



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 018-09

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. with less than the required 45-day notice. 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: Joy L. Chang, Washington County  
Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative /Darren Nichols  
Gary Fish, DLCD

<paa> YA



FORM

2

# DLCD Notice of Adoption

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

DATE STAMP	in person <input type="checkbox"/> electronic <input type="checkbox"/> mailed <input type="checkbox"/>
	<b>DEPT OF</b>
	<b>OCT 30 2009</b>
	<b>LAND CONSERVATION AND DEVELOPMENT</b>

Jurisdiction: **Washington County**Local file number: **Ordinance No. 726**Date First Evidentiary Hearing: **10-7-09**Date of Final Hearing: **10-27-09**Date Notice of Adoption form (Form #2) was sent to DLCD: **10-29-09**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **8-21-09**☒ 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 No. 726 proposes to amend Policy 15 of the Comprehensive Framework Plan for the Urban Area to specify that if the voters approve formation of a park and recreation special service district, the county will coordinate with affected service providers to amend the existing Tigard Urban Service Agreement as necessary to recognize the new service district.**

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: **N/A**

Specify density:

Previous: **N/A**New density: **N/A**Acres involved: **N/A**

Mark applicable statewide planning goals:

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

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 ☐ NoDLCD file No. 018-09 (17781) [15802]



Please list affected state or federal agencies, local governments or special districts: **Cities of Tigard, Tualatin, King City, and Durham; Clackamas County and Tualatin Hills Parks & Recreation District.**

Local Contact: **Joy L. Chang**  
E-mail: [joy\\_chang@co.washington.or.us](mailto:joy_chang@co.washington.or.us)  
Phone: (503) 846-3873

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

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## ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. 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.

**OFF DOCKET**  
**CONTINUED FROM OCTOBER 20, 2009**

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

<b>Agenda Category:</b>	Public Hearing -- Second Reading and Public Hearing Land Use & Transportation; County Counsel	(CPOs 3, 4B, 4K, 4M, 5, and 10)
<b>Agenda Title:</b>	<b>PROPOSED ORDINANCE NO. 726 – AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA ELEMENT RELATING TO FORMATION OF PARK AND RECREATION DISTRICTS AND A GENERAL UPDATE</b>	
<b>Presented by:</b>	Brent Curtis, Planning Manager; Dan Olsen, County Counsel	

**SUMMARY:**

Ordinance No. 726 proposes to amend Policy 15 of the *Comprehensive Framework Plan for the Urban Area* relating to the possible formation of a new park and recreation special service district in the Tigard-Tualatin School District Boundary. If formed, the district would provide revenue to fund operations of two existing swimming pools located at Tigard and Tualatin High Schools.

On October 20, 2009, the Washington County Board of Commissioners (Board) conducted a public hearing for this ordinance and continued it to October 27, 2009. The continuation of Ordinance 726 will allow for additional research relating to state statutes and case law on formation of a park and recreation district and continued discussions about alternate funding sources. A meeting with the affected cities along with the county is scheduled for Monday, October 26, 2009.

Copies of the staff report will be available at the Clerk's desk prior to the hearing.

Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

**DEPARTMENT'S REQUESTED ACTION:**

Read Ordinance No. 726 by title only and conduct the second public hearing. At the conclusion of the hearing, consider and act on Ordinance No. 726.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

100-601000

ADOPTED

Agenda Item No. _____
Date: _____ 10-27-09

**FILED**

AUG 20 2009

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 726

An Ordinance Amending the Comprehensive  
Framework Plan for the Urban Area Element  
relating to Formation of Park and Recreation  
Districts and a General Update

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Comprehensive Framework Plan for the Urban Area Element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686 and 694.

B. Subsequent ongoing planning efforts of the County indicate a need for amendments in the event a park and recreation district is formed in the urban unincorporated portions of the Bull Mountain and Metzger-Progress areas. The Board takes note that such changes are necessary for the benefit and general welfare of the residents of Washington County, Oregon.

C. Under the provisions of Washington County Charter Chapter X, the Department of Land Use and Transportation has carried out its responsibilities, including preparation of notices, and the County Planning Commission has conducted one or more public hearings on the proposed amendments and has submitted its recommendations to the Board. The Board finds

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1 that this Ordinance is based on that recommendation and any modifications made by the Board,  
2 as a result of the public hearings process.

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

9 SECTION 2

10 Exhibit 1 (6 pages) – amending Comprehensive Framework Plan for the Urban  
11 Area Policy 15 ROLES AND RESPONSIBILITIES FOR SERVING GROWTH – is  
12 attached hereto and incorporated herein by reference.

13 SECTION 3

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

16 SECTION 4

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

19 SECTION 5

20 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid  
21 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby  
22 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  
3     authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
4     Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,  
5     and making any technical changes not affecting the substance of these amendments as necessary to  
6     conform to the Washington County Comprehensive Plan format.

7     SECTION 7

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

9             ENACTED this 21<sup>st</sup> day of October, 2009, being the 2<sup>nd</sup> reading and  
10    2<sup>nd</sup> public hearing before the Board of County Commissioners of Washington County, Oregon.

11                             BOARD OF COUNTY COMMISSIONERS  
12                             FOR WASHINGTON COUNTY, OREGON

13     **ADOPTED**

14                             *Andy Dyer*  
15                             CHAIRMAN  
16                             *Marian Larkin*  
17                             RECORDING SECRETARY

18                             READING

19                             PUBLIC HEARING

20     First October 20, 2009  
21     Second October 27, 2009  
22     Third \_\_\_\_\_  
23     Fourth \_\_\_\_\_  
24     Fifth \_\_\_\_\_  
25     Sixth \_\_\_\_\_

26     First October 20, 2009  
27     Second October 27, 2009  
28     Third \_\_\_\_\_  
29     Fourth \_\_\_\_\_  
30     Fifth \_\_\_\_\_  
31     Sixth \_\_\_\_\_

32             Brian, Duyck, Rogers,  
33     VOTE: Aye: Schouten, Strader  
34     Recording Secretary: Marian Larkin

35     Nay: \_\_\_\_\_  
36     Date: October 27, 2009

Comprehensive Framework Plan for the Urban Area Policy 15 ROLES AND RESPONSIBILITIES FOR SERVING GROWTH is amended to reflect the following:

## **POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:**

**It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.**

### Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning.
- b. Continue to provide the following facilities and services as resources permit:

Service	Portions of County Served
Public Health	County-wide
Sheriff Patrol	County-wide (limited)
Assessment and Taxation	County-wide
Road Maintenance	County roads
Land Development Regulations	Unincorporated Areas Only
Solid Waste Collection System Management (franchising)	Unincorporated Areas Only
Solid Waste Disposal	Unincorporated Areas Outside UGB
Cooperative Library System	County-wide
Records and Elections	County-wide

- c. Consider being an interim provider of park land and recreation facilities either directly or through an intergovernmental agreement with a park and recreation provider when the provisions of Policy 33 are met.
- d. In conjunction with Washington County cities and special service districts and Metro, adopt urban service agreements that address all unincorporated and incorporated properties in the Regional Urban Growth Boundary consistent with the requirements of ORS 195.060 to 080. Urban service agreements shall identify which service providers will be responsible for the long-term provision of the urban services described below and the ultimate service area of each provider. Urban service agreements shall also identify the service provision principles for each of urban services described below.

In the event the urban unincorporated territory in the Bull Mountain area is incorporated into a new city or a park and recreation district is formed that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas, the County will work with affected service providers and amend the Tigard Urban Service Agreement as may be necessary to assure ongoing compliance with ORS 195.

Urban services that will be addressed in urban service agreements include:

abcdef      Proposed additions  
~~abedef~~      Proposed deletions



- Fire Protection and Emergency Services
- Law Enforcement
- Parks, Recreation and Open Space
- Public Transit
- Sewer
- Roads and Streets
- Storm Water
- Water

1. In the Tigard Urban Service Area, the designated long-term providers of the urban services described above are:

Service	Long-Term Provider
Fire protection and emergency services	Tualatin Valley Fire and Rescue
Law enforcement	City of Tigard
Parks, recreation and open space	City of Tigard
Public transit	TriMet
Roads and streets	City of Tigard, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)
Sewer	City of Tigard and Clean Water Services
Storm water	City of Tigard and Clean Water Services
Water	City of Tigard, Tualatin Valley Water District and the Tigard Water District

2. In the Hillsboro Urban Service Area, the designated long-term providers of the urban services described above are:

Service	Long-Term Provider
Fire protection and emergency services	City of Hillsboro
Law enforcement	City of Hillsboro
Parks, recreation and open space	City of Hillsboro
Public transit	TriMet
Roads and streets	City of Hillsboro, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

Sewer	City of Hillsboro and Clean Water Services
Storm water	City of Hillsboro and Clean Water Services
Water	City of Hillsboro and Tualatin Valley Water District

- e. Establish a coordination system with all cities, special districts and private companies that now or will provide services to the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:

1. Sanitary sewage collection and treatment,
2. Drainage management,
3. Fire protection,
4. Water distribution and storage,
5. Schools,
6. Libraries,
7. Utilities (electricity, telephone and cable communications, natural gas, etc.),
8. Solid waste disposal,
9. Roads and transportation facilities,
10. Parks, recreation facilities, and open space,
11. Police,
12. Transit, and
13. Street Lighting

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

1. Process for review of development proposals,
2. Process for review of proposed service extension or facility expansion,
3. Service district or city annexation,
4. Planning of service extensions, new facilities, or facility expansions,
5. Procedures for amending the agreement,

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Proposed additions  
Proposed deletions

6. Methods to be used to finance service and or facility improvements, operation and maintenance,
  7. Methods to be used to acquire and develop park land and recreation facilities.
  8. Standards to be used by the County and the service provider in assessing "adequate" service levels,
  9. Area or clientele to be served now and in the future,
  10. Consistency with Plan policies and strategies,
  11. Coordination of capital improvements programs, and
  12. Cost effectiveness of service provision.
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.
- h. Not oppose proposed annexations to a special service district:
1. That are consistent with an urban service agreement; or
  2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

- i. Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by the City of Beaverton consistent with the Portland Urban Service Boundary, the City of Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of Oleson Road that is currently in Portland.
- j. For the Raleigh Hills Center as shown on the acknowledged Metro 2040 Growth Concept Map, the affected jurisdictions of Beaverton, Portland, Washington County and Metro shall enter into an urban planning agreement to assure implementation of the Urban Growth Management Functional Plan provisions relating to town centers, including the establishment of town center boundaries and demonstration of target capacities for jobs and housing.
- k. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during re-negotiation of Urban Planning Area Agreements.
- l. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city.
- m. Notwithstanding Implementing Strategy l. above, the Board of Commissioners may place a petition to incorporate a city in the urban unincorporated portion of the Bull Mountain area on the ballot provided the Board determines that the petition is consistent with other applicable requirements governing incorporation under state law and the Metro Code. If the voters approve incorporation, the county shall coordinate with the new city and the City of Tigard to amend the existing Washington County –

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<del>abedef</del>	Proposed deletions



City of Tigard Urban Planning Area Agreement (UPAA) as may be required to assure ongoing compliance with the coordination requirements required by ORS 195 and Goal 2.

- n. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.
- o. Enter into intergovernmental agreements with high growth school districts that are consistent with state law, and that contain at a minimum the following items:
  - 1. An explanation of how objective criteria for school capacity in the District's school facility plan will be used by the County;
  - 2. School District involvement with the County's periodic review; and
  - 3. How the County will coordinate comprehensive plan amendments and residential land use regulation amendments with the District, including notice of hearing.

These intergovernmental agreements may be adopted by the Board of County Commissioners through Resolution and Order.

- p. Require developing properties not currently located within the service area of a park district that provides park and recreation services to annex to a park district when the following conditions are met:
  - 1. The property lies within an area identified for park and recreation service by a park district in an urban service agreement adopted pursuant to ORS 195.065; or, if no urban service agreement applies to the property, the property lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and
  - 2. The park district has adopted a Park Master Plan for the subject area, which provides the basis for the development of park and recreation facilities.
- q. Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland Urban Service Boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.
- r. Notwithstanding Implementing Strategy q. above, the Board of Commissioners may place a petition to form a park and recreation district that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas on the ballot provided the Board determines that the petition is consistent with other applicable requirements governing formation under state law and the Metro Code. If the voters approve formation of the new district, the county shall coordinate with the City of Tigard to amend the existing Washington County – City of Tigard Urban Planning Area Agreement (UPAA) as may be required to assure ongoing compliance with the coordination requirements required by ORS 195 and Goal 2.

#### Summary Findings and Conclusions

Public facilities and services necessary for growth in Washington County historically have been provided by a variety of unrelated special districts, local governments, and other agencies. Cooperation and

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 abcdef Proposed deletions

coordination between service providers in developing plans and programming capital facilities has been limited.

The County has the responsibility under State law to coordinate the timely provision of public facilities and services within the County. Due to the fact that the County itself does not provide a full range of urban services, the best means of fulfilling this responsibility--which will result in a better living environment for County residents--is the formal establishments of a strong coordination system between the County and all service providers and the adoption of urban service agreements.

In 1993 the State Legislature adopted Senate Bill 122 (codified as ORS 195), which requires local governments to work together to establish urban service boundaries and adopt urban service agreements. ORS 195.060 to 080 requires local governments to determine who will be the ultimate urban service providers of the following services: fire protection, parks, recreation, open space, sewer, streets, roads, and public transit. In addition to these services, Washington County local governments determined that law enforcement and storm water services should also be addressed. Urban service agreements identify the ultimate service area of each provider and identify the service provision principles for each urban service. Urban service agreements are applicable to land inside the Regional Urban Growth Boundary, including incorporated and unincorporated areas. Urban service boundaries have been adopted for Hillsboro, Portland and Tigard and urban service agreements have been adopted for Hillsboro and Tigard. Efforts to establish needed urban service agreements and designate urban service boundaries for other cities shall continue. Urban service agreements are a very important tool in ensuring that residents and businesses in the urban area receive all the services addressed in urban service agreements, as well as ensuring the timely and efficient provisions of public facilities and services within the County. In the event the urban unincorporated territory in the Bull Mountain area is incorporated to create a new city or a park and recreation district is formed that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas, the County will work with affected service providers to recognize the new service provider and determine the long-term service providers to the area.

The County has the additional responsibility to its citizens of ensuring that the services needed to allow growth will be provided by the agency or agencies best able to do so in a coordinated, efficient and cost effective manner. Therefore, County review of and recommendations on annexation or incorporation proposals involving cities and special service districts is imperative.

Requiring developing properties to annex to special service districts that provide park and recreation services helps to assure that such services are provided within a reasonable time frame.

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Proposed additions  
Proposed deletions

OFF DOCKET

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

(CPOs 3, 4B,  
4K, 4M, 5,  
and 10)

Agenda Category: Action – Land Use & Transportation

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 726

Presented by: Brent Curtis, Planning Manager

**SUMMARY:**

Ordinance No. 726 proposes to amend Policy 15 of the *Comprehensive Framework Plan for the Urban Area* relating to the possible formation of a new park and recreation special service district in the Tigard-Tualatin School District Boundary. If formed, the district would provide revenue to fund operations of two existing swimming pools located at Tigard and Tualatin High Schools.

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. 726. 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:** *KAC*

Adopt the proposed findings for Ordinance No. 726 and authorize the Chair to sign the Resolution and Order memorializing the action.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

100-601000

*RO 09-90*

Agenda Item No.	_____
Date:	10/27/09



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IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting ) RESOLUTION AND ORDER  
Legislative Findings in Support )  
of Ordinance No. 726 ) No. 09-90

This matter having come before the Washington County Board of Commissioners at its  
meeting of October 27, 2009; 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. 726; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
on October 7, 2009, made a recommendation to the Board, which is in the record and has been  
reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance  
No. 726 are hereby adopted.

DATED this 27<sup>th</sup> day of October, 2009.

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

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

APPROVED AS TO FORM:

Tom Busin  
Chairman

B. G. [Signature]  
County Counsel  
For Washington County, Oregon

Maia Larkin  
Recording Secretary

## **EXHIBIT A**

### **FINDINGS FOR ORDINANCE NO. 726 - AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA ELEMENT RELATING TO FORMATION OF PARK AND RECREATION DISTRICTS AND A GENERAL UPDATE**

**October 27, 2009**

#### **GENERAL FINDINGS**

Ordinance No. 726 amends Policy 15 of the *Comprehensive Framework Plan for the Urban Area* relating to the possible formation of a new park and recreation special service district in the Tigard-Tualatin School District Boundary. If formed, the district would provide revenue to fund operations of two existing swimming pools located at Tigard and Tualatin High Schools.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not addressed because these resources are not located within Washington County.

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). The UGMFP contains requirements that local cities and counties have agreed to adopt in order to implement the region's strategy for addressing growth. The Board finds that Ordinance No. 726, which amends the *Comprehensive Framework Plan for the Urban Area*, relates to Title 12 of the UGMFP; therefore, specific findings of Title 12 compliance are included in this exhibit.

#### **FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 726 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's UGMFP, and the Washington County Comprehensive Plan.

#### **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 Ordinance No. 726.

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

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt Ordinance No. 726. Notice was coordinated with all affected governmental entities and affected service districts and three comments were received regarding the ordinance.

Two of the comments were received from Tualatin Hills Parks & Recreation (THPRD) and the other from the City of Tigard. THPRD requested that coordination efforts be maintained during the formation of the new park and recreation district and the City of Tigard requested text amendments to the ordinance. The city requested naming the new district as an Aquatic District, specifically a “special district providing aquatics facilities and services” rather than a “parks and recreation district”. Under state law, ORS 198.010 various types of service districts are identified and under sub four of the statute, “park and recreation district organized under ORS chapter 266”, is listed. A park and recreation district may include aquatic services and the intent and purpose of the district remains the same.

Coordination through correspondence, stating the above, has been provided to both THPRD and the City of Tigard. Therefore, Goal 2 requirements are satisfied.

### **Goal 3 - Agricultural Land**

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance No. 726. The amendments are consistent with the county’s acknowledged policies and standards for protecting agricultural lands identified under Goal 3.

The EFU and AF-20 land use districts are Washington County’s acknowledged exclusive farm use districts. Ordinance No. 726 did not amend the applicable Plan policies or CDC standards related to agricultural land resources which impact the county’s compliance with Goal 3. The amendments proposed in Ordinance No. 726 would allow the continuation of the formation petition involving a new park and recreation district. The proposed new district would encompass the Tigard and Tualatin school district boundary which includes EFU lands. However, EFU land use districts would not be affected since the park facilities exist inside the



urban area and no development is proposed in the EFU district. Ordinance No. 726 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 3.

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

Policies 33 and 34 of the Comprehensive Framework Plan for the Urban Area, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 726. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8.

Ordinance 726 amends Policy 15 of the *Comprehensive Framework Plan for the Urban Area* relating to the possible formation of a new park and recreation special service district in the Tigard-Tualatin School District Boundary. If formed, the district would provide revenue to fund operations of two existing swimming pools located at Tigard and Tualatin High Schools. The two pools would address some of the recreational needs of the community. Ordinance No. 726 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 8.

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

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 CDC requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 726. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments are also consistent with the provisions of Chapter 660, Division 11 of the Oregon Administrative Rules and Oregon Revised Statute 195.110. This conclusion is supported by the following facts:

The standards for public facilities and services in the CDC are outlined in Article V (Public Facilities and Services). In 1991, Washington County adopted a public facility plan, consistent with OAR 660, Division 11. Ordinance No. 726 does not amend the Washington County Public Facilities Plan.

Ordinance 726 amends Policy 15 of the *Comprehensive Framework Plan for the Urban Area* relating to the possible formation of a new park and recreation special service district in the Tigard-Tualatin School District Boundary. If formed, the district would provide revenue to fund operations of two existing swimming pools located at Tigard and Tualatin High Schools. The two pools would provide aquatic public facilities and services for the community. The amendments under Ordinance No. 726 are consistent with Goal 11.

**Title 12 – Protection of Residential Neighborhoods**

The purpose of Metro's Title 12 is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services (Section 3.07.1230 Access to Commercial Services and 3.07.1240 Access to Parks and Schools).

Ordinance 726 amends Policy 15 of the *Comprehensive Framework Plan for the Urban Area* relating to the possible formation of a new park and recreation special service district in the Tigard-Tualatin School District Boundary. If formed, the district would provide revenue to fund operations of two existing swimming pools located at Tigard and Tualatin High Schools. Formation of the district allows both pools to remain open and available for use by residents of the district; thus maintaining current level of public recreational services. Both facilities are in existing high schools in residential neighborhoods. The amendments under Ordinance No. 726 are consistent with Title 12.

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