



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

10/30/2013

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 015-13

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: Thursday, November 14, 2013

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 Acknowledgment or 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. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Suzanne Savin, Washington County
Jon Jinings, DLCD Community Services Specialist
Anne Debbaut, DLCD Regional Representative

<paa> Y

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **20-Working Days** after the **Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

OCT 25 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Washington County**Local file number: **A-Engrossed Ordinance No. 775**

Date of Adoption: October 22, 2013

Date Mailed: October 24, 2013

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/01/13☒ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☒ Other: **Transportation Plan Amendments**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Area 93 is within Multnomah County, but Oregon House Bill 3067 proposes a jurisdictional transfer to Washington County, effective on 1/01/14. A-Engrossed Ordinance No. 775 prepares Area 93 for its transfer to Washington County by amending the Comprehensive Framework Plan for the Urban Area to apply the Future Development 20-Acre District (FD-20) to Area 93 and to identify service providers, and by updating maps in the Transportation System Plan to include Area 93 and apply appropriate Washington County road designations.

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

The Urban Road Maintenance District is added as an Area 93 service provider when the Area 93 transfer to Washington County is effective. Amendments to the Community Development Code are added to address tree removal requirements in Area 93 when its transfer to Washington County is effective.

Plan Map Changed from: Multnomah County

to: FD-20

Zone Map Changed from: N/A

to: N/A

Location: Area 93, Township 1N Range 1W, Sections 22, 22C, 22CD, 22DC Acres Involved: 160

Specify Density: Previous: N/A

New: N/A

Applicable statewide planning goals:

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

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Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 015-13 (19951) [17660]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Tualatin Valley Fire & Rescue, Tualatin Valley Water, Tualatin Hills Park & Recreation, Clean Water Services, Multnomah Co, TriMet, Metro, Oregon Div of State Lands, Beaverton School District, Oregon Dept of Transp.

Local Contact: **Suzanne Savin, Senior Planner**

Phone: (503) 846-3963 Extension: n/a

Address: **155 N. First Avenue, Suite 350-14**

Fax Number: **503-846-4412**

City: **Hillsboro**

Zip: **97124**

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (CPO1 & 7)

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 775 – AN
ORDINANCE AMENDING ELEMENTS OF WASHINGTON
COUNTY’S COMPREHENSIVE PLAN RELATING TO AREA 93**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 775 proposes to amend elements of Washington County’s Comprehensive Plan relating to Area 93. Although Area 93 is currently located within Multnomah County, state legislation (Oregon House Bill 3067) established a process for a jurisdictional transfer from Multnomah County to Washington County, with the effective date of January 1, 2014 for the transfer. The changes proposed in A-Engrossed Ordinance No. 775 will take effect on January 1, 2014, when the Area 93 transfer to Washington County becomes effective. The proposed ordinance is posted on the county’s land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

The Board conducted a hearing for Ordinance No. 775 on October 1, 2013. On October 1, 2013, the Board ordered engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the October 15, 2013 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 775 on October 15 and continued the hearing to October 22, 2013.

The staff report for the October 22, 2013 hearing will be provided to the Board prior to the hearing, posted on the above land use ordinance web page prior to the hearing, and will also be available at the Clerk’s desk.

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

Clerk’s Desk Item: Staff Report (*click to access electronic copy*)

DEPARTMENT’S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 775 by title only and conduct the third public hearing for the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 775.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

ADOPTED

| | |
|-----------------|-------------|
| Agenda Item No. | 4.f. |
| Date: | 10/22/13 |

OCT 02 2013

Washington County
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 775

An Ordinance Amending the Comprehensive Framework Plan for the Urban Area, the Community Development Code, and the Transportation Plan Relating to Area 93

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, and 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, 694, 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, and 764.

B. The Board of County Commissioners of Washington County, Oregon, 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, and 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, 712, 713, 717, 718, 730, 739, 744, 749, 750, 760, and 767.

C. Although Area 93 is an urban portion of Multnomah County, it is separated from the City of Portland and Multnomah County by rural reserve-designated land which in turn has created governance and service provision issues. Multnomah County and Washington County, therefore,

1 are pursuing the transfer of Area 93 into Washington County via legislative actions. If the transfer
2 of Area 93 into Washington County is approved, Washington County will conduct planning efforts
3 to address community planning for Area 93. The provisions of this ordinance are contingent upon
4 the transfer of jurisdiction of Area 93 from Multnomah County to Washington County. The Board
5 recognizes that these changes are for the benefit, health, safety, and general welfare of the residents
6 of the counties of Multnomah and Washington, 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,
9 and 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
11 Ordinance is based on those recommendations and any modifications made by the Board are a
12 result of the public hearings process.

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

19 SECTION 2

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

- 22 1. Exhibit 1 (9 pages) – Amends the Comprehensive Framework Plan for the Urban Area

1 as follows:

- 2 a. Amend Policy 15 (Roles and Responsibilities for Serving Growth) and add a new
- 3 Area 93 Service Provision Map to Policy 15 (Roles and Responsibilities for Serving
- 4 Growth);
- 5 b. Amend the Neighborhood Boundaries Map in Policy 40 (Regional Planning
- 6 Implementation);
- 7 c. Amend Policy 41 (Urban Growth Boundary Expansions);
- 8 d. Amend the Future Development Areas Map in Policy 41 (Urban Growth Boundary
- 9 Expansions);
- 10 e. Amend the Goal 5 Resources for Future Development Areas Map of Policy 41; and
- 11 f. Amend the Future Development Areas, Detailed Areas Map of Policy 41.

12 2. Exhibit 2 (4 pages) – Amends the Washington County 2020 Transportation Plan as

13 follows:

- 14 a. Amend the Functional Classification System Map of Policy 10;
- 15 b. Amend the Lane Numbers Map of Policy 10;
- 16 c. Amend the Countywide Road System Map of Policy 11; and
- 17 d. Amend the Bicycle System Map of Policy 15.

18 3. Exhibit 3 (3 pages) – Amends the Community Development Code (CDC) as follows:

- 19 a. Amend CDC Section 201 (Development Permit);
 - 20 b. Amend CDC Section 308 (Future Development 20 Acre District); and
 - 21 c. Amend CDC Section 422 (Significant Natural Resources).
- 22

1 SECTION 3

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

4 SECTION 4

5 All applications received prior to the effective date shall be processed in accordance with
6 ORS 215.427.

7 SECTION 5

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

11 SECTION 6

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

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

1 SECTION 7

2 This Ordinance shall take effect on January 1, 2014.

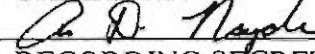
3 ENACTED this 22nd day of October, 2013, being the 3rd reading and
4 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

5
6 **ADOPTED**

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON



CHAIRMAN



RECORDING SECRETARY

PUBLIC HEARING

7
8 READING

9 First October 1, 2013

10 Second October 15, 2013

11 Third October 22, 2013

Fourth _____

Fifth _____

12 VOTE: Aye: Terry, Rogers, Malinowski, Duyck

Recording Secretary: R. D. Nagle

First October 1, 2013 (Engrossment Ordered)

Second October 15, 2013

Third October 22, 2013

Fourth _____

Fifth _____

Nay: NONE

Date: 10/22/13

1. Policy 15 (Roles and Responsibilities for Serving Growth) of the Comprehensive Framework Plan for the Urban Area 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 the 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 |

- r. Identify the following service providers for the North Bethany Subarea Plan:
 1. Sewer: Clean Water Services
The North Bethany Service Provider Map A shows the location of future major sewer trunk lines and capacity improvements necessary to serve the planning area.
 2. Storm water: Clean Water Services
The North Bethany Service Provider Map B shows the location of future improvements necessary to serve the planning area.
 3. Public Water: Tualatin Valley Water District
The North Bethany Service Provider Map C shows the location of future improvements necessary to serve the planning area.
 4. Parks, trails, and open space: Tualatin Hills Park & Recreation District
The North Bethany Service Provider Map D shows the location of future improvements necessary to serve the planning area.

5. Schools: Beaverton School District
The North Bethany Service Provider Map E shows the location of future improvements necessary to serve the planning area.
6. Law enforcement: Washington County including Enhanced Sheriff's Patrol District
7. Fire protection and emergency services: Tualatin Valley Fire and Rescue
The North Bethany Service Provider Map F shows the location of future improvements necessary to serve the planning area.

s. Identify the following service providers for Area 93, an approximately 160-acre area that is generally located east of NW 125th Avenue and north of NW Thompson Road, as shown in the Area 93 Service Area Provision Map:

1. Sewer: Clean Water Services
2. Storm water: Clean Water Services
3. Public Water: Tualatin Valley Water District
4. Parks, trails, and open space: Tualatin Hills Park & Recreation District
5. Schools: Beaverton School District
6. Law enforcement: Washington County including Enhanced Sheriff's Patrol District
7. Fire protection and emergency services: Tualatin Valley Fire and Rescue
8. Roads: Urban Road Maintenance District

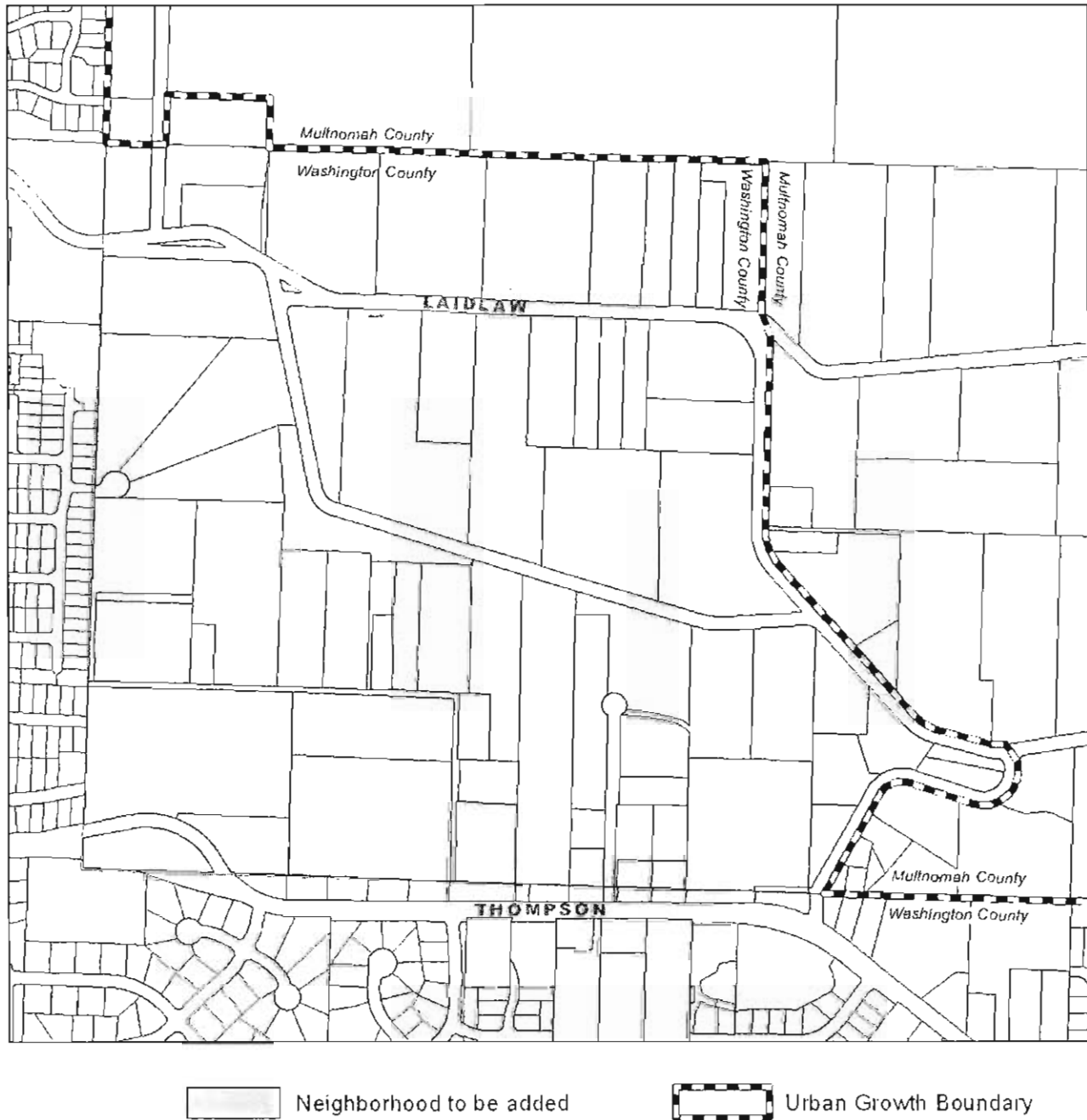
Add a new Area 93 Service Provision Map to Policy 15 (Roles and Responsibilities for Serving Growth) of the *Comprehensive Framework Plan for the Urban Area* as follows:



abcdef Proposed additions

abedef Proposed deletions

2. Amend the Neighborhood Boundaries Map in Policy 40 (Regional Planning Implementation) of the Comprehensive Framework Plan for the Urban Area as follows:



3. Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

POLICY 41, URBAN GROWTH BOUNDARY EXPANSIONS:

It is the policy of Washington County to ensure an efficient and effective transition of rural land to urban development when an Urban Growth Boundary (UGB) is expanded.

Implementing Strategies

The County will:

- a. Consistent with Policy 18, apply the FD-10 or FD-20 designation to property added to a UGB provided the expansion has been acknowledged by the Land Conservation and Development Commission. The property shall be designated FD-10 or FD-20 through a quasi-judicial or legislative amendment to the applicable Community Plan and/or the Future Development Areas Map. The FD-20 designation shall be maintained until all appeals regarding the UGB expansion have been finalized and, when applicable, the planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment. The FD-10 designation shall be maintained until the property is annexed to a city. Property added to the Regional UGB through a Locational or Minor Adjustment may be designated with any urban plan designation provided the proposed designation is consistent with the provisions of this Comprehensive Framework Plan.
- b. Require that land added to the Regional UGB be added to a Community Plan and/or the Future Development Areas Map when applying any urban land use designation through a quasi-judicial or legislative plan amendment.
- c. Continue to apply the Significant Natural Resource designations on the Rural/Natural Resource Plan to properties designated FD-10 or FD-20.
- d. Apply the following Areas of Special Concern to the Future Development Areas Map:

7. Area of Special Concern 7 consists of two individual UGB expansion area that together encompass approximately 65 acres of land located on the south side of Council Creek. The properties in this area of special concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map. Area of Special Concern 7 reflects the boundaries of the UGB expansion areas established by Metro Ordinance 05-1070A (adopted November 17, 2005). Metro designated these lands as Regionally Significant Industrial Areas.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

b) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

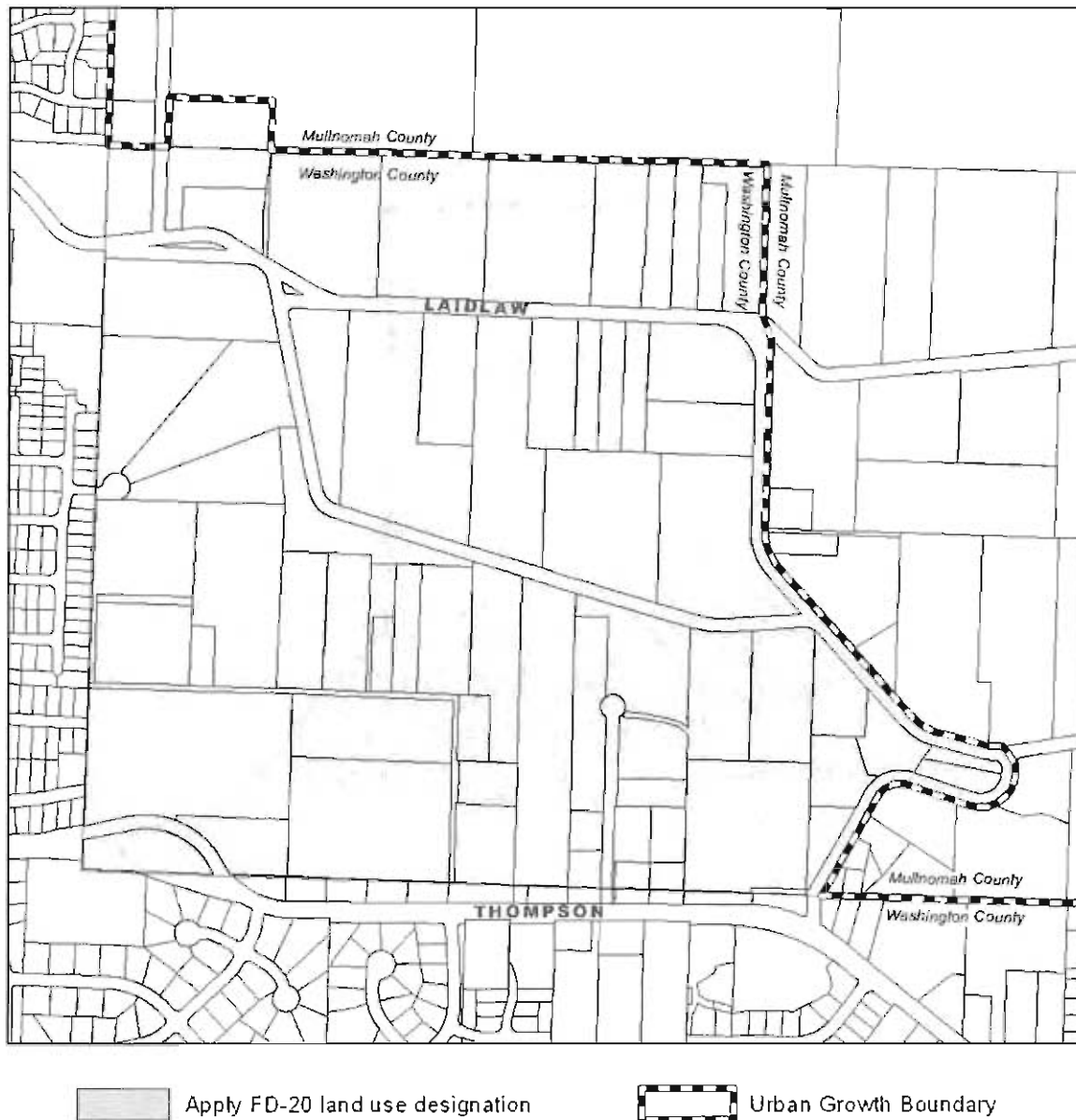
8. Area of Special Concern 8 is an approximately 160-acre area known as Area 93, which is generally located east of NW 125th Avenue and north of NW Thompson Road. The boundary of ASC 8 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-969B (adopted December 5, 2002), and one additional property was added to Area 93 and the UGB by Metro Order No. 08-050 (approved December 3, 2008).

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308.
- b) Because the properties in this Area of Special Concern were transferred from Multnomah County and were not previously mapped on Washington County's Rural/Natural Resource Plan, the Goal 5 resources identified for this area by Multnomah County will continue to apply until the effective date of new regulations adopted pursuant to Title 11. The location of the Goal 5 resource areas applied by Multnomah County are shown on the Goal 5 Resources for Future Development Areas Map (Map B).
- c) The Title 11 planning requirements include compliance with Metro Title 13 (Nature in Neighborhoods). Therefore, the Title 11 planning for Area 93 may identify additional natural resources pursuant to Title 13.
- d) The Title 11 planning required by Metro shall adopt provisions in the comprehensive plan – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to ensure compatibility between urban uses in Area 93 and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

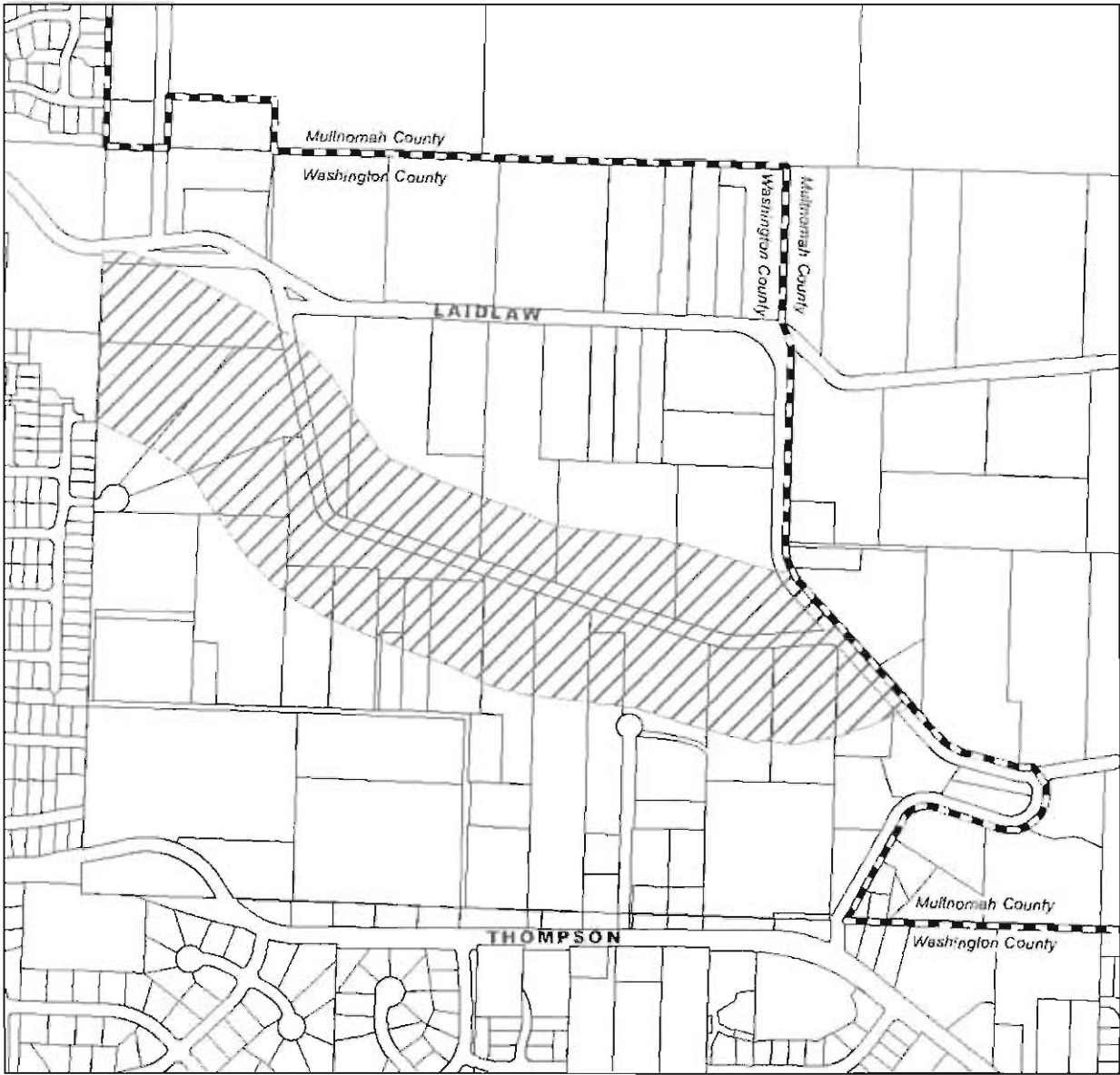
- e. Require that land added to the Regional Urban Growth Boundary (UGB) be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD), and when appropriate, the Tualatin Hills Park and Recreation District (THPRD) prior to placing any urban plan designation on the property, with the exception of the FD-10 and FD-20 Districts. Annexation into URMD and ESPD, and when appropriate, THPRD, shall be completed before the County determines that a quasi-judicial plan amendment for any plan designation, except FD-10 and FD-20 is complete. For legislative plan amendments for any plan designation, except FD-10 and FD-20, the subject properties shall be required to annex into URMD and ESPD, and when appropriate, THPRD, prior to preliminary or final approval of any development application.



Amend the *Future Development Areas Map* in Policy 41 (Urban Growth Boundary Expansions) of the *Comprehensive Framework Plan for the Urban Area* as indicated:



abcdef Proposed additions
abedef Proposed deletions

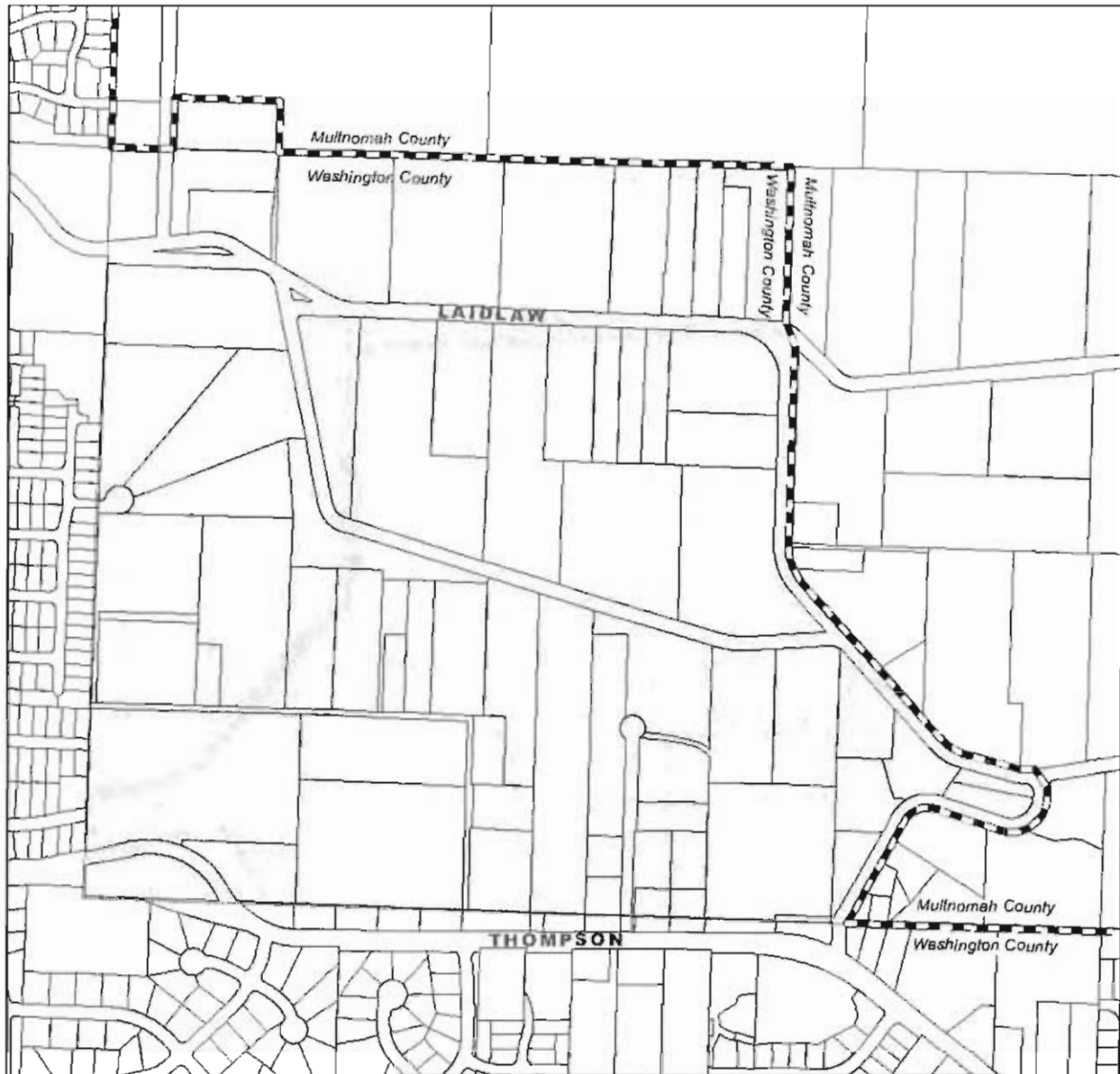
Amend the Goal 5 Resources for Future Development Areas Map of Policy 41 of the Comprehensive Framework Plan for the Urban Area as indicated.




 Goal 5 resource area applied by Multnomah County  Urban Growth Boundary

abcdef Proposed additions
abedef Proposed deletions

Amend the *Future Development Areas, Detailed Areas Map* of Policy 41 of the *Comprehensive Framework Plan for the Urban Area* as indicated.



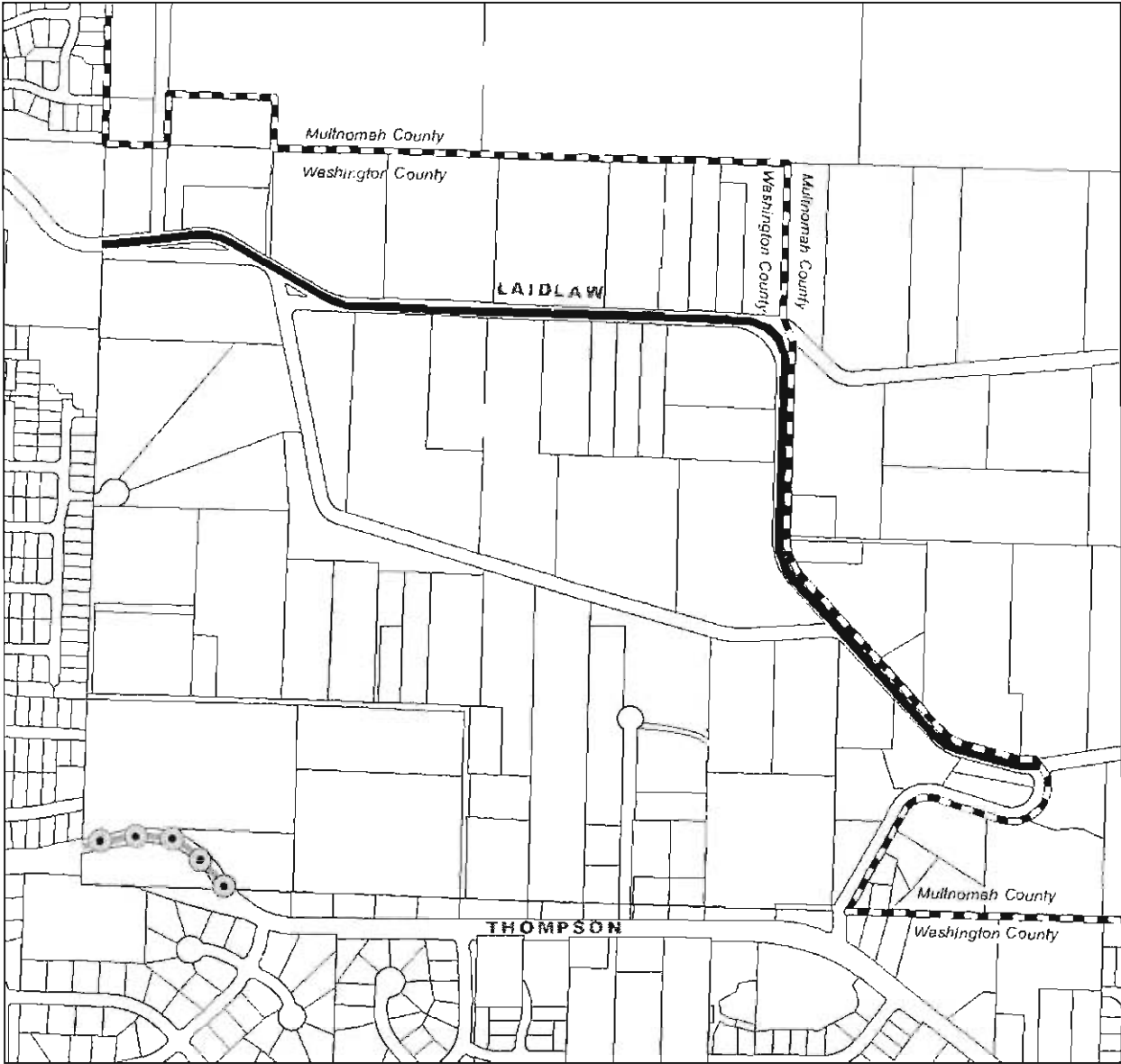
 Add as Area of Special Concern 8

 Urban Growth Boundary

abcdef Proposed additions

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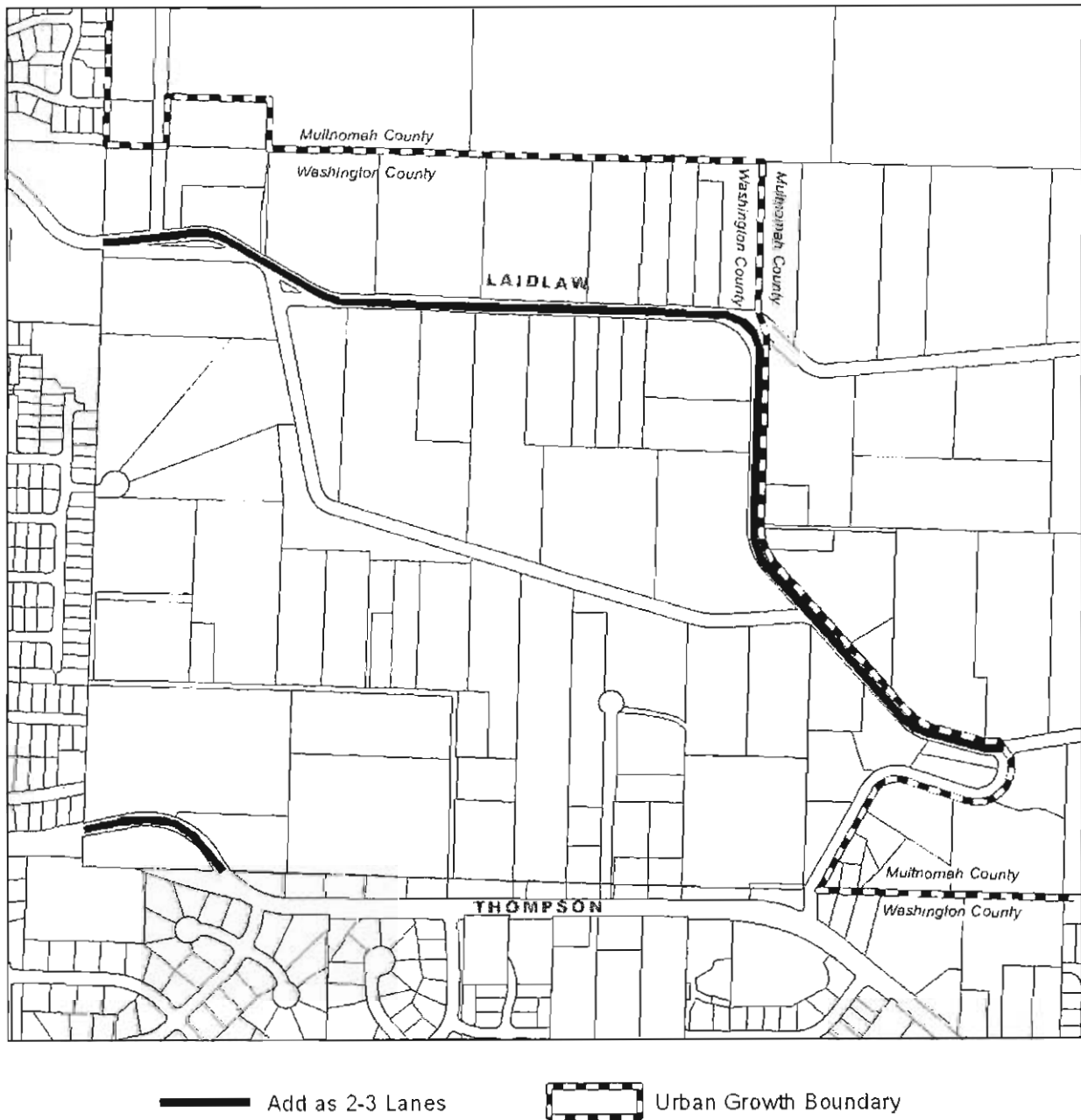
Amend the *Functional Classification System Map* of Policy 10 of the *Washington County 2020 Transportation Plan* as indicated.



-  Add as Arterial
-  Add as Collector
-  Urban Growth Boundary

abcdef Proposed additions
abcdef Proposed deletions

Amend the *Lane Numbers Map of Policy 10 of the Washington County 2020 Transportation Plan* as indicated.



abcdef Proposed additions
~~abcdef~~ Proposed deletions

Amend the *Countywide Road System Map* of Policy 11 of the *Washington County 2020 Transportation Plan* as indicated.

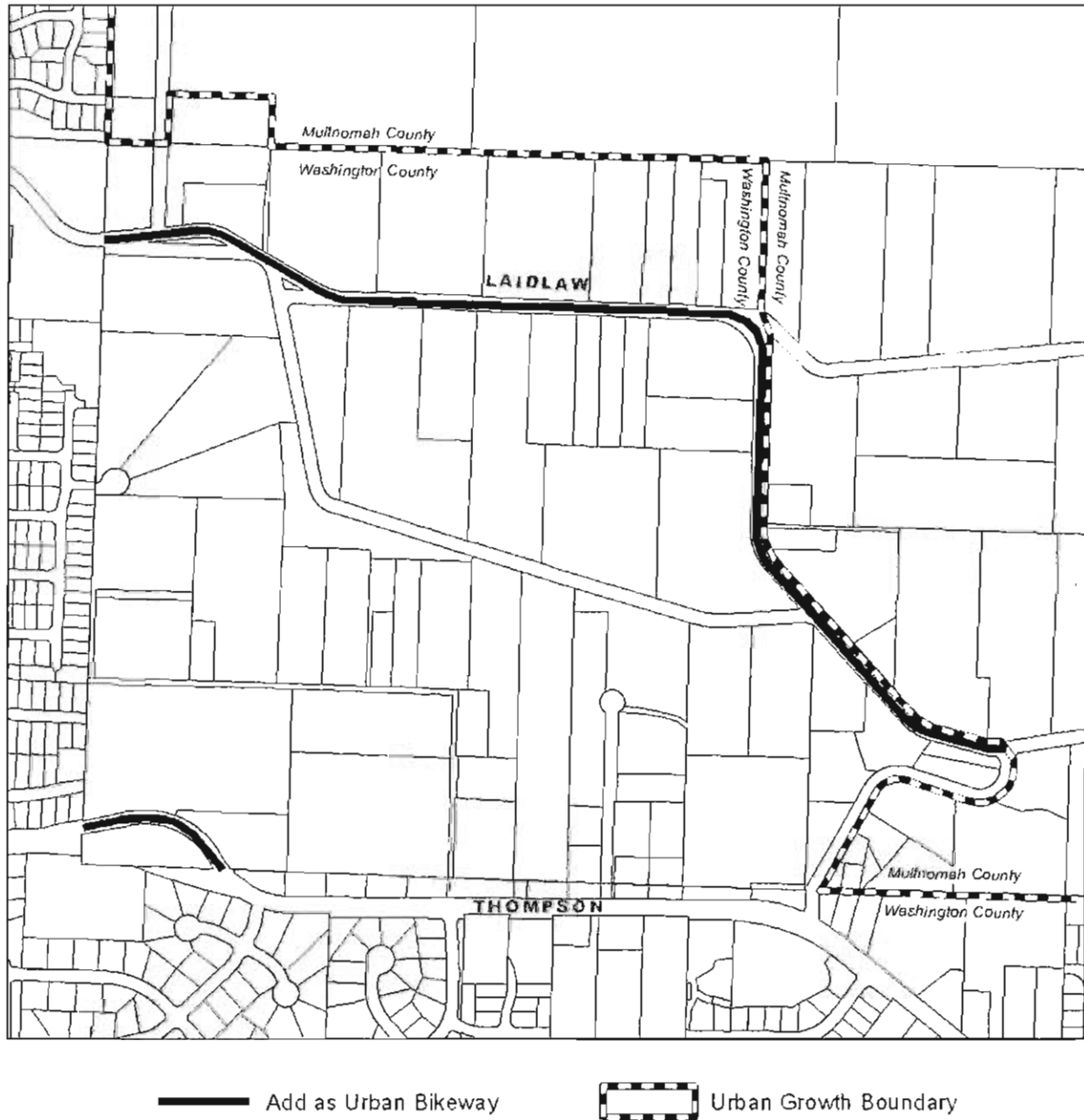


— Add as Washington County

Urban Growth Boundary

abcdef Proposed additions
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Amend the *Bicycle System Map* of Policy 15 of the *Washington County 2020 Transportation Plan* as indicated.



Sections of the Community Development Code are amended to reflect the following:

1. Section 201, DEVELOPMENT PERMIT, of Article II, Procedures, is amended to reflect the following:

201 DEVELOPMENT PERMIT

201-1 Permit Required

Except as excluded in Section 201-2, and Section 702, no person shall engage in or cause a development to occur, as defined in Section 106-57, without first obtaining a Development Permit through the procedures set forth in this Code. The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid Development Permit has been issued. Development authorized by a Development Permit shall occur only as approved.

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a Development Permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

- 201-2.6 Propagation or cutting of trees except as specified in Section 407-3 provided the trees are not designated as a significant natural resource area in an urban Community Plan, within an area identified as Goal 5 Resources for Area 93 by Policy 41 of the Comprehensive Framework Plan for the Urban Area, designated for preservation through the master planning process for a development, designated for preservation in a prior development action or when inside the UGB, located within a flood plain or drainage hazard area;

2. Section 308, FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20), of Article III, Land Use Districts, is amended to reflect the following:

308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)

308-3 Uses Permitted Through a Type II Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, and in areas identified as Goal 5 Resources for Area 93 by Policy 41 of the Comprehensive Framework Plan for the Urban Area, subject to Section 407-3.

3. Section 422, SIGNIFICANT NATURAL RESOURCES, of Article IV, Development Standards, is amended to reflect the following:

422 SIGNIFICANT NATURAL RESOURCES**422-1 Intent and Purpose**

The intent and purpose of these standards is to permit limited and safe development in areas with significant natural resources, while providing for the identification, protection, enhancement and perpetuation of natural sites, features, objects and organisms within the County, here identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, educational opportunities or ecological role.

Development within riparian areas, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat shall comply with applicable state and federal regulatory guidelines.

422-3 Criteria for Development

- 422-3.1 The required master plan and site analysis for a site which includes an identified natural resource shall:
- A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);

- B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and
- C. Apply the design elements of the applicable Community Plan; the Policy 41 requirements for Area 93 Goal 5 Resources of the Comprehensive Framework Plan for the Urban Area; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations."

- 422-3.6 For any proposed use in a Significant Natural Resource Area, or in an area identified as Goal 5 Resources for Area 93 by Policy 41 of the Comprehensive Framework Plan for the Urban Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-23-040(5)(c) (effective September 1, 1996).

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPOI & 7)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 775

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 775 amends elements of Washington County's Comprehensive Plan relating to Area 93. Although Area 93 is currently located within Multnomah County, state legislation (Oregon House Bill 3067) established a process for a jurisdictional transfer from Multnomah County to Washington County, with the effective date of January 1, 2014 for the transfer. The changes proposed in A-Engrossed Ordinance No. 775 will take effect on January 1, 2014, when the Area 93 transfer to Washington County becomes effective. A-Engrossed Ordinance No. 775 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

Post acknowledgment comprehensive plan amendments are 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. ORS 197.615 requires that such amendments 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 (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 775. Prior to October 22, 2013 the proposed findings will be provided to the Board and posted on the above land use ordinance web page. Copies of the findings will also be available electronically and at the Clerk's desk prior to the meeting.

Clerk's Desk Item: Findings (*click to access electronic copy*)

Attachment: Resolution and Order

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 775 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 13-109

| | |
|-----------------|----------|
| Agenda Item No. | 5.f. |
| Date: | 10/22/13 |

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. 775) No. 13-109

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 22, 2013; 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. 775; 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 18, 2013, 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
21 A-Engrossed Ordinance No. 775 are hereby adopted.

22 DATED this 22nd day of October, 2013.

| | AYE | NAY | ABSENT |
|---------------|-------------------------------------|--------------------------|-------------------------------------|
| 23 DUYCK | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 24 SCHOUTEN | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 25 MALINOWSKI | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 26 ROGERS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 27 TERRY | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

APPROVED AS TO FORM.

28 
County Counsel
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 775 AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE COMMUNITY DEVELOPMENT CODE AND THE TRANSPORTATION PLAN RELATING TO AREA 93

October 22, 2013

General Findings

A-Engrossed Ordinance No. 775 prepares Area 93 for its transfer to Washington County. Although Area 93 is currently located within Multnomah County, state legislation (Oregon House Bill 3067) established a process for a jurisdictional transfer from Multnomah County to Washington County, with an effective date of January 1, 2014 for the transfer.

Key provisions of A-Engrossed Ordinance No. 775 include:

- Amends the Comprehensive Framework Plan for the Urban Area (CFP) to apply the Future Development 20 Acre District designation to Area 93, and to formally identify the applicable service providers for Area 93 when the area is transferred to Washington County.
- Updates applicable maps in the Transportation Plan to include Area 93, and to apply appropriate Washington County road designations.
- Amends the Community Development Code (CDC) to address tree removal requirements in Area 93 when the area is transferred to Washington County.

The above provisions will take effect on January 1, 2014 when the Area 93 transfer to Washington County becomes effective.

Goal Findings

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 775 is consistent with Statewide Planning Goals, ORS and OAR requirements and Metro's Urban Growth Management Functional Plan. 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-acknowledgement 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 and text 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. 775.

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 A-Engrossed Ordinance No. 775. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 11 – Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, 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.

A-Engrossed Ordinance No. 775 amends the Comprehensive Framework Plan for the Urban Area (CFP) to formally identify the applicable service providers for Area 93 when the area is transferred to Washington County. These include the identified service providers for water, sanitary sewer, and stormwater.

Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 775. 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.

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 CDC.

A-Engrossed Ordinance No. 775 prepares Area 93 for its transfer to Washington County by updating applicable maps to include Area 93, and by applying appropriate Washington County road designations to the segments of NW Laidlaw and Thompson Roads within Area 93. The ordinance does not authorize additional development in Area 93; rather, the ordinance applies the Future Development 20 Acre (FD-20) District to Area 93, which is a “holding zone” designation. Therefore, the ordinance will not result in significant impacts to the transportation network in the area.

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 775. 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).

Goal 14 - Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the Regional Urban Growth Boundary. The CDC 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.

Area 93 is already located within the Urban Growth Boundary (UGB). When the transfer to Washington County is effective on January 1, 2014, Area 93 will still be located within the UGB. A-Engrossed Ordinance No. 775 prepares Area 93 for its transfer to Washington County by applying the FD-20 District (an urban land use designation) to Area 93.

Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance No. 775. The amendments are consistent with the county’s acknowledged policies and strategies for urbanization as required by Goal 14.

Findings of Compliance with Metro’s Urban Growth Management Functional Plan

Title 8 - Compliance Procedures

Title 8 sets forth Metro’s procedures for determining compliance with the Urban Growth Management Functional Plan. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans.

Title 8 requires jurisdictions to submit notice to Metro at least 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Staff sent Metro a copy of proposed Ordinance No. 775 on August 1, 2013, 48 days prior to the first evidentiary hearing. Staff received no comments from Metro on proposed Ordinance No. 775. Metro was mailed a copy of A-Engrossed Ordinance No. 775 on October 4, 2013. Metro provided no comments on A-Engrossed Ordinance No. 775.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the Urban Growth Management Functional Plan.

WASHINGTON COUNTY, OREGON

**Department of Land Use & Transportation
Long Range Planning Division**

155 N First Avenue, Suite 350, MS 14
Hillsboro, OR 97124-3072

601005



FIRST CLASS MAIL

Attention: Plan Amendment Specialist
Department of Land Conservation &
Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

DEPT OF

OCT 25 2013

LAND CONSERVATION
AND DEVELOPMENT

FIRST CLASS MAIL