

## **EXHIBIT A**

### **FINDINGS FOR B-ENGROSSED ORDINANCE NO. 815**

#### **AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO WINERIES LEGISLATION**

**September 26, 2017**

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

B-Engrossed Ordinance No. 815 amends the Community Development Code (CDC) to include standards that the County must implement for wineries in Exclusive Farm Use Districts (EFU/AF-20) pursuant to state legislation. The ordinance also proposes minor reformatting of winery standards for other rural land use districts.

#### **Key Ordinance Provisions**

B-Engrossed Ordinance No. 815 proposes updates to incorporate provisions of state law (ORS 215) applicable to wineries EFU/AF-20 districts to address the following:

- Allow qualification of certain wineries under a new category, “Large Winery,” with broader allowances for events/activities than permitted at Standard Wineries (subject to evidence that qualifications have been met for at least three years prior);
- Incorporate “agritourism or other commercial events” standards that apply specifically to winery tracts pursuant to SB 841;
- Clarify other wine-related events and activities that can be conducted on winery tracts;
- Incorporate qualifying criteria and standards for operation of restaurants on winery tracts;
- Allow establishment of a bed and breakfast facility as a home occupation on a winery tract (alternative to existing CDC standards that specify review as room and board arrangements);
- Clarify when wineries/winery activities may be reviewed as commercial activities in conjunction with farm use;
- Incorporate provisions for nonconforming continuation of winery-related structures, uses, activities, and events predating state enactment of the standards noted above.

The ordinance also reformats winery standards affecting other rural districts but does not change associated allowances or requirements.

Proposed CDC changes primarily affect Special Use Standards for Wineries (Section 430-145). Amendments to other sections are largely for consistency with proposed Special Use standards.

The list of all affected CDC Sections is as follows:

- 340 – Exclusive Farm Use District (EFU)
- 344 – Agriculture and Forest District (AF-20)
- 346 – Agriculture and Forest District (AF-10)
- 348 – Agriculture and Forest District (AF-5)
- 350 – Rural Residential Five Acre Minimum District (RR-5)
- 352 – Rural Commercial District (R-COM)
- 354 – Rural Industrial District (R-IND)
- 356 – Land Extensive Industrial District (MAE)
- 430-33 – Commercial Activities in Conjunction with Farm Use
- 430-63 – Home Occupation
- 430-145 – Special Use Standards (Winery)
- 440 – Nonconforming Uses and Structures

Because the ordinance would make changes that do not affect compliance with Oregon’s Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Washington County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 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.

The County is also required to make findings that the amendments are consistent with the requirements of Metro’s Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

The Board finds that Statewide Planning Goal 14 (Urbanization) is not applicable because the area affected by this ordinance is entirely outside the urban growth boundary. Additionally, Statewide Planning Goal 4 does not apply because proposed changes and the legislation that requires them do not apply to resource forest lands [Exclusive Forest and Conservation District (EFC)].

## **Part 2: STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that B-Engrossed Ordinance No. 815 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro’s Urban Growth Management Functional Plan (UGMFP), and Washington County’s Comprehensive Plan (Plan). The County’s 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 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 hearing proceedings described below. In addition, no map changes are proposed, and no proposed changes to text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

### **Goal 1 – Citizen Involvement**

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County’s Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of B-Engrossed Ordinance No. 815.

### **Goal 2 – Land Use 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 Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt B-Engrossed Ordinance No. 815.

Notice was coordinated with all affected governmental entities. Though none submitted comments directly in response to notice of B-Engrossed Ordinance No. 815, the Department of Land Conservation and Development (DLCD) provided some clarifications regarding pertinent statutes as requested by staff during ordinance preparation and proceedings.

### **Goal 3 – Agricultural Lands**

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

B-Engrossed Ordinance No. 815 updates the Community Development Code to include standards that the County must implement for wineries in exclusive farm use districts (EFU and AF-20) pursuant to state legislation. Amendments to the CDC follow state law closely, including existing farmland protections of the law. As such, compliance with Goal 3 is not impacted.

### **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to

promote a healthy environment and natural landscape that contributes to Oregon’s livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) 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 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, 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.

CDC amendments proposed within B-Engrossed Ordinance No. 815 do not affect requirements that are in place for protection of Goal 5 resources.

### **Goal 8 – Recreational Needs**

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County’s residents and visitors.

CDC amendments proposed within B-Engrossed Ordinance No. 815 do not affect required planning for recreational facilities. Amendments pursuant to state law that allow wineries to host events/activities, however, may facilitate potential for recreational opportunities on rural winery lands and may in turn contribute to offsite recreational activities such as bicycle touring between wineries. Accordingly, proposed amendments retain compliance with Goal 8.

### **Goal 9 – Economic Development**

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County’s policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

ORS 215.452 and 453 reflect provisions of Senate Bill 841, relating to wineries on land zoned for resource uses. The bill was sponsored by the Committee on Rural Communities and Economic Development. B-Engrossed Ordinance No. 815 implements provisions of the above. Winery activities allowed pursuant to state law appear to provide wineries with increased wine-marketing potential and thereby increased potential for rural economic development. Winery activities may also serve as economic incubators beyond the scope of wine sales, drawing visitors to explore other rural businesses and amenities nearby such as farm stands, rural commercial restaurants, historic and recreational sites. B-Engrossed Ordinance No. 815 therefore appears consistent with the County’s acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

### **Goal 10 – Housing**

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23, and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the County. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

B-Engrossed Ordinance No. 815 addresses housing only in the transient sense and to a negligible extent. The existing CDC allows for Bed and Breakfast facilities on exclusive farm use lands via permits for Room and Board arrangements consistent with state law. Pursuant to more recent state law, the ordinance adds an alternative for certain winery sites on exclusive farm use lands to seek permits for Bed and Breakfast facilities through an alternative permit process (Home Occupation permit). This provision does not appear to impact compliance with Goal 10 housing requirements.

### **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. Proposed amendments do not alter this requirement; therefore compliance with Goal 11 is maintained.

### **Goal 12 – Transportation**

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and, in particular, the Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the Community Plans, the CDC, and the TSP. The County's TSP includes Rural Road Enhancement Study Corridors, monitored for minor enhancements (per OAR 660-012-0065) in coordination with affected rural communities as resources allow. The study corridors reflect certain roadways, originally built to accommodate local agricultural traffic and farm equipment, that are increasingly used for commercial freight transport, urban motorist/bicyclist commuting and recreation.

Proposed amendments affect standards for wineries and winery activities in rural areas. While they do not propose changes to transportation facilities, they do apply state law that allows application of conditions to a permit/license in order to manage traffic, access, and parking; and mitigate for related impacts to rural road facilities.

The amendments maintain compliance 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 Metro’s Regional Transportation Plan (RTP).

**Part 3:**  
**URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS**

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that County Comprehensive Plan changes be consistent with the UGMFP. The following B-Engrossed Ordinance No. 815 findings have been prepared to address Title 8 of the UGMFP.

**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 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

Consistent with Title 8, a copy of proposed Ordinance No. 815 was mailed to Metro on July 12, 2016, 40 days prior to the first evidentiary hearing.