Gary Fish, DLCD Regional Representative  
Constance Beaumont, TGM Education & Outreach Coordinator  
Stephen Roberts, Washington County

<paa> ya

FORM

# 2 DLCD Notice of Adoption

DATE STAMP

in person  electronic  mailed

DEPT OF

JUN 23 2008

LAND CONSERVATION AND DEVELOPMENT

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. 697**  
 Date First Evidentiary Hearing: **5/21/2008** Date of Final Hearing: **6/17/2008**  
 Date Notice of Adoption form (Form #2) was sent to DLCD: **6/20/2008**  
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **4/4/2008**

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):  
**Ordinance 697 amends Section 501 (Public Facility and Service Requirements) of the Community Development Code (CDC) element of the Washington County Comprehensive Plan to clarify the County's requirements for frontage improvements associated with development projects abutting County roads. These amendments follow-up previous amendments made by County with Ordinance 677, adopted in 2006.**

Does the Adoption differ from proposal? No, no explanation is necessary

Plan map changed from: **N/A** to: **N/A**  
 Zone map changed from: **N/A** to: **N/A**  
 Location: **Unincorporated urban Washington County**  
 Specify density: Previous: **N/A** New density: **N/A** Acres involved: **0**

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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input 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?  Yes  No  
 If no, do the statewide planning goals apply?  Yes  No  
 If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. 004-08 (16816)



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

Local Contact: **Stephen Roberts**  
E-mail: [stephe\\_roberts@co.washington.or.us](mailto:stephe_roberts@co.washington.or.us)  
Phone: (503) 846-3842

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

---

## 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**. 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.

## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE 697

**Presented by:** Mark Brown, Land Development Services Manager

---

#### SUMMARY:

Ordinance 697 proposes to amend Section 501 (Public Facility and Service Requirements) of the Community Development Code (CDC) element of the Washington County Comprehensive Plan to clarify frontage improvement requirements for development projects abutting substandard County roads. These improvements are commonly referred to as 'half-street improvements.' These amendments follow-up previous revisions to the half-street provisions of CDC Section 501 implemented by Ordinance 677 in October 2006.

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. 697. 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. 697 and authorize the Chair to sign the Resolution and Order memorializing the action.

---

#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

172-602030  
RO 08-74

Agenda Item No. 10.b.

Date: 06/17/08



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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. 697 ) No. 08-74

This matter having come before the Washington County Board of Commissioners at its meeting of June 17, 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. 697; 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 21, 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. 697 are hereby adopted.

DATED this 17th day of June, 2008.

	AYE	NAY	ABSENT
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DUTCH	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPROVED AS TO FORM: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Tom Brian  
Chairman

Maia Harten  
Recording Secretary

[Signature]  
County Counsel  
For Washington County, Oregon

## **EXHIBIT A**

### **FINDINGS FOR ORDINANCE 697, AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO HALF-STREET IMPROVEMENTS**

**June 17, 2008**

#### **GENERAL FINDINGS**

Ordinance 697 amends portions of Article V (Public Facilities and Services) of the Community Development Code (CDC) element of the Washington County Comprehensive Plan applicable to new development located in unincorporated areas within urban growth boundaries (CDC Sections 501-6.1 – 501-6.6, 501-7.5, 501-8.1, 501-8.2, 501-8.6, and 501-8.8). The amendments clarify the frontage improvement requirements for development projects abutting substandard County roads. These improvements are commonly referred to as ‘half-street improvements.’ These amendments follow-up previous revisions to the half-street improvement provisions of CDC Section 501 implemented by Ordinance 677 in October 2006.

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 697 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 697 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. Ordinance 697 has been adopted in compliance with the acknowledged Citizen Participation Policies of the County outlined in Resolution and Order 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.
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. Copies of the proposed ordinance and staff reports were provided to the CPOs and other interested individuals and groups. Notices for Ordinance 697 were sent to CPO's and cities on April 16, 2008; notices and copies of the ordinance were mailed to special districts on April 16, 2008.
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 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 697 was mailed to those 466 persons that requested such notice on May 7, 2008.
6. The Planning Commission held a public hearing on May 21, 2008 that resulted in a recommendation for adoption of Ordinance 697 to the Board of Commissioners.
7. The Board of Commissioners held a public hearing on Ordinance 697 on June 17, 2008 as required by Chapter X of the Washington County Charter.

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 697 were published in the following newspapers: The Hillsboro Argus and The Oregonian, Washington County Weekly section, on May 2 and May 1, 2008 respectively.

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

#### CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning, requiring an adequate factual basis to support a decision and coordination with affected governmental entities. 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 697 are in compliance with Statewide Planning Goal 2. The amendments also are consistent with the policies set forth in the acknowledged Comprehensive Framework Plan for the Urban Area - Policy 1, Implementing Strategy (c); 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 697 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 24, 2008 to draft a notice for Ordinance 697. The Charter further 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 May 7, 2008. The initial Planning Commission meeting was held on May 21, 2008. The initial Planning Commission meeting was held on May 21, 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 21, 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 May 2 and May 1, 2008 respectively. The publishing of the ads complied with both the County Charter and ORS 215.060 provisions.
5. ORS 197.610 and OAR 660-018-0020 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 697 was submitted to DLCD on April 4, 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 21, 2008 that resulted in a recommendation for approval of Ordinance 697 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 697 on June 17, 2008 as required by Chapter X of the Washington County Charter.
8. Notice of Ordinance 697 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 697. Development of Ordinance 697 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 697 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 697 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 697 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 697 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 697 did not amend any plan policies or strategies related to the EFC District.
  3. Ordinance 697 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 697 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 697. 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 697 does not amend any Plan policies or strategies relating to Goal 5.
2. Ordinance 697 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 697 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
4. Ordinance 697 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 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 697 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 697 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 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 697. 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 697 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 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 697. 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 697 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 Comprehensive Framework Plan for the Urban Area 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 697. 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 697 did not amend the applicable Plan policies related to Goal 9.
2. Ordinance 697 did not amend any Community Development Code provisions relating to economic development.

#### **Goal 10 - Housing**

#### CONCLUSION

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policies 19 and 25 of the Rural\Natural Resource Plan address the provision of housing in the urban and rural areas of the County. The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments by Ordinance 697. 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 697 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 Comprehensive Framework Plan for the Urban Area and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance 697. 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 697 amends these standards to clarify the County's requirements for required improvements to substandard County roads abutting development sites.
2. In 1991, Washington County adopted a Public Facility Plan, consistent with OAR 660, Division 11. Ordinance 697 does not amend that plan.
3. Ordinance 697 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 improvements in conjunction with new development. These amendments clarify and support existing Code provisions related to roadway improvements, and further the goals of the 2020 Transportation Plan policies and strategies for transportation facilities.

### **Goal 12 - Transportation**

## CONCLUSION

Policy 32 of the Comprehensive Framework Plan for the Urban Area and Policy 23 of the Rural/Natural Resource Plan outline the County's transportation policies and implementing strategies. The Washington County 2020 Transportation Plan describes the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020, based on



the policies outlined above. Transportation implementing measures are contained in the Transportation Plan and the Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 697, which are consistent with the county's acknowledged policies and implementing strategies for the provision of adequate 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. OAR 660-012-0060 sets forth requirements for plan and land use regulation amendments. Ordinance 697 is consistent with the provisions of OAR 660-012-0060. Ordinance 697 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 697 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 697 is limited to amendments which clarify the County's requirements for improvements to substandard County roads abutting development sites. Required improvements are conditioned based on the County's acknowledged Transportation Plan, including designated functional classification.
3. Ordinance 697 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 697 does not change any land use classifications or plan designations. Providing safety and capacity improvements with development will improve performance and safety of roadways and help achieve the implementation policies of the Transportation Plan.

4. Based on these facts, Ordinance 697 is consistent with the Transportation Planning Rule requirements.

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

##### CONCLUSION

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

The Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance 697. 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

1. Ordinance 697 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 Comprehensive Framework Plan for the Urban Area address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

Plan compliance with Goal 14 is maintained with the amendments made by Ordinance 697. 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. The amendments proposed by Ordinance 697 further existing Comprehensive Plan policies and Code standards related to provision of adequate transportation facilities to accommodate urban development.



2. Ordinance 697 does not change any land designations that provide for urban development nor does it amend any policies or implementing provisions relating to urbanization, except as noted above.

**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 697 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 697 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 697.

**FACTS:**

1. Consistent with Title 8, Metro was sent a copy of Proposed Ordinance 697 on April 4, 2008. A copy of findings relating to the UGMFP will be provided to Metro following the adoption of Ordinance 697. 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 697 do not affect the 2020 Transportation Plan's consistency with the OTP. This conclusion is supported by the following facts.

**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 697 are limited in scope and implement adopted strategies of the Transportation Plan.
3. The amendments made by Ordinance 697 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 697, 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 697 fully complies with the provisions of Subsection 0060. This conclusion is supported by the following facts.

**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 697 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 697 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 697 is limited to amendments which clarify the County's requirements for improvements to substandard County roads abutting development sites. Required improvements are conditioned based on the County's acknowledged Transportation Plan, including designated functional classification.
3. Ordinance 697 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 697 does not change any land use classifications or plan designations. Providing safety and capacity improvements with development will improve performance

and safety of roadways and help achieve the implementation policies of the Transportation Plan.

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

**CONCLUSION**

Development and adoption of Ordinance 697 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 697 to all affected cities, transportation facility and service providers, local, regional and state agencies on or before April 16, 2008.



## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and Public Hearing –  
Land Use & Transportation (All CPOs)

**Agenda Title:** **PROPOSED LAND USE ORDINANCE NO. 697 – AN ORDINANCE  
AMENDING THE COMMUNITY DEVELOPMENT CODE  
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO  
HALF-STREET IMPROVEMENTS**

**Presented by:** Mark Brown, Land Development Services Manager; Chris Gilmore,  
Senior Assistant County Counsel

---

#### SUMMARY:

Ordinance 697 proposes to amend Section 501 (Public Facility and Service Requirements) of the Community Development Code (CDC) element of the Washington County Comprehensive Plan to clarify frontage improvement requirements for development projects abutting substandard County roads. These improvements are commonly referred to as 'half-street improvements.' These amendments follow-up previous revisions to the half-street provisions of CDC Section 501 implemented by Ordinance 677 in October 2006.

On May 21, 2008, the Planning Commission conducted a public hearing on the ordinance. No members of the public testified on the proposed ordinance.

The Commission approved a motion for Board approval with a 6 – 2 vote.

The staff report will be provided to the Board prior to the June 17<sup>th</sup> 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. 697 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt Ordinance No. 697.

---

#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

172-602030

Agenda Item No.	<b>4.b.</b>
Date:	06/17/08

**FILED**

**APR 04 2008**

**Washington County  
County Clerk**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 697

An Ordinance Amending the  
Community Development Code  
Element of the Comprehensive Plan  
Relating to Half-Street Improvements  
and a General Update

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 to address half-street improvements as related to the standards for development for critical and essential services that are part of the public facility and service

////

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

3 C. Under the provisions of Washington County Charter Chapter X, the Land Use  
4 Ordinance Advisory Commission has carried out its responsibilities, including preparation of  
5 notices, and the County Planning Commission has conducted one or more public hearings on  
6 the proposed amendments and has submitted its recommendations to the Board. The Board  
7 finds that this Ordinance is based on those recommendations and any modifications made by  
8 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 plan  
12 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 Exhibit 1 (13 pages), attached and incorporated herein by this reference, is hereby  
16 adopted as amendments to the designated document as follows – Amending Community  
17 Development Code Section 501-6 “Exceptions for Critical and Essential Services,” Section  
18 501-7 “Levels of Public Facilities and Services,” and Section 501-8 “Standards for  
19 Development.”

20 SECTION 3

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



1     SECTION 4

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

4     SECTION 5

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

10    SECTION 6

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

16    /////

17    /////

18    /////

19    /////

20    /////

21    /////

22    /////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

SECTION 7

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

ENACTED this 17 day of June, 2008, being the 1st reading  
and 1st public hearing before the Board of County Commissioners of Washington  
County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

**ADOPTED**

Tom Brian  
CHAIRMAN

Marian Larkin  
RECORDING SECRETARY

READING

PUBLIC HEARING

First	<u>June 17, 2008</u>	<u>June 17, 2008</u>
Second	_____	_____
Third	_____	_____
Fourth	_____	_____
Fifth	_____	_____
Sixth	_____	_____

VOTE: Aye: Brian, Schouten, Strader Nay: \_\_\_\_\_

Recording Secretary: Marian Larkin Date: June 17, 2008

Community Development Code Section 501-6 Exceptions for Critical and Essential Services, Section 501-7 Levels of Public Facilities and Services and Section 501-8 Standards for Development for PUBLIC FACILITY AND SERVICE REQUIREMENTS are amended to reflect the following:

**501-6 Exceptions for Critical and Essential Services**

501-6.1 Development proposals that cannot ensure critical and essential services other than those required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless all of the following findings can be made:

- A. The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;
- B. The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;
- C. The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and
- D. It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).

501-6.2 ~~All e~~Exceptions to the Public Facility and Service Standards identified ~~above~~ as provided under Section 501-6.1 will be reviewed through a Type III process. ~~No exception to the Traffic Impact Fee shall be granted except as provided in the Traffic Impact Fee Ordinance (Ordinance 379).~~

501-6.3 Development proposals that cannot ensure improvements required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless the Review Authority determines that the findings required under Sections 501-6.1 B. and C. plus the findings required by at least one of Sections 501-6.3 A. through C. below can be made.

- A. Within 500 feet of the subject site (not including the subject site), measured in each direction along the frontage road, but not beyond the nearest intersecting Collector or Arterial road:

Abcde = proposed addition  
Abede = proposed deletion



- (1) No similar frontage improvements exist on the same side of the street as the subject site; and
- (2) 75 percent or more of the parcels fronting on the same side as the subject site cannot be divided based on the allowed minimum lot size or density requirements of the applicable land use district(s).

B. The subject improvements will be constructed as part of a planned and funded public road improvement project scheduled to begin construction within twelve (12) months of the proposed development's approval date.

C. The County Engineer makes a written determination that there are technical feasibility constraints that preclude construction of the required improvements with the proposed development, including but not limited to one or more of the following:

- (1) The ultimate alignment and grade for the roadway cannot be established;
- (2) Construction of the required improvements would be inconsistent with the ultimate alignment and grade for the roadway, due to existing conditions in the vicinity of the proposed development site;
- (3) Topographic or environmental features make construction physically impracticable; or
- (4) Construction of the subject improvements would cause substantial negative effects on adjacent properties or on natural resources, provided that the negative effects could be avoided with a comprehensive public roadway improvement project on the subject road, designed and constructed in accordance with the Washington County Transportation Plan and Uniform Road Improvement Design Standards.

501-6.4 Requests for exceptions to the requirements of Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] as provided under Section 501-6.3 shall be reviewed through the same procedure type otherwise required for the proposed development action(s), separate from or in conjunction with other required development hearings.

501-6.5 If an exception to Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] is granted pursuant to Section 501-6.3, the applicant shall:

- A. Be required to provide improvements necessary to mitigate the impact of the proposed development on the road system; and
- B. Assure the following, with said assurance provided prior to issuance of a building permit:

Abcde = proposed addition  
Abede = proposed deletion

- (1) All other applicable requirements of Sections 501-8.1 and 501-8.2, as determined by the Review Authority, shall be satisfied prior to occupancy of the development;
- (2) All identified safety improvements, both on-site and within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development; and
- (3) Sidewalks must be constructed adjacent to any road directly abutting the development site as otherwise required by this Article prior to occupancy of the development.

501-6.6 Notwithstanding the provisions of this Section 501-6, all new construction and expansion of existing structures shall pay the Traffic Impact Fee, except as provided in the Traffic Impact Fee Ordinance (Ordinance 379). No exception to the Traffic Impact Fee shall be granted except as provided in the Traffic Impact Fee Ordinance.

#### **501-7 Levels of Public Facilities and Services**

\*\*\*

501-7.5 The ~~area and analysis area~~ area for collector and arterial roads shall be that geographic area directly impacted and benefited by the proposed development. Data required for determining this area is the responsibility of the applicant and shall be provided to and approved as to adequacy by the County prior to processing of the application by the County.

#### **501-8 Standards for Development**

##### **501-8.1 Critical Services**

- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.
- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:
  - (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future

Abcde = proposed addition  
Abede = proposed deletion



roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's Uniform Road Improvement Design Standards; and

- (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation Plan, the road(s) must meet the following minimum standards:
  - (a) Have a wearing surface and structural life expectancy period of no less than five (5) years (paved) as determined by the County Operations Engineer;
  - (b) Paved surfaces for existing roadways shall be twenty-two feet or greater in width. New roads shall meet the adopted County Road Standards;
  - (c) On-site means all lands in the land use application and one half (1/2) 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) A half-street improvement shall be constructed along the site's frontage of existing Local and Neighborhood Route roads which abut the site and are not improved in accordance with the Washington County Transportation Plan and Uniform Road Improvement Design Standards. ~~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.~~

Abcde = proposed addition  
Abede = proposed deletion



~~(5) Outside of transit oriented districts, a half street improvement may be required on Local or Neighborhood Route roads at the discretion of the Review Authority.~~

- C. No development shall be approved without adequate drainage as prescribed by the County Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for storm water, surface water and water quality management as required by the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.
- D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.
- E. For development in a transit oriented district, or development outside a transit oriented district but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

#### 501-8.2 Essential Services

##### A. Service Provider Documentation

- (1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider.
- (2) If the service provider documents that an adequate level of service is not available or will not be available within the time frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:

##### (a) Schools:

Abcde = proposed addition  
Abede = proposed deletion

- (i) Amount of bonded indebtedness;
  - (ii) Use of double shifting;
  - (iii) Extended school periods;
  - (iv) Bussing to underutilized facilities;
  - (v) Year-round school;
  - (vi) Construction of new facilities;
  - (vii) Portable classrooms;
  - (viii) Impact fees;
  - (ix) Any combination of these or other alternatives.
- (b) Police or Sheriff Services:
- (i) Contracting with private agency;
  - (ii) Contracting with other public agency;
  - (iii) Impact fees;
  - (iv) Any combination of these or other alternatives.
- (c) Provision of Transit Improvements:
- (i) All applications subject to Article V shall provide documentation from the transit agency which demonstrates whether or not an appropriate level of transit access to the proposed site exists. The documentation from the Transit District shall indicate: a) whether existing transit service exists near the site, and if it does b) whether bus stops located near the site are adequate, and, if not, what improvements are necessary.
  - (ii) Property located along an Arterial or Collector which currently has hourly headways during the mid-day on a weekday. If an existing transit stop is located in front of the subject property, the transit district may request via the service availability letter that the County require an easement or dedication of right-of-way at the stop in order to make future passenger boarding facility improvements. Additionally, the transit district may relocate an existing stop or request via the service availability letter that the County require a new stop in

Abcde = proposed addition  
A~~b~~cde = proposed deletion

front of the property along with an easement at the stop. The transit district shall make the determination as to whether or not additional right of way or an easement is necessary.

- (iii) Properties subject to this section may also be subject to more expansive transit related requirements. As set forth in Section 380, Convenient Access to Transit Overlay District.

B. Adequate Level of Arterial and Collector Roads

~~An applicant shall ensure that No development shall be approved without an adequate level of Arterial and Collector roads will be available to the proposed development in place or assured at the time of occupancy. This requirement is satisfied by payment of the Traffic Impact Fee unless the provisions of Section 501-10 and 501-11 are applicable. In addition, Payment of the Traffic Impact Fee is not an assurance for improvements required by Sections 501-8.2 C. through J. 501-8.2.D [Gravel Roads], 501-8.2 F. [Future Alignments], 501-8.2 G. [Half Street Improvements] or 501-8.2 H. [Pedestrian/Utility Easement].~~ In addition to payment of the Traffic Impact Fee an applicant shall, at a minimum, assure that the following all identified safety improvements within the impact and analysis area pursuant to Resolution and Order No. 86-95 as modified or updated, (~~Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation~~) shall be constructed prior to occupancy of a development with the said assurance provided prior to issuance of a building permit and the following:

- (1) a All identified safety improvements within the impact and analysis area (pursuant to Resolution and Order No. 86-95 as modified or updated, (~~"Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation"~~) as modified or updated), shall be constructed prior to occupancy of a the development; ~~with the assurance provided prior to issuance of a building permit and the following:~~
- (12) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half (1/2) the right-of-way of existing roads lying adjacent to such lands;
- (23) 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;
- (34) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards;

Abcde = proposed addition  
Abede = proposed deletion



(45) Access to Arterials and Collectors ~~will be allowed~~ is in accordance with Section 501-8.5; and

~~(5)(6)~~ Collectors or Arterials inside the UGB that ~~front~~ abut a site and have an existing gravel surface must be brought up to urban standards in accordance with Section 501-8.2 E.

C. Street Lighting

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

D. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the County has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.

E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with the Washington County's Transportation Plan and Urban Uniform Road Improvement Design Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.

F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with the Washington County's Transportation Plan and Urban Uniform Road Improvement Design Standards.

G. ~~For development in a transit oriented district, a~~ A half-street improvement shall be constructed along the site's frontage of these existing Collector and Arterial roads which abut the site and are not improved in accordance with the Washington County's Transportation Plan and Uniform Road Improvement Design Standards.

Abcde = proposed addition  
~~Abcde~~ = proposed deletion

~~H.~~ Outside of transit oriented districts, a half street improvement may be required on Collector or Arterial roads at the discretion of the Review Authority.

H. For development in a transit oriented district, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

J. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along Arterials and Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.

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

L. Law Enforcement Services

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

\*\*\*

501-8.6 Methods to Assure Facilities and Services

A legal and enforceable document, contract or process which assures the County that a public improvement will be accomplished. Assurances may include but are not limited to the following:

A. For Arterial and Collector roadways, payment of the Traffic Impact Fee, except:

- (1) As provided in Sections 501-10 and 501-11;
- (2) For improvements required by Sections 501-8.2 DC. ~~{Gravel Roads}~~ and ~~501-8.2 E~~ through J. ~~{Future Alignments}~~; and

Abcde = proposed addition  
Abede = proposed deletion

- (3) For safety improvements required by Resolution and Order 86-95 as modified or updated.
- B. All Critical, Essential [including 501-8.2 B. (42) through (56)], and Desirable Facilities and Services
- (1) Cash in escrow, letter of credit, or cash deposit with the County, or other form of financial assurance acceptable to the County.
  - (2) Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the County to accept the LID shall constitute a waiver of the assurance requirement.
  - (3) Evidence of formal action by public or private agencies or companies, including Washington County, appropriating monies for the requisite public improvement.
  - (4) Annexation of the subject property into an area where a public agency has jurisdiction and has pledged to assume the responsibility for the required improvement.
  - (5) Any other legally binding arrangement that assures the improvements will be made within the required timeframe, including:
    - (a) Phasing of the development;
    - (b) Construction of interim improvements;
    - (c) Construction of improvements on a phased basis; or
    - (d) Modification of engineering standards (i.e., reduced right-of-way widths, sidewalks on only one side of a street, etc.), only when approved through a Type III process.
  - (6) State road capacity and intersection deficiencies will be determined to be assured if they are included in the Metro adopted Transportation Improvement Program (TIP), which includes the State of Oregon's Six Year Highway Improvement Plan (HIP), unless otherwise specified by the State during the processing of the application.

\*\*\*

501-8.8 Definitions

A. Half-Street Improvement

Improvement of one-half (1/2) of an existing substandard road directly abutting a proposed development site in accordance with the Washington

Abcde = proposed addition  
Abede = proposed deletion



County Community Development Code, Transportation Plan, Uniform Road Improvement Design Standards, and other applicable County standards. One-half (½) of the road shall mean the area between the right-of-way centerline and the ultimate right-of-way line directly abutting the development site, along the entire length of the development site's frontage on the abutting road(s), except as provided herein. Required improvements may include any or all of the following elements as determined by the Review Authority and the County Engineering Division through the development review process:

- (1) Dedication of right-of-way and/or easements;
- (2) Grading and subgrade preparation;
- (3) Construction or reconstruction of roadway paving, which may include:
  - (a) Turn lanes and/or bike lanes where required by the applicable standards, and/or
  - (b) Up to eleven (11) feet of additional roadway paving width beyond the centerline of the right-of-way, if determined necessary by the County Engineer;
- (4) Construction or reconstruction of concrete curb and gutter;
- (5) Pavement markings where required;
- (6) Construction or reconstruction of concrete sidewalk paving as otherwise required in this Article;
- (7) Construction, reconstruction, or extension of underground storm drainage and inlets;
- (8) Construction, reconstruction, or extension of fire, water, or sanitary sewer facilities;
- (9) Relocations of existing utilities where required;
- (10) Illumination at access points and along roadways where required; and
- (11) Street trees, where required.

A.B. \_\_\_\_\_ Impact or Analysis Area

That geographic area determined by a service provider within which the development will impact upon or benefit from the service. A preliminary area will be defined by the service provider if deemed necessary and a

Abcde = proposed addition  
Abcde = proposed deletion

- (2) Traffic from any phase of development of the subject site; and
- (3) Traffic from phases of other developments which are "In Process" based upon a final plat or development permit.

H. "In Process" Traffic

"In Process" traffic on any road segment is defined as including the following:

- (1) Existing traffic;
- (2) Proposed development's (site's) traffic; and
- (3) Traffic from other developments which have been submitted to the County for land development action.

I. Level of Service

- (1) A measure of the mobility characteristic of an intersection or road section as determined by vehicle delay and volume/capacity ratio as specified in the Highway Capacity Manual (HCM), Special Report 209, Transportation Research Board (TRB), 1985, including revisions and updates as adopted and published by the TRB Committee on Highway Capacity and Air Quality of Service or successor body.
- (2) Regional Level of Service is the regional peak-hour level of service goal as adopted by Metro.

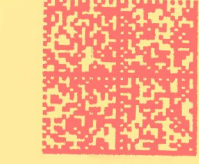
\*\*\*

Abcde = proposed addition  
Abede = proposed deletion

622030



**WASHINGTON COUNTY, OREGON**  
**Department of Land Use & Transportation**  
**Land Development Services Division**  
155 N First Avenue, Suite 350, MS 13  
Hillsboro, OR 97124-3072



02 1M  
0004228463  
MAILED FROM ZIP CODE 97123

**\$ 01.68<sup>0</sup>**  
FITNEY BOWLES  
JUN 20 2008

ATTN: PLAN AMENDMENT SPECIALIST  
Dept. of Land Conservation and  
Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540