



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

11/6/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 010-09

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: Friday, November 27, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Blair Crumpacker, Washington County
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Crall, DLCD Transportation Planner

<paa> YA

FORM

2 DLCD Notice of Adoption

in person electronic mailed

DATE
STAMP

DEPT OF
OCT 30 2009
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: **A-Engrossed Ordinance 718**

Date First Evidentiary Hearing: **9/2/2009** Date of Final Hearing: **10/27/2009**

Date Notice of Adoption form (Form #2) was sent to DLCD: **10/29/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **7/15/09**

- | | |
|---|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input 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):
In the Transportation Plan, changing the functional classification of one roadway and the Special Area Street designation of sections of four roadways in the Cedar Mill area; clarifying that removal of proposed roadways from the Transportation Plan must be done through legislative action. In the Community Development Code, correcting references to the Traffic Impact Fee and clarifying how off-street trails and pathways are addressed in the land development process.

Does the Adoption differ from proposal? Yes, Please explain below:

The northern limits of the proposed functional classification and special area street changes of Baltic/95th were moved south from Taylor Street to the north property line of St. Vincent Medical Center. All other provisions of the proposed ordinance are unchanged.

Plan map changed from: **NA** to: **NA**

Zone map changed from: **NA** to: **NA**

Location: **Cedar Mill area, Washington County**

Specify density: Previous: **NA** New density: **NA** 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. 010-09 (17696) [15801]

Please list affected state or federal agencies, local governments or special districts: **Metro, Tualatin Hills Parks and Recreation District**

Local Contact: **Blair Crumpacker**
E-mail: **blair-crumpacker@co.washington.or.us**
Phone: **(503) 846-3878**

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**.
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** - ATTENTION: PLAN AMENDMENT SPECIALIST.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 718 – AN ORDINANCE AMENDING THE 2020 TRANSPORTATION PLAN ON MATTERS RELATED TO FUNCTIONAL CLASSIFICATION, SPECIAL AREA STREET DESIGNATIONS, AND LEGISLATIVE PLAN AMENDMENTS; AMENDING THE COMMUNITY DEVELOPMENT CODE ON MATTERS RELATING TO TRAFFIC IMPACT FEES AND OFF-STREET TRAILS AND PATHWAYS**

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

SUMMARY:

A-Engrossed Ordinance No. 718 would amend the Washington County Transportation Plan and Community Development Code to address several unrelated issues. It proposes to 1) change the Functional Classification of one roadway and the Special Area Street designation of sections of four roadways in the Cedar Mill area, 2) clarify that removal of proposed roadways from the Transportation Plan must be done through legislative action; 3) correct references to the Traffic Impact Fee and 4) clarify how off-street trails and pathways are addressed in the land development process.

On October 6, 2009 the Washington County Board of Commissioners voted 3-0 to direct staff to engross Ordinance 718 to modify the portion of Baltic/95th to which proposed functional classification and special area street designation changes from Neighborhood Route to Collector would apply. In Ordinance 718, the proposed limits of the changes were Barnes Road on the South and Taylor Street on the North. In A-Engrossed Ordinance 718, the northern limit is moved south from Taylor to the northern property line of the St. Vincent Medical Center property, near Spring Crest Drive. These are the only changes to the original Ordinance. The Board also directed staff to schedule hearings on the Engrossed Ordinance for October 20 and October 27, 2009.

A staff report will be provided to the Board prior to the October 27 hearing; copies of the report will also be available at the Clerk’s desk prior to the hearing. Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT’S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 718 by title only and conduct the third public hearing. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 718.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

Agenda Item No.	4.c.
Date:	10/27/09

FILED

OCT 08 2009

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 718

An Ordinance Amending the Washington
County 2020 Transportation Plan and the
Community Development Code relating
to 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, recognizes that the Community Development Code 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, 682-686, 692, 694-698, 703, 704, 708, 709, and 711.

B. The Board of County Commissioners of Washington County, Oregon ("Board") recognizes that the Transportation Plan Element of the Comprehensive Plan (Volume XV) was adopted on October 25, 1988, by way of Ordinance Nos. 332 and 333 with portions subsequently amended by Ordinance Nos. 343, 382, 409, 419, 426, 432, 450, 463, 470, 471, 473, 474, 480, 483-485, 493, 494, 503, 515, 526, 537, 542, 546, 552, 556, 588, 601, 609, 611, 626, 627, 631, 642, 649, 663, 674, 683, and 713.

////

1 C. Subsequent ongoing planning efforts of the County indicate a need for minor amendments
2 to the 2020 Transportation Plan to provide more clarity and to comply with the principles, standards and
3 guidelines set forth in the Plan, and to the Community Development Code for purposes of clarification.
4 The Board takes note that such changes are necessary to assure consistency with existing system maps,
5 plans, and code and are for the benefit of the health, safety, and general welfare of the residents of
6 Washington County, Oregon.

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

13 E. The Board finds and takes public notice that it is in receipt of all matters and information
14 necessary to consider this Ordinance in an adequate manner, and finds that this Ordinance complies with
15 the Statewide Planning Goals, the standards for legislative plan adoption as set forth in Chapters 197 and
16 215 of the Oregon Revised Statutes, the Washington County Charter, the Washington County Community
17 Development Code, and the Washington County Comprehensive Plan.

18 SECTION 2

19 The following Exhibits, attached and incorporated herein by reference, are hereby adopted as
20 amendments to the following documents:

- 21 A. Exhibit 1 (1page) – amending the “Functional Classification System” map of the
22 Washington County 2020 Transportation Plan to change the designation of
Baltic/95th from Barnes Road to the northern property line of St. Vincent Medical

1 Center, at Spring Crest Drive, from Neighborhood Route to Collector North to
2 Taylor;

3 B. Exhibit 2 (1 page) – amending the “Special Area Street Overlay, Sunset Station
4 Area” map of the Washington County 2020 Transportation Plan to modify
5 identified portions of existing Marlow and Butner from Special Area
6 Neighborhood Route to Special Area Collector, to modify identified portions of
7 Baltic/95th from Special Area Neighborhood Route to Special Area Collector, and
8 to designate the identified portion of 90th as a Special Area Neighborhood Route.

9 C. Exhibit 3 (1 page) – amending the Washington County 2020 Transportation Plan
10 Monitoring Strategy 22. 3 to clarify that deletion of a proposed road in the Plan
11 must be done legislatively;

12 D. Exhibit 4 (1 page) – amending the Community Development Code (CDC)
13 Sections 501-6.5, 6.6, 8.2, and 8.5 to correct the identified references to
14 “Transportation Development Tax” to “Traffic Impact Fee;” and

15 E. Exhibit 5 (2 pages) – amending CDC Sections 501-7.1 and 8.3 to clarify that off-
16 street trails and pathways and Special Area Trails are included among Desirable
17 Services as defined in CDC 501-7.1C and to clarify how these facilities should be
18 addressed in the land use permit application process.

19 SECTION 3

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

22 SECTION 4

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

SECTION 5

If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or
unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and
shall remain in full force and effect.

1 SECTION 6

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

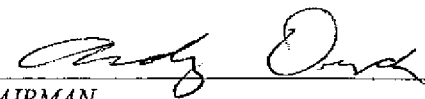
7 SECTION 7

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

9 ENACTED this 27th day of October, 2009, being the 3rd reading and 3rd public
10 hearing before the Board of County Commissioners of Washington County, Oregon.

11 BOARD OF COUNTY COMMISSIONERS
12 FOR WASHINGTON COUNTY, OREGON

13 **ADOPTED**

14 
15 CHAIRMAN

16 
17 RECORDING SECRETARY

18 READING

18 PUBLIC HEARING

19 First October 6, 2009
20 Second October 20, 2009
21 Third October 27, 2009
22 Fourth _____
Fifth _____
Sixth _____

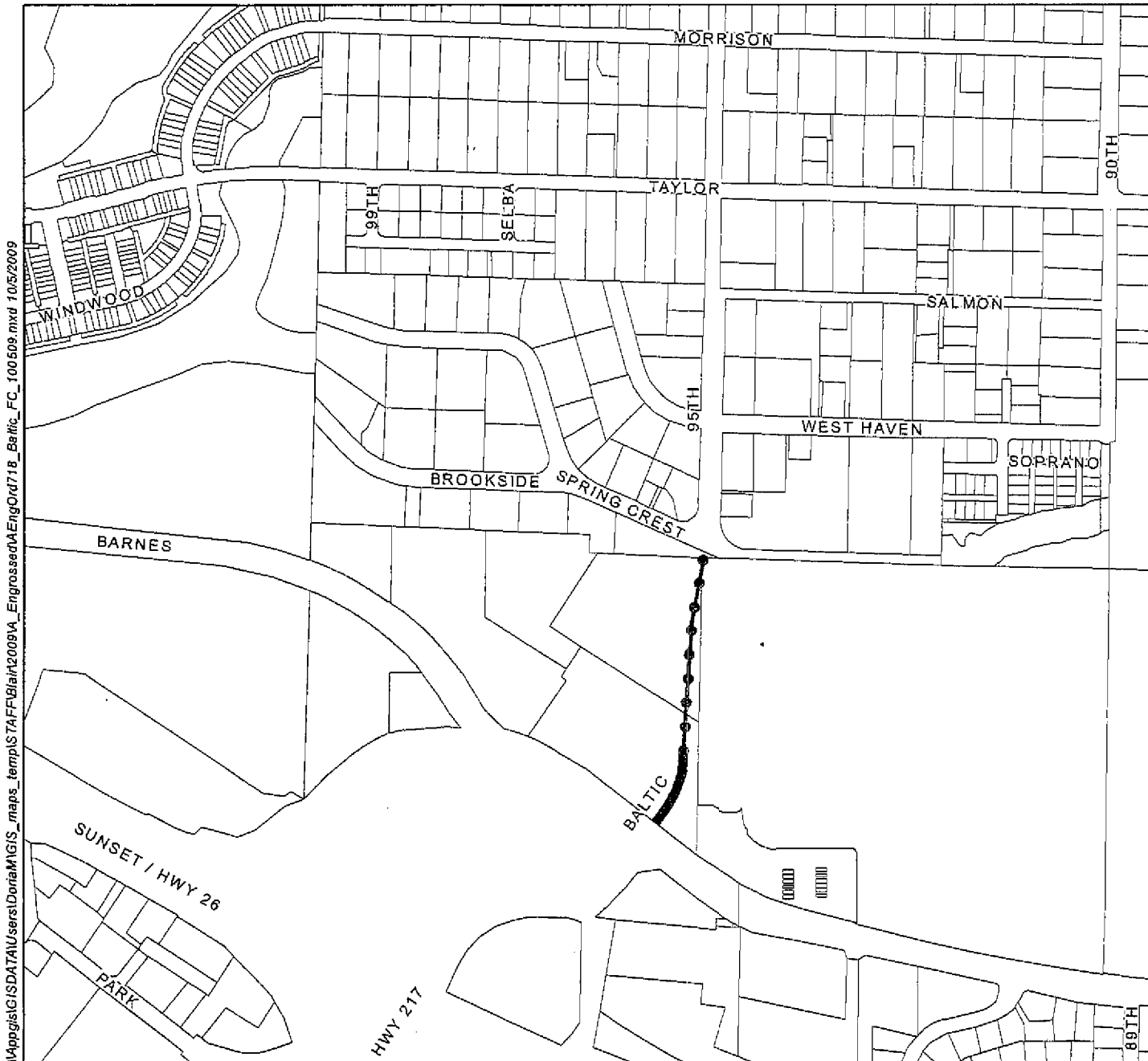
19 First October 6, 2009
20 Second October 20, 2009
21 Third October 27, 2009
22 Fourth _____
Fifth _____
Sixth _____

23 VOTE: Aye: Brian, Duyck, Rogers,
Schouten, Strader

23 Nay: _____




24 Recording Secretary: Marian Larkin

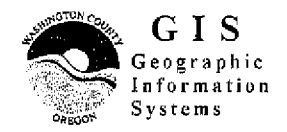
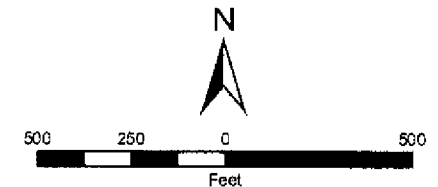
24 Date: October 27, 2009



I:\apps\GIS\DATA\Users\DoriaM\GIS_maps_temp\STAFF\Bla\2009\A_Engrossed\EngOrd\718_Baltic_FC_100509.mxd 10/5/2009

Amend the 'Functional Classification System' map of the Washington County 2020 Transportation Plan as indicated:

-  Change from Neighborhood Route to a Collector.
-  Change from Proposed Neighborhood Route to a Proposed Collector.
-  City of Beaverton



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

The Washington County 2020 Transportation Plan Monitoring Strategy 22.3 is amended to read as follows:

22.3 Provide for amendments and administrative adjustments to the Transportation Plan that include the following:

A. Legislative Amendments:

Those changes which involve the creation, broad scale implementation or revision of public policy, including large scale map changes where a significant number of property owners are directly affected, may be processed as legislative plan amendments, including public hearings, as provided for in the Community Development Code. These include but are not limited to the Functional Classification Map and descriptions, Bicycle System Map (excluding alignment modifications to off-street pathways), Plan policies, modifications to the general location of facilities identified in the plan, ~~and~~ selection of the general location of a facility in a Corridor Study Area and deletion of proposed facilities identified in the plan.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

The Washington County Community Development Code is amended to read as follows:

- 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:
- B. Assure the following, with said assurance provided prior to issuance of a building permit:
- (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 ~~Transportation Development Tax~~Traffic Impact Fee Ordinance – Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development; and
- 501-6.6 Notwithstanding the provisions of this Section 501-6, all new construction and expansion of the existing structures shall pay the ~~Traffic Impact Fee~~Transportation Development Tax, except as provided in the Transportation Development Tax Ordinance (Ordinance 691). No exception to the Transportation Development Tax shall be granted except as provided in the Transportation Development Tax Ordinance.
- 501-8.2 Essential Services
- B. Adequate Level of Arterial and Collector Roads
- (1) All identified safety improvements within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the ~~Transportation Development Tax~~Traffic Impact Fee Ordinance – Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development;
- 501-8.5 Access to County and Public Roads
- F. Sight Distance
- (7) In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the Director. The request for modification shall be specifically stated in the notice for the accompanying development permit and shall be considered as part of said development permit. The request for modification of the sight distance requirements shall be subject to the following:
- (c) Certified that the modification will not compromise safety or the intent of the County's transportation standards, which include but are not limited to the following: Washington County Transportation Plan; Washington County Uniform Road Improvement Design Standards; Resolution and Order No. 86-95 as modified or updated, (~~Determining Traffic Safety Improvements Under the Transportation Development Tax~~Traffic Impact Fee Ordinance - Process Documentation); Community Plans; Comprehensive Framework Plan for the Urban Area; and the Community Development Code;

Community Development Code Article V, Public Facilities and Services, is amended to reflect the following:

1. *Revisions to Section 501-7:*

501-7 Levels of Public Facilities and Services

501-7.1 Implementation strategies of the Comprehensive Plan have placed Public Facilities and Services into three (3) categories for development:

- A. Critical Services -- public water, public sewer, fire protection, drainage and access on Local and Neighborhood Route roads;
- B. Essential Services -- schools, Arterial (including State highways) and Collector roads, transit improvements, police protection, street lighting and on-site pedestrian facilities in the public right-of-way; and
- C. Desirable Services -- public transportation service; parks; bicycle facilities; and off-site pedestrian facilities, including off-street trails identified on the Transportation Plan Trails and Pedestrian System map, off-street pathways, Special Area Trails and Pedestrian Connectivity Areas identified on the Community Plans.

2. *Revisions to Section 501-8.3:*

501-8.3 Desirable Services

- A. Pedestrian walkways, off-street trails and pathways, and bicycle facilities
 - (1) Applications may be conditioned to provide on- and off-site pedestrian walkways, off-street trails and pathways; and on- and off-site bicycle facilities, including appropriate open space or easement reservations or dedications, when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.
 - (2) Applications shall address any off-street trail, pathway or walkway identified on the Transportation Plan Trails and Pedestrian System map or the applicable Community Plan (including facilities identified in Pedestrian Connectivity Areas), that is adjacent to or in proximity to the subject site. Specifically, the applicant shall:
 - (a) Provide documentation from the current or identified long-term trail provider about needed open space or easement reservations or dedications and/or any necessary improvements for any identified on or off site walkway, trail, or pathway; and-

(b) Include in the submitted site plan any open space or easement reservation or dedication area and/or off-street trail, pathway or walkway identified by the trail provider in the documentation provided pursuant to (a) above.

B. Park and recreation facilities

- (1) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:
 - (a) The property lies within an area identified for park service by the Park District in an urban service agreement; or,
 - (b) If no urban service agreement applies to the property, the property lies between the Hillsboro, Tigard and Portland Urban Service Boundaries or lies within an area for which the District is designated a party in a cooperative agreement; and
 - (c) The Park District has adopted a Park Master Plan for the area the property is located in.

- (2) Provision of park and recreation services to properties added to the UGB after 1998:

No development shall be approved on property added to the UGB after 1998 when a Park District is identified as the long-term park and recreation service provider and the subject property is located outside of the Park District's boundary unless the property is annexed to the District.

- (3) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the County a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application. Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for land divisions and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 718

Presented by: Brent Curtis, Planning Manager

SUMMARY:

A-Engrossed Ordinance No. 718 proposes to 1) amend the Washington County Transportation Plan to change the Functional Classification of one roadway (Baltic/95th) and the Special Area Street designation of sections of four roadways in the Cedar Mill/Cedar Hills area, and to clarify that removal of proposed roadways from the Transportation Plan must be done through legislative action; and 2) amend the Community Development Code to correct references to the Traffic Impact Fee and to clarify how off-street trails and pathways are addressed in the land development process.

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 A-Engrossed Ordinance No. 718. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for A-Engrossed Ordinance No. 718 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000 

Agenda Item No.	<u>5.c.</u>
Date:	<u>10/27/09</u>

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of A-Engrossed Ordinance No. 718) No. 09-88

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 27, 2009; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 718; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on September 2, 2009, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-
21 Engrossed Ordinance No. 718 are hereby adopted.

22 DATED this 27th day of October, 2009.

23 AYE NAY ABSENT BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

BRIAN ✓ --- ---
SCHOUTEN ✓ --- ---
STRADER ✓ --- ---
ROGERS ✓ --- ---

24
25 Tom Buan
Chairman

25 APPROVED AS TO FORM:
DUYCK

26
27 [Signature]

28 County Counsel
For Washington County, Oregon

26
27 Marian J. Larkin
Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 718: AN ORDINANCE AMENDING THE WASHINGTON COUNTY TRANSPORTATION PLAN TO CHANGE THE FUNCTIONAL CLASSIFICATION AND/OR SPECIAL AREA STREET DESIGNATION OF FOUR ROADWAYS IN THE CEDAR MILL/CEDAR HILLS AREA AND TO CLARIFY THE PROCESS FOR REMOVAL OF PROPOSED ROADWAYS FROM THE TRANSPORTATION PLAN, AND AMENDING THE COMMUNITY DEVELOPMENT CODE TO CORRECT REFERENCES TO THE TRAFFIC IMPACT FEE AND TO CLARIFY HOW OFF-STREET TRAILS AND PATHWAYS ARE ADDRESSED IN THE LAND DEVELOPMENT PROCESS.

October 27, 2009

GENERAL FINDINGS

A-Engrossed Ordinance 718 amends the 2020 Washington County Transportation Plan by:

- Changing the Functional Classification of existing and proposed sections of Baltic/95th between Barnes Road and the north property line of the St. Vincent Medical Center, map and tax lot number 1S102D001000, from Neighborhood Route to Collector;
- Changing the Special Area Street designation of proposed and existing sections of Baltic/95th between Barnes Road and the north property line of St. Vincent Medical Center from Special Area Neighborhood Route to Special Area Collector;
- Changing the Special Area Street designations of portions of Marlow, Butner and 90th Avenue to achieve consistency with the Washington County Transportation Plan Functional Classification map or to reflect action already taken during the land development process; and
- Clarifying that deletion of a proposed road from the Transportation Plan must be done through legislative action.

A-Engrossed Ordinance 718 amends the Washington County Community Development Code by:

- Correcting some references to the Traffic Impact Fee; and
- Clarifying how off-street trails and pathways and Special Area Trails are addressed in the land use permit application process.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 718 is consistent with Statewide Planning Goals, ORS and OAR requirements and applicable Metro requirements. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgment plan amendment process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the proceeding below. In addition, none of the proposed changes to the map of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

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 A-Engrossed Ordinance No. 718.

Goal 2 - Land Use Planning

Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Washington County 2020 Transportation Plan and the Washington County Community Development Code that are modified by this Ordinance. Washington County utilized this process to adopt A-Engrossed Ordinance No. 718.

Goal 11 - Public Facilities and Services

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of Washington County's 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 A-Engrossed Ordinance 718. 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.

Community Development Code Article V addresses Public Facility and Services requirements. Article V provisions associated with Exceptions for Critical and Essential Services and Standards for Development addressed by A-Engrossed Ordinance 718 are modified to correct errors in references to the Traffic Impact Fee and Transportation Development Tax and to clarify how off-street trails and pathways and Special Area Trails are addressed in the land use permit application process. The modifications help to clarify and refine these Community Development Code provisions. The amendments are consistent with the County's acknowledged policies and strategies.

Goal 12 - Transportation

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the Community Development Code.

A-Engrossed Ordinance 718 changes the Functional Classification and Special Area Street designation of one roadway and the Special Area Street designation of portions of three other roadways. In the three cases where only the Special Area Street designations are changed, the changes are intended either to correct inconsistencies with the underlying Functional Classification or to reflect a decision made during the land development process.

Provisions of the following Transportation Plan strategies were among the considerations made in evaluating all Functional Classification and Special Area Street Designation changes:

- Transportation Plan Functional Classification Policy 10, Strategy 10.6 states, “*Analysis and design of proposed new road alignments will be performed as funds become available or when development applications for affected property are received.*” This provision was considered and is reflected in discussions regarding limitations in the scope of the ordinance in the staff reports on Ordinance 718 to the Planning Commission (September 2, 2009) and the Board of Commissioners (October 6, 2009). These Ordinance 718 staff reports are incorporated by reference in staff reports on A-Engrossed Ordinance 718 provided to the Board of Commissioners for its October 20 and 27, 2009 meetings.
- Transportation Plan Functional Classification Policy 10, Strategy 10.8 states, “*Resolve conflicts between the Transportation Plan and transportation elements of Community Plans or the Rural/Natural Resource Plan in favor of the Transportation Plan.*” This provision was used in evaluating proposed changes, as described in staff reports on Ordinance 718 to the Planning Commission (September 2, 2009) and the Board of Commissioners (October 6, 2009). These Ordinance 718 staff reports are incorporated by reference in staff reports on A-Engrossed Ordinance 718 provided to the Board of Commissioners for its October 20 and 27 meetings.

Provisions in the following Transportation Plan strategies were considered in the evaluation of the change of functional classification of Baltic/95th from Neighborhood Route to Collector and the Special Area Street Designation to Special Area Neighborhood Route to Special Area Collector:

- Transportation Plan Functional Classification Policy 10, Strategy 10.1 provides functional classification definitions for standard and special area classifications. These definitions were considered in evaluating the proposed changes, as described in staff reports on Ordinance 718 to the Planning Commission and Board of Commissioners, dated September 2, 2009 and October 6, 2009, respectively, and on A-Engrossed Ordinance 718 to the Board of Commissioners, dated October 20, 2009 and October 27, 2009.
- Transportation Plan Functional Classification Policy 10, Strategy 10.3 states, “*Utilize some or all of the following criteria for defining or modifying functional classification: the extent of connectivity, length of roadway, the spacing or frequency of facilities, land use along the roadway and traffic characteristics.*” These criteria were used in evaluating the proposed change as described in staff reports on Ordinance 718 to the Planning Commission and Board

of Commissioners, dated September 2, 2009 and October 6, 2009, respectively, and on A-Engrossed Ordinance 718 to the Board of Commissioners, dated October 20, 2009 and October 27, 2009.

- A-Engrossed Ordinance 718 also adds language to Transportation Plan Monitoring Policy 20, Strategy 22.3 A, addressing Legislative Amendments to the Transportation Plan. The modification refines the existing definition and is consistent with the original intent and with current practice. The change maintains consistency with the County's acknowledged policies and strategies.

A-Engrossed Ordinance No. 718 does not alter existing land use designations, the levels of development permitted within the subject area or add or remove a transportation facility from the Transportation Plan. It does not alter the traffic characteristics of elements of the planned system. A-Engrossed Ordinance No. 718 does change the functional classification of a planned roadway link (Baltic/95th Avenue), which under OAR 660-012-0060 (1) (a), has the potential to "significantly affect a transportation facility." For reasons described in staff reports to the Planning Commission (September 2, 2009) and Board of Commissioners (October 6, 20 and 27, 2009), the proposed change of the planned Baltic/95th Avenue link to the Collector functional classification and special area street designation would enable the application of system and facility design standards that better support the operating requirements of development consistent with adjacent Institutional and Transit-Oriented: Business land use designations. This finding is also consistent with OAR provisions associated with mitigation of impacts (OAR 660-012-0060 (2) (d)).

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 718. The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12) and the Regional Transportation Plan (RTP).

601005

Washington County - DLUT
Long Range Planning Division
155 N. First Avenue, #350-14
Hillsboro, OR 97124-3072



FIRST CLASS MAIL

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540