

## **EXHIBIT A**

### **FINDINGS FOR A-ENGROSSED ORDINANCE NO. 820**

#### **AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA AND THE COMMUNITY DEVELOPMENT CODE RELATING TO INFILL DEVELOPMENT**

**August 22, 2017**

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

A-Engrossed Ordinance No. 820 amends the Comprehensive Framework Plan for the Urban Area (CFP) Policy 19 (Infill) and Community Development Code (CDC) Section 430-72 (Infill), to replace subjective standards with clear and objective standards related to privacy.

#### **Key Ordinance Provisions**

The amendments proposed by A-Engrossed Ordinance No. 820 address the following:

- a) Amends CFP Policy 19, to remove references to building orientation.
- b) Removes subjective and discretionary standards from CDC Section 430-72.
- c) Adds a requirement to CDC Section 430-72 to provide at least one of the following clear and objective privacy enhancement measures along all side and/or rear lot lines of adjacent properties with existing homes: A minimum 6-foot evergreen landscape buffer or a minimum 6-foot site-obscuring fence.
- d) Amends CDC Section 430-72 to state that the privacy enhancement measure is not required along the boundary lines of tracts associated with the infill development.
- e) Amends CDC Section 430-72 to state that at time of planting, the size of landscape buffer shrubs shall be such that they will achieve a minimum height of 6 feet within two growing seasons.
- f) Clarifies Figure 1 in CDC Section 430-72.

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 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 Board also finds that Goals 3 (Agricultural Lands), 4 (Forest Lands), and 14 (Urbanization) are not applicable because the area affected by this ordinance is entirely within the urban growth boundary.

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.

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

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 820 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, 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**

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 A-Engrossed Ordinance No. 820.

### **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 A-Engrossed Ordinance No. 820.

Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

### **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.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 5 resources.

### **Goal 6 - Air, Water and Land Resources Quality**

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or CDC standards related to air, water or land resources that impact the County’s compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 6 resources.

### **Goal 7 - Areas Subject to Natural Hazards**

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP

and Policy 8 of the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

### **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.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County's acknowledged policies and standards for satisfying recreational needs as required by 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.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or CDC standards relating to economic development. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County's acknowledged policies and standards 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.

A-Engrossed Ordinance No. 820 amends CFP Policy 19 (Infill) and CDC Section 430-72 (Infill), both of which apply to the residential infill development of R-5 and R-6 lands that are two acres or less in size. The amendments replace subjective standards with clear and objective privacy enhancement standards for infill development. The amendments are intended to comply with the state’s “needed housing” rule, ORS 197.303 – 197.307, which requires local governments to apply only clear and objective standards to the development of needed housing. The amendments are consistent with the County’s acknowledged policies and standards for the provision of housing as required by Goal 10.

### **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. 820 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County’s acknowledged policies and strategies for 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, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans, and the CDC.

A-Engrossed Ordinance No. 820 does not include amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

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). Brief summaries of the applicable TPR provisions are followed by findings of compliance.

660-012-0060

Plan and Land Use Regulation Amendments

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10)

of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The amendments in A-Engrossed Ordinance No. 820 do not significantly affect the transportation system as described by the criteria in section 660-012-0060. The amendments in A-Engrossed Ordinance No. 820 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility.

Therefore, the amendments in A-Engrossed Ordinance No. 820 are consistent with the TPR.

### **Goal 13 - Energy Conservation**

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 36, 37, 38, 39 and 40 of the CFP, 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. 820 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the

County’s acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

**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 A-Engrossed Ordinance No. 820 findings have been prepared to address Title(s) 1, 3, 4, 6, 7, 8, 11, 12, 13 and 14 of the UGMFP.

**Title 1 - Housing Capacity**

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan which calls for a compact urban form and a “fair share” approach to meeting housing needs.

**RESPONSE**

A-Engrossed Ordinance No. 820 amends CFP Policy 19 (Infill) and CDC Section 430-72 (Infill), both of which apply to the residential infill development of R-5 and R-6 lands that are two acres or less in size. The amendments replace subjective standards with clear and objective privacy enhancement standards for infill development. The amendments are intended to comply with the state’s “needed housing” rule, ORS 197.303 – 197.307, which requires local governments to apply only clear and objective standards to the development of needed housing.

The amendments will not result in a decrease in housing capacity. The replacement of subjective standards with clear and objective standards will provide more certainty to infill development applicants, County staff and adjacent property owners. A-Engrossed Ordinance No. 820 is consistent with Title 1.

**Title 3 - Water Quality and Flood Management**

Title 3 protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.

**RESPONSE**

A-Engrossed Ordinance No. 820 does not amend any Plan policies or CDC standards related to water quality or flood management. Title 3 is not applicable to A-Engrossed Ordinance No. 820.

#### **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 (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

#### **RESPONSE**

A-Engrossed Ordinance No. 820 applies to residential infill development of R-5 and R-6 lands that are two acres or less in size. The amendments in A-Engrossed Ordinance No. 820 do not apply to any RSIAs or to the location of employment areas in Metro-designated Centers, Corridors, Main Streets and Station Communities. Title 4 is not applicable to A-Engrossed Ordinance No. 820.

#### **Title 6 - Centers, Corridors, Station Communities and Main Streets**

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

#### **RESPONSE**

A-Engrossed Ordinance No. 820 applies to residential infill development of R-5 and R-6 lands that are two acres or less in size. Some lands with R-5 and R-6 residential designations are located within Metro-designated Centers, Corridors, Main Streets and Station Communities.

The ordinance amendments replace subjective infill standards with clear and objective privacy enhancement standards for infill development. The clear and objective standards will provide more certainty for infill development applicants and adjacent property owners. A-Engrossed Ordinance No. 820 is consistent with Title 6.

#### **Title 7 - Housing Choice**

To increase the supply of affordable housing opportunities, Title 7 implements policies of the Regional Framework Plan regarding establishment of voluntary affordable housing production goals to be adopted by local governments.

#### **RESPONSE**

A-Engrossed Ordinance No. 820 does not amend County policies regarding affordable housing. The ordinance amends CFP Policy 19 (Infill) and CDC 430-72 (Infill) to replace subjective



standards with clear and objective standards for infill development privacy enhancement measures. Title 7 is not applicable to A-Engrossed Ordinance No. 820.

### **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.

#### **RESPONSE**

Consistent with Title 8, a copy of proposed Ordinance No. 820 was mailed to Metro on May 16, 2017, 36 days prior to the first evidentiary hearing. Metro provided no comments on the ordinance prior to or subsequent to its engrossment.

### **Title 11 - Planning For New Urban Areas**

Title 11 guides planning of urban reserves and areas added to the urban growth boundary for conversion from rural to urban use. Title 11 includes requirements that the development of areas added to the urban growth boundary implement the Regional Framework Plan and the 2040 Growth Concept.

#### **RESPONSE**

A-Engrossed Ordinance No. 820 applies to R-5 and R-6 lands within the urban growth boundary. Title 11 is not applicable to A-Engrossed Ordinance No. 820.

### **Title 12 – Protection of Residential Neighborhoods**

Title 12 protects existing residential neighborhoods from air and water pollution, noise and crime, and provides adequate levels of public services.

#### **RESPONSE**

A-Engrossed Ordinance No. 820 does not amend any Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services. Title 12 is not applicable to A-Engrossed Ordinance No. 820.

### **Title 13 – Nature in Neighborhoods**

Title 13 conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape.

**RESPONSE**

A-Engrossed Ordinance No. 820 does not amend any Plan policies or CDC standards related to streamside corridors or upland wildlife habitat. Title 13 is not applicable to A-Engrossed Ordinance No. 820.

**Title 14 – Urban Growth Boundary**

Title 14 prescribes criteria and procedures for amendments to the urban growth boundary to provide a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form.

**RESPONSE**

A-Engrossed Ordinance No. 820 applies to R-5 and R-6 lands within the urban growth boundary. The ordinance does not propose to amend the urban growth boundary. Title 14 is not applicable to A-Engrossed Ordinance No. 820.