



September 15, 2014

To: Washington County Board of Commissioners

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 785 - An Ordinance Amending Elements of the Comprehensive Plan Applicable to Urban and Rural Reserves**

STAFF REPORT

For the September 23, 2014 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 pm)

I. STAFF RECOMMENDATION

Conduct the second of two required public hearings on A-Engrossed Ordinance No. 785. At the conclusion of public testimony, close the hearing and adopt A-Engrossed Ordinance No. 785 and associated findings.

II. BACKGROUND

At the August 19, 2014 public hearing on proposed Ordinance No. 785, the Board directed engrossment of the ordinance and continued the hearing to September 16 and September 23, 2014. The Board further directed staff to provide notice of the ordinance changes and the schedule for engrossment hearings as required by Chapter X of the County Charter. A copy of A-Engrossed Ordinance No. 785 and Individual Notice No. 2014-16 were provided in the Board's materials for the September 16, 2014 hearing.

On September 16, the Board held the first of two required public hearings for A-Engrossed Ordinance No. 785. Since this staff report was prepared prior to the September 23 hearing, staff will provide updated information to the Board at the September 23 meeting as appropriate.

A separate action agenda item recommending adoption of the findings for A-Engrossed Ordinance No. 785 by resolution and order has been provided in the meeting materials for the Board's September 23, 2014 hearing.

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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)
5 of A-Engrossed Ordinance No. 785) No. _____

6 This matter having come before the Washington County Board of Commissioners at its
7 meeting of September 23, 2014; and

8 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
9 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
10 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
11 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 785; and

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

14 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
15 on July 16, 2014, made a recommendation to the Board, which is in the record and has been
16 reviewed by the Board; and

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

21 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of
22 A-Engrossed Ordinance No. 785 are hereby adopted.

23 DATED this 23rd day of September, 2014.

24 BOARD OF COUNTY COMMISSIONERS
25 FOR WASHINGTON COUNTY, OREGON

26 APPROVED AS TO FORM:

27 Chairman

28 _____
County Counsel
For Washington County, Oregon

Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 785 AN ORDINANCE AMENDING THE WASHINGTON COUNTY RURAL/NATURAL RESOURCE PLAN, COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, AND THE ALOHA-REEDVILLE-COOPER MOUNTAIN COMMUNITY PLAN, THE BULL MOUNTAIN COMMUNITY PLAN, AND THE EAST HILLSBORO COMMUNITY PLAN TO REFLECT LEGISLATIVE CHANGES TO COUNTY URBAN AND RURAL RESERVES

September 23, 2014

General Findings

A-Engrossed Ordinance No. 785 amends the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Aloha-Reedville-Cooper Mountain Community Plan, the Bull Mountain Community Plan, and the East Hillsboro Community Plan to reflect legislative amendments that affect county urban and rural reserves.

Amendments to the above planning documents are required as a result of House Bill (HB) 4078, passed by the legislature in March 2014. HB 4078 amended existing urban and rural reserves in Washington County as adopted through Ordinance No. 740 in April 2011.

Key provisions of A-Engrossed Ordinance No. 785 are:

- To amend the county's Rural and Urban Reserves Map to align with urban and rural reserve boundary changes specified in HB 4078;
- To provide relevant text and map amendments to the county's Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the Community Development Code, and applicable Community Plans;
- To apply the county's Future Development 20-Acre District (FD-20) land use designation to recently added areas to the Urban Growth Boundary (UGB) and not yet annexed to a city; and
- To add a new Area of Special Concern to the East Hillsboro Community Plan and recognize the area as a Regionally Significant Industrial Area in applicable county planning documents.

This ordinance does not apply the FD-20 land use designation to the newly-added UGB land east of the city of Cornelius.

The following land use changes to the county's urban growth boundary, urban and rural reserves, and undesignated areas proposed through this ordinance correspond to the provisions of HB 4078:

- Approximately 3,205 acres adjacent to Beaverton, Hillsboro, Cornelius, and Forest Grove are added within the UGB. Of this total, approximately 2,015 acres of land were included in the 2011 UGB additions and confirmed through HB 4078 as well as approximately 1,190 additional acres added through HB 4078. To date, 643 acres of this total have been annexed into an adjacent city;
- Change urban reserves to rural reserves north of Hillsboro, Cornelius and Forest Grove and south of North Plains, resulting in roughly 2,742 acres of new rural reserves;
- Change approximately 430 acres north of West Union Road from rural reserve to urban reserve;
- Change approximately 28 acres from rural reserve to undesignated in the vicinity of Scholls Ferry Road and Tile Flat Road; and
- Change approximately 58 acres from urban reserve to undesignated at the northwest corner of the US 26 Brookwood Parkway/Helvetia Road interchange.

The above changes are reflected in Exhibits 3 and 5 of the filed ordinance.

The final House Bill (“Enrolled”) can be found at <http://gov.oregonlive.com/bill/2014 /HB4078/>

Because A-Engrossed Ordinance No. 785 makes 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 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 Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

Goal Findings

The purpose of these findings is to demonstrate that A-Engrossed Ordinance No. 785 is consistent with Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The Washington County Comprehensive Plan was adopted to implement the aforementioned planning requirements and was acknowledged by the State of Oregon to be in compliance with these requirements. 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 text implicate a Goal compliance issue. The following 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 county’s

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 utilized these requirements for the review and adoption of Ordinance No. 785.

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 Framework Plan for the Urban Area and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 785. Notice was coordinated with all affected governmental entities. Comments received prior to and at the Planning Commission Hearing of July 16, 2014 are entered into the record. Comments received prior to and at the Board of County Commissioners Hearings of August 5, and September 16, 2014 are entered into the record.

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.

HB 4078 added approximately 2,740 acres of agricultural land south of North Plains and north of Forest Grove, Cornelius and Hillsboro as rural reserves. Section 3 (1) of the Bill approved all other rural reserve areas in Washington County as designated in County A-Engrossed Ordinance No. 740 and Metro Ordinance No. 11-4245, adopted March 15, 2011. The majority of land within these rural reserves is agricultural land that has been protected from future urban development for the 40-50 year timeframe specified in OAR 660-027-0040.

The proposed amendments in A-Engrossed Ordinance No. 785 are in compliance with Goal 3 and are consistent with the county's acknowledged policies and standards for protecting agricultural lands identified under Goal 3.

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

Policies 10, 11, 12, and 39 of the Comprehensive Framework Plan for the Urban Area, Policies 7, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the Community Development Code include provisions for the protection of Goal 5 resources. In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to Post Acknowledgment Plan Amendments (PAPAs) initiated on or after September 1, 1996 when the PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

A-Engrossed Ordinance No. 785 removes Significant Natural Resource areas from the Rural/Natural Resource Plan and includes these same areas into Policy 41's Goal 5 Resources for Future Development Areas map of the Comprehensive Framework Plan for the Urban Area.

Regulatory protection of the county's existing Goal 5 Resources will not change as a result of the plan amendments in this ordinance and will remain until annexation by an adjacent city occurs.

The county's Plan compliance with Goal 5 is maintained with amendments made by A-Engrossed Ordinance No. 785.

Goal 9 – Economic Development

Statewide Planning Goal 9 addresses economic development by requiring adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy.

The Community Development Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. A-Engrossed Ordinance No. 785 designates the majority of lands brought into the UGB through HB 4078 as Future Development 20-Acre Districts (FD-20). Commercial and institutional zoning by cities is expected for some of these FD-20 lands, providing increased employment opportunities.

Approximately 330 acres located north of the City of Hillsboro and Evergreen Road has been added as an Area of Special Concern (ASC) to the East Hillsboro Community Plan. This area was designated as a Regionally Significant Industrial Area pursuant to Exhibit B of Metro Ordinance No. 11-1264B, adopted in October 2011. This 330 acre area is expected to be reserved predominantly for industrial employment. Restrictions are extended to certain uses and to the creation or reconfiguration of lots or parcels within this ASC. Small-scale commercial uses that support the industrial employment base may occur, providing job sector diversity and increased employment opportunities.

The amendments within A-Engrossed Ordinance No. 785 are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

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 Washington County's Urban Comprehensive Framework Plan and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County.

The Community Development Code (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. 785. 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 OAR 660-011 and ORS 195.110.

A-Engrossed Ordinance No. 785 designates the majority of lands brought into the UGB through HB 4078 as Future Development 20-Acre Districts (FD-20). The FD-20 designation is an urban land use district that recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas, including public facilities and services, is complete. A-Engrossed Ordinance No. 785 applies this designation through text and map amendments to Policy 41 of the Urban Comprehensive Framework Plan and in text and map amendments to the applicable community plans.

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 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the Transportation Plan and the Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 785. 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 660-012) and the Regional Transportation Plan (RTP).

Goal 14 - Urbanization

Policies 1, 13, 14, 16, 17, 18, 19 and 41 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional UGB. In particular, Policies 1, 18 and 41 of the Comprehensive Framework Plan for the Urban Area guide the designation of lands added to an UGB.

In accordance with the Implementing Strategies of Policy 41 of the Comprehensive Framework Plan, A-Engrossed Ordinance No. 785 designates the majority of land brought into the UGB as a result of HB 4078 as FD-20 on the Future Development Areas Map within Policy 41. The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a major or legislative amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. Because lot parcelization can render concept planning less efficient and practical, land divisions that would result in a new parcel less than 20 acres is not allowed in FD-20 designated areas. The provisions of this district are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

Approximately 330 acres located north of the City of Hillsboro and Evergreen Road has been added as an Area of Special Concern (ASC) to the East Hillsboro Community Plan. This area was designated as a Regionally Significant Industrial Area pursuant to Exhibit B of Metro Ordinance No. 11-1264B, adopted in October 2011. Restrictions are extended to certain uses and to the creation or reconfiguration of lots or parcels within this ASC.

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

Because A-Engrossed Ordinance No. 785 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 County Commissioners (Board) finds that the Metro Functional Plan requirements apply to amendments covered by these findings to the extent noted in specific responses below.

Title 4 – Industrial and Other Employment Areas

Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial and Employment Areas.

Approximately 330 acres located north of the City of Hillsboro and Evergreen Road has been added as an Area of Special Concern (ASC) to the East Hillsboro Community Plan. This area was designated as an Regionally Significant Industrial Area pursuant to Exhibit B of Metro Ordinance No. 11-1264B, adopted in October 2011. This 330 acre area is expected to be reserved predominantly for industrial employment. Restrictions are extended to certain uses and to the creation or reconfiguration of lots or parcels within this ASC.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the 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. 785 on May 29, 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 Urban Growth Management Functional Plan.

Title 11 – Planning for New Urban Areas

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

A-Engrossed Ordinance No. 785 designates the majority of lands brought into the UGB through HB 4078 as Future Development 20-Acre Districts (FD-20). The FD-20 designation is an urban land use district that recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas, including public facilities and services, is complete. A-Engrossed Ordinance No. 785 applies this designation through text and map amendments to Policy 41 of the Urban Comprehensive Framework Plan and in text and map amendments to the applicable community plans.

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