



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/07/2014
Jurisdiction: Washington County
Local file no.: ORDINANCE 787
DLCD file no.: 008-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/13/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 008-14 {22327}
Received: 10/13/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: **Washington County**

Local file no.: **A-Engrossed Ordinance No. 787**

Date of adoption: 10/7/2014 Date sent: 10/13/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 6/19/2014

Is the adopted change different from what was described in the Notice of Proposed Change? Yes

If yes, describe how the adoption differs from the proposal:

- Amends and clarifies language under CDC Section 703 to better reflect the original intent of the proposed changes by removing a conflicting phrase.
- Adds a provision to CDC Section 702-4 (Exempt Projects) to ensure existing bicycle and pedestrian capacity is not reduced through an exempt reconstruction, repair or replacement project.

Local contact (name and title): Dyami Valentine, Senior Planner

Phone: 503-846-3821

E-mail: dyami_valentine@co.washington.or.us

Street address: 155 N First Ave

City: Hillsboro

Zip: 97124-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Article VII of the Community Development Code

Applicable statewide planning goals: Goals 1, 2, 3, 4, 5, 11, 12, 13, and 14

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 787 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO PUBLIC TRANSPORTATION FACILITIES**

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

SUMMARY:

A-Engrossed Ordinance No. 787 proposes to amend Sections 701 through 705 of the Community Development Code to provide efficiency in the land use review process for projects related to safety improvements, maintenance and general upkeep of public roads and related facilities. A-Engrossed Ordinance No. 787 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm>

After the Board's initial public hearing on September 2, 2014 the Board directed engrossment of the ordinance to include changes recommended by the Planning Commission. The Board held its first hearing on A-Engrossed Ordinance 787 on September 23, 2014 and continued the hearing to October 7, 2014.

A staff report will be provided to the Board prior to the October 7, 2014 hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the meeting.

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. 787 by title only and conduct the second public hearing on the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance 787 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.c.</u>
Date:	10/07/14

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 787

An Ordinance Amending the Community
Development Code Relating to Public
Transportation Facilities

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

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, and 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, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, and 769-776.

1 B. As part of its ongoing planning efforts Washington County staff has identified
2 amendments to the Code, including but not limited to, definitions and project categories, to
3 allow for consistency in process and criteria between county, state and federal requirements
4 for public transportation projects with predictable and limited effects. The Board recognizes
5 that such changes are necessary from time to time for the benefit and welfare of the residents
6 of Washington County, Oregon.

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

13 D. 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
16 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
17 County Charter, the Washington County Community Development Code, and the Washington
18 County Comprehensive Plan.

19 SECTION 2

20 The following exhibit, attached hereto and incorporated herein by reference, is adopted
21 as amendments to the designated documents as follows:

- 22 1. Exhibit 1 (4 pages), amending the following sections of the Community

1 Development Code:

2 a. Section 701 – Intent and Purpose, Definitions;

3 b. Section 702 – Exempt Projects;

4 c. Section 703 – Category A Projects

5 i. 703-1 Category A Projects Permitted Inside An Urban Growth

6 Boundary;

7 ii. 703-2 Category A Projects Permitted Outside An Urban Growth

8 Boundary;

9 d. Section 704 – Category B Projects, Permitted Outside An Urban Growth

10 Boundary;

11 e. Section 705 – Category C Projects, Permitted Outside An Urban Growth

12 Boundary.

13 SECTION 3

14 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
15 which 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
18 with ORS 215.427.

19 SECTION 5

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

7 SECTION 7

8 This Ordinance shall take effect on November 28, 2014.

9 ENACTED this 7th day of October, 2014, being the 3rd reading
10 and 3rd public hearing before the Board of County Commissioners of Washington
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

Andy Ornd

15 CHAIRMAN

Barbara Hejtmanek

16 RECORDING SECRETARY

17 READING

PUBLIC HEARING

18 First September 2, 2014
19 Second September 23, 2014
20 Third October 7, 2014
Fourth _____
Fifth _____

First September 2, 2014 (Engrossment ordered)
Second September 23, 2014
Third October 7, 2014
Fourth _____
Fifth _____

21 VOTE: Aye: Malinowski, Duyck, Terry, Rogers Nay: _____

22 Recording Secretary: Barbara Hejtmanek Date: October 7, 2014

Article VII: PUBLIC TRANSPORTATION FACILITIES of the Community Development Code is amended to reflect the following:

701 INTENT AND PURPOSE

701-4 Definitions

701-4.3 Channelization: ~~Outside an urban growth boundary, s~~Separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of vehicles, bicycles, and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes.

701-4.9 Maintenance: Recurring activities that are needed to keep an existing transportation facility in good operating condition in order to maintain the functional integrity and safe operation of the facility. Maintenance activities are carried out within existing right-of-way and result in no increase of traffic capacity or change in the character of a facility. ~~Maintenance activities include but are not limited to: ditch cleaning and shaping; culvert or pipe repair, cleaning or in-kind replacement; road surface repair, sealing, reconstruction or reversion; grading of aggregate roads; street cleaning and flushing; vegetation management; and bridge cleaning and repair.~~

701-4.15 Roadway Prism: ~~The original constructed embankment or excavation of an existing roadway.~~ area occupied by soil, aggregate, and/or other materials or structures necessary to support a road, including, but not limited to, appurtenant features such as wing walls, retaining walls, or headwalls.

702 EXEMPT PROJECTS

The following public transportation projects and decisions are exempt from the provisions of this Article, applicable to all functional classifications both inside and outside an urban growth boundary, unless otherwise specified below.

702-2 Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within existing right-of-way and ancillary easements. Maintenance may include the in-kind replacement of structures within the flood plain, drainage hazard area or Significant Natural Resource Area, if necessary to maintain its serviceability.

702-3 Operational improvements within existing right-of-way and ancillary easements including, but not limited to striping, installation of guard rails, pedestrian ways, widening shoulders, street lighting, signalization, reflectors, buttons, signs, flashing beacons, channelization and median control.
~~Outside an urban growth boundary, improvements that meet the definition of channelization (Section 701-4.3), and improvements to restrict access, including channelization and median control, are not exempt operational improvements.~~

702-4 Reconstruction, ~~or in-kind replacement, or repair~~ of a public transportation facility within existing right-of-way, ~~including the enlargement or removal of culverts, pilings or similar structures,~~ provided that:

- A. No removal or displacement of buildings occur;
- B. No new land parcels result, provided they are
- C. The facility is not located in a flood plain, drainage hazard area or Significant Natural Resource Area; or they
- D. would not No change or alteration to a designated historic or cultural resource occur, pursuant to Section 373;
- E. No additional travel lanes result; and
- F. No reduction in bicycle and pedestrian facilities result.

702-8 Acquisition of right-of-way or ancillary easements related to an approved facility or use, provided that the acquisition is consistent with the Transportation System Plan.

702-11 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

702-12 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

703 CATEGORY A PROJECTS

703-1 Category A Projects Permitted Inside an Urban Growth Boundary

703-1.3 Alteration of a flood plain, drainage hazard area, or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20)

percent of its original footprint for reconstruction, ~~modification/repair~~, or replacement of a transportation facility or any component thereof, ~~occurring entirely within the existing roadway prism~~, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise in flood level is consistent with an adopted drainage master plan.

703-2 Category A Projects Permitted Outside an Urban Growth Boundary

~~703-2.1 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.~~

~~703-2.2 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.~~

~~703-2.3 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~

703-2.14 Uses listed as exempt in Section 702, excluding Section 702-8, which require the acquisition of right-of-way, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.

703-2.25 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20) percent of its original footprint for reconstruction, ~~modification/repair~~, or replacement of a transportation facility or any component thereof, ~~occurring entirely within the existing roadway prism~~, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise is consistent with an adopted drainage master plan.

704 CATEGORY B PROJECTS

704-2 Category B Projects Permitted Outside an Urban Growth Boundary

704-2.2 The following improvements are allowed within the RR-5, AF-5, AF-10, R-COM, R-IND and MAE Districts:

F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels, provided that

the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.

- G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels-, provided that the alignment and right-of-way width is consistent with the Transportation System Plan.
- ~~H. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.~~

705 CATEGORY C PROJECTS

705-2 Category C Projects Permitted Outside an Urban Growth Boundary

705-2.1 The following projects are allowed in AF-20, EFU and EFC Districts:

- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels-, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.
- ~~H.~~G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels-, provided that the alignment and right-of-way width is consistent with the Transportation System Plan.
- ~~J. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.~~

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 787

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

SUMMARY:

A-Engrossed Ordinance No. 787 amends Sections 701 through 705 of the Community Development Code to provide efficiency in the land use review process for projects related to safety improvements, maintenance and general upkeep of public roads and related facilities. A-Engrossed Ordinance No. 787 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-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. 787. Prior to the October 7, 2014 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

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

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 787 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 14-111

Agenda Item No.	6.c.
Date:	10/07/14

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. 787) No. 14-111

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 7, 2014; 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. 787; 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 August 6, 2014, 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. 787 are hereby adopted.

22 DATED this 7th day of October, 2014.

	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"/>
24 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Andy Ored
Chairman

26 *Alisa Ruppel*
27 County Counsel
28 For Washington County, Oregon

Barbara Hejtmanek
Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 787 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO PUBLIC TRANSPORTATION FACILITIES

October 7, 2014

Part 1 - General Findings

Part 2 - Statewide Planning Goal Findings

Part 3 - Metro's Urban Growth Management Functional Plan Findings

Part 1

GENERAL FINDINGS

A-Engrossed Ordinance No. 787 amends the Community Development Code (CDC) to provide efficiency in the land use review process for safety improvements, maintenance, and general upkeep of public roads and related facilities.

KEY ORDINANCE PROVISIONS

- Update definitions of maintenance, channelization and road prism under CDC Section 701 – Intent and Purpose.
- Update language regarding exempt projects to reflect current practices of the Maintenance and Operations Division related to minor betterment type projects, including in-kind replacement of culverts, construction of pedestrian paths, and statutorily defined projects allowed without a land use review outside the Urban Growth Boundary (UGB) under CDC Section 702 – Exempt Projects.
- Amend language regarding alterations to flood plains, and remove the statutorily defined projects allowed without a land use review outside the UGB under CDC Section 703 – Category A Projects.
- Amend language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and remove channelization as a project type outside the UGB under CDC Section 704 – Category B Projects.
- Amend language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and remove channelization as a project type outside the UGB under CDC Section 705 – Category C Projects.

Part 2

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 787 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR) requirements, Metro’s Urban Growth Management Functional Plan (UGFMP) and the Washington County Comprehensive 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 (PAPA) 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. 787.

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, the Comprehensive Plan for the Urban Area (CFP), the Community Development Code (CDC), Transportation System Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 787. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 3 – Agricultural Lands

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 to the county’s Community Development Code (CDC) by A-Engrossed Ordinance No. 787. The amendments are consistent with Goal 3; OAR Chapter 660, Division 33; and the county’s acknowledged policies for preservation of farmland. This conclusion is supported by the following facts:

1. The Exclusive Farm Use (EFU) and Agriculture and Forest (AF-20) land use districts are Washington County’s acknowledged exclusive farm use districts. Ordinance No. 787 did not amend the applicable Plan policies or strategies relating to farm use districts.
2. Ordinance No. 787 made limited changes to some development standards found in Article VII (Public Transportation Facilities) for allowed transportation projects outside the Urban Growth Boundary (UGB), including the following:
 - Removes “channelization not otherwise allowed” pursuant to OAR 660-012-0065(3)(c) as an identified permitted use. Channelization is an operational improvement and pursuant to OAR 660-012-0045(1)(a), operational improvements are not subject to land use regulations.
 - Moved uses permitted outright under ORS 215.213(1)(l) through (m) from a Category A land use review to an Exempt category.

Goal 4 – Forestlands

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Plan compliance with Goal 4 is maintained with the amendments made to the county’s Transportation System Plan by A-Engrossed Ordinance No. 787. Amendments made by A-Engrossed Ordinance No. 787 are consistent with Goal 4; OAR Chapter 660, Division 06; and the county’s acknowledged policies for preservation of forest lands.

1. The Exclusive Farm Use (EFU) and Agriculture and Forest (AF-20) land use districts are Washington County’s acknowledged exclusive farm use districts. Ordinance No. 787 did not amend the applicable Plan policies or strategies relating to farm use districts.
2. Ordinance No. 787 made limited changes to some development standards found in Article VII (Public Transportation Facilities) for allowed transportation projects outside the Urban Growth Boundary (UGB), including the following:
 - Removes “channelization not otherwise allowed” pursuant to OAR 660-012-0065(3)(c) as an identified permitted use. Channelization is an operational improvement and pursuant to OAR 660-012-0045(1)(a), operational improvements are not subject to land use regulations.
 - Moved uses permitted outright under ORS 215.213(1)(l) through (m) from a Category A land use review to an Exempt category.

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

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

significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

A-Engrossed Ordinance No. 787 updates the CDC to efficiently respond to state and federal permitting requirements, acknowledges the best management practices already employed by the county, including programmatic approaches to improve hydrologic conditions and fish passage and reduce the overall cost of project implementation. Compliance with Goal 5 is maintained with amendments made by A-Engrossed Ordinance No. 787 and the county's existing acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660, Division 23.

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. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 787. 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

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the county's TSP, Community Plans, and the CDC.

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 787. 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).

OAR 660-012-0045 The provisions of this section concern how a TSP is implemented.

FINDING: A-Engrossed Ordinance No. 787, together with previously adopted and acknowledged ordinances fully implement all of the applicable provisions of OAR 660-012-0045 as detailed in the following findings of fact:

- The Community Development Code (CDC), together with R&O 86-95, provide a process for coordinated review of land use decisions affecting transportation facilities, corridors and sites as well as public notice.

- The intent of Article VII of the CDC is to identify public transportation improvements that are subject to development review and establish the standards and procedures for such review. Article VII applies to project development for the design, construction, operation, maintenance, repair and preservation of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities authorized by the Transportation System Plan (TSP), Transportation Planning Rule (TPR) and Oregon Revised Statutes (ORS).
- Removes “channelization not otherwise allowed” pursuant to OAR 660-012-0065(3)(c) as an identified permitted use. Channelization is an operational improvement and pursuant to OAR 660-012-0045(1)(a), operational improvements are not subject to land use regulations.

OAR 660-012-0050 This section concerns transportation project development.

FINDING: A-Engrossed Ordinance No. 787, together with previously adopted and acknowledged ordinances fully implement all of the applicable provisions of OAR 660-012-0050.

- The intent of Article VII of the CDC is to identify public transportation improvements that are subject to development review and establish the standards and procedures for such review. Article VII applies to project development for the design, construction, operation, maintenance, repair and preservation of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities authorized by the Transportation System Plan (TSP), Transportation Planning Rule (TPR) and Oregon Revised Statutes (ORS).
- A-Engrossed Ordinance No. 787 adds language that ensures consistency with the TSP throughout the project development process, including acquisition of right-of-way.

OAR 660-012-0065 This section identifies the “transportation facilities, services and improvements” that may be permitted on rural lands without a goal exception.

FINDING: A-Engrossed Ordinance 787 as well as previously adopted and acknowledged ordinances are consistent with the provisions of OAR 660-012-0065.

- A-Engrossed Ordinance No. 787 amends two provisions in the CDC relative to and consistent with OAR 660-012-0065:
 - Removes “channelization not otherwise allowed” pursuant to OAR 660-012-0065(3)(c) as an identified permitted use. Channelization is an operational improvement and pursuant to OAR 660-012-0045(1)(a), operational improvements are not subject to land use regulations.
 - Moved uses permitted outright under ORS 215.213(1)(l) through (m) from a Category A land use review to an Exempt category.

Goal 13 - Energy Conservation

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

A-Engrossed Ordinance No. 787 does not amend the applicable Plan policies or CDC standards related to energy conservation which impact the county's compliance with Goal 13. A-Engrossed Ordinance No. 787 made minor amendments to Article VII to allow minor bicycle and pedestrian improvements and promote energy sustainability within the transportation system. The amendments are consistent with the county's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

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.

A-Engrossed Ordinance No. 787 complies with the Title 11 UGMFP provisions for the urbanization of new land. Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance No. 787. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14.

Ordinance No. 787 made limited changes to some development standards found in Article VII (Public Transportation Facilities) for allowed transportation projects outside the Urban Growth Boundary (UGB), including the following:

- Removes “channelization not otherwise allowed” pursuant to OAR 660-012-0065(3)(c) as an identified permitted use. Channelization is an operational improvement and pursuant to OAR 660-012-0045(1)(a), operational improvements are not subject to land use regulations.
- Moved uses permitted outright under ORS 215.213(1)(l) through (m) from a Category A land use review to an Exempt category.
- A-Engrossed Ordinance No. 787 adds language that ensures consistency with the TSP throughout the project development process, including acquisition of right-of-way.

Part 3

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

Because A-Engrossed Ordinance No. 787 makes changes that do not affect compliance with all sections of the Urban Growth Management Functional Plan (UGMFP), it is not necessary for these findings to address each title in the UGMFP. The Board of Commissioners finds that the Metro Functional Plan requirements apply to amendments covered by these findings to the extent noted in specific responses below.

Title 8 - Compliance Procedures

Title 8 sets forth Metro’s procedures for determining compliance with the UGMFP. 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. 787 on June 19, 2014, 47 days prior to the first evidentiary hearing. Staff contacted Metro and received no comments on the proposed ordinance.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.