To: Washington County Board of Commissioners

From: Andy Back, Manager Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 829 - An Ordinance Amending the Washington County - Hillsboro Urban Planning Area Agreement

STAFF REPORT

For the September 26, 2017 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; at the conclusion of public testimony, continue the hearing to October 10, 2017.

II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (PC) conducted a public hearing for Ordinance No. 829 September 6, 2017. No one testified at the public hearing. The PC voted 6 - 0 with one abstention to recommend adoption as filed. The PC draft deliberations are included as Attachment C.

III. OVERVIEW

Ordinance No. 829 proposes to amend the 2004 Washington County - Hillsboro Urban Planning Area Agreement (UPAA), an element of the County Comprehensive Plan. The proposed update includes adding policies and processes for coordinating concept planning in the Urban Reserves within Hillsboro’s area of interest, updated policies for coordinating development review within unincorporated areas in Hillsboro’s Urban Planning Area and minor changes to the process for comprehensive planning in the Urban Planning Area. The Urban Planning Area map is revised to reflect Hillsboro’s Urban Reserve Area, a new Urban Planning Area C, changes to the Urban Planning Area and annexations since the last update.

Authorization for this ordinance was granted by the Board as part of the 2017 Long Range Planning Work Program, adopted April 4, 2017.
IV. BACKGROUND

State law allows local governments to enter into agreements that outline and acknowledge the responsibilities for coordinating comprehensive planning activities within the Regional Urban Growth Boundary (UGB). Additionally, Statewide Planning Goal #2 (Land Use Planning) requires that governmental plans related to land use must be consistent with adopted County and city comprehensive plans and regional plans.

In 1983, Washington County entered into individual UPAAs with cities within the UGB. These described their site-specific urban planning areas and policies for coordinating comprehensive planning and development within these planning areas in compliance with statewide planning goals and laws. The adopted individual UPAAs with the cities are included as elements of the County Comprehensive Plan. Over time, amendments have been made to some of the UPAAs in order to expand or modify a city’s planning area boundary and provide updates to regional comprehensive planning policies.

The Washington County - Hillsboro UPAA was originally adopted in 1983 and updates occurred in 1986, 1988, and 1998. The last amendment to the Washington County - Hillsboro UPAA was adopted via A-Engrossed Ordinance No. 613 in 2004 and signed into effect in 2006. The purpose of the last amendment was to make the UPAA provisions and urban planning area map consistent with the 2003 Hillsboro Urban Service Agreement (HUSA). The HUSA identified and designated the ultimate service providers of the various services within the HUSA boundary in order to comply with the provisions of Oregon Revised Statutes, (ORS) 195, generally referred to as Senate Bill 122. The HUSA also addressed the roles and responsibilities of the city and various service districts in order to provide for the continuation of adequate levels of urban services as the lands are annexed to the city. The 2004 UPAA revised the boundary of the Hillsboro Urban Planning Area to be identical to the Hillsboro Urban Service Area boundary as shown in Attachment A of this staff report, the “2004 Hillsboro Urban Planning Area” map.

Both the 2004 UPAA text and map identified distinct unincorporated areas that Hillsboro had interest in: Active Planning Area (Urban Area A) and Area of Interest (Urban Area B), each with special provisions described in the UPAA. Urban Area A included small, unincorporated areas that are within, or directly adjacent to the city boundary. Urban Area B encompassed the remaining unincorporated areas along the eastern boundary of Hillsboro that correspond to the 2003 HUSA boundary. Urban Area B includes portions of the Rock Creek and Reedville communities. General provisions regarding the future transfer of County services to the city and future annexations into the city were included with the 2004 UPAA.

Changes Since 2004

With House Bill 4078-A in 2014 and House Bill in 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. With this “Grand Bargain,” the legislature summarily approved adding approximately 1400 acres to the UGB near Hillsboro’s area of interest, including:

- 330 acres in the northwest area of Hillsboro, called “Jackson East”
- 1063 acres southeast of Hillsboro, known as “South Hillsboro.”
Hillsboro completed master planning for South Hillsboro in 2014, for a mix of residential and commercial uses, with approximately 700 acres annexed into the city thus far. This year, the city began master planning for Jackson East, predominantly for industrial and limited commercial use.

The legislature also designated and confirmed approximately 1418 acres of Urban Reserve land within the unincorporated areas surrounding Hillsboro, 469 acres north of Hwy 26 and 948 acres southwest of Hillsboro. Title 11 of Metro’s Urban Growth Management Functional Plan (UGMFP) identifies the planning responsibilities and guiding policies and requirements for the Urban Reserve areas as they transition from rural to urban uses.

Attachment B of this staff report, the “2017 Urban Planning Area” map depicts the UGB, Urban Planning Areas A, B, and C and Urban Reserve areas described above.

Ordinance Notification
Ordinance No. 829 and an accompanying summary were mailed August 9, 2017 to community participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published August 18, 2017 in The Oregonian newspaper. Individual Notice 2017-10 describing proposed Ordinance No. 829 was mailed August 9, 2017 to 328 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.

V. ANALYSIS

County staff worked with Hillsboro staff to craft amendments to the UPAA to address the variety of factors that have changed since 2004. Because the UPAA was last updated prior to the Urban and Rural Reserve land designation process, amendments are necessary to address concept planning within the Urban Reserves surrounding Hillsboro in compliance with the planning requirements of UGMFP, Title 11. In addition, with the passage of HB 4078-A in 2014, certain unincorporated areas near Hillsboro’s area of interest were added directly into the UGB making it necessary to update the current UPAA and map in order to clarify the planning and coordination responsibility for those unincorporated areas.

The 2004 Washington County - Hillsboro UPAA did not identify the concept planning responsibilities or likely urban service providers for coordinating concept planning in the Urban Reserve areas described above. The 2017 UPAA proposes a new Section III (Concept Planning for Urban Reserve Areas) that describes and defines the Urban Reserve lands, outlines the planning responsibility for concept planning and includes a description of the general expectations of the concept plan to fully comply with UGMFP, Title 11. The concept planning provisions of Title 11 include an agreement between the County and the city and service districts that preliminarily identify which city or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized.
The County has an interest in assuring that the planning for the unincorporated area meets the expectations for road funding, access management, any potential jurisdictional transfer of roadways and a determination of service providers to the area in compliance with Title 11. Thus, the 2017 UPAA amendment provides the opportunity to clearly identify and coordinate planning responsibilities and a process that will guide the concept planning expectations for the Urban Reserve area in a timely manner. The Urban Reserve areas adjacent to the existing city boundary are clearly within Hillsboro’s area of interest, and the city is responsible for coordinating with the County, Metro and appropriate service districts to concept plan these areas. These “Urban Reserve Planning Areas” are identified on Exhibit A of the proposed UPAA.

Both Hillsboro and Beaverton have expressed an interest in ultimately governing certain other Urban Reserve lands that are not directly adjacent to Hillsboro. Since more than one city has an interest in assuming planning responsibility for this Urban Reserve area, and no agreement has been reached that would designate planning responsibility to one city over another, this area is described in the UPAA and on Exhibit A, as “Urban Reserve - Planning Responsibility Undefined.” This area is not included within the Urban Planning Area for any city at this time.

Areas added to the UGB since 2004, including the areas added with the passage of HB 4078-A, are identified in the UPAA as a new “Urban Planning Area C.” The UPAA provisions for this new Urban Planning Area C focus on the County’s interest in assuring that the planning addresses road funding, access management, potential jurisdictional transfer of roadways and how the area will receive services, in compliance with Title 11. Urban Planning Areas A and B have already been planned and urban land use designations are in place, therefore the addition of a new Urban Planning Area C is necessary.

The proposed UPAA also adds improved coordination measures for County development applications requiring notice within Urban Planning Area C. Such coordination provides the city with an opportunity to make recommendations, address potential serviceability issues, and consider any foreseeable conflicts when a development application within Urban Planning Area C is submitted to the County.

Other updates include removing outdated provisions concerning notice and coordination requirements in the comprehensive planning process, providing more flexibility in the timing of amendments to the current UPAA, and adding a provision concerning the city’s interest in eventually urbanizing undesignated lands outside of the city’s Urban Planning Area. Annexations since 2004, including parcels in South Hillsboro, are shown as additional changes to the map in Exhibit A.

**Tualatin Valley Fire & Rescue Input**

Subsequent to the Planning Commission hearing September 6, 2017, Tualatin Valley Fire & Rescue (TVF&R) contacted the County Administrative Office indicating their concern with certain sections of the proposed UPAA that address urban service area agreements with the city, under the requirements of ORS 195. County Counsel, CAO and staff are coordinating with Hillsboro and TVF&R on this issue and will provide further information at the hearing.
Summary of Proposed Changes

Ordinance No. 829 proposes to amend the 2004 Washington County - Hillsboro Urban Planning Area Agreement, an element of the County Comprehensive Plan.

Key provisions:

- Changes to the processes and policies for coordinating comprehensive planning in the Urban Planning Area and improved notification policies for development review
- A new Section III (Concept Planning for the Urban Reserve Areas) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area
- Deletion of Exhibit A, of the 2004 UPAA, the Hillsboro Urban Planning Area map and replacement with a new Exhibit A reflecting the addition of the Urban Reserve Planning Area, Urban Planning Area C, Urban Reserve - Planning Responsibility Undefined, and recent city annexations

List of Attachments
The following attachments identified in this staff report are provided:

Attachment A: 2004 Hillsboro Urban Planning Area map
Attachment B: 2017 Proposed Hillsboro Urban Planning Area map
Attachment C: Planning Commission Draft Deliberations from September 6, 2017 hearing
Attachment A, 2004 Urban Planning Area Map
Attachment B, 2017 Proposed Urban Planning Area Map
WASHINGTON COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 6, 2017

Draft Deliberations


Planning Commission (PC) members present: A. Richard Vial, Jeff Petrillo, Ed Bartholemy, Ian Beaty, Tegan Enloe, Deborah Lockwood, Anthony Mills (left at 2:54 p.m.), and Matt Wellner. PC member absent: Eric Urstadt

Staff present: Andy Back, Theresa Cherniak, Michelle Miller, John Floyd, Joel Cvetko and Traci Shirley, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel.

Summary

a. Ordinance No. 829 – UPAA
Michelle Miller, senior planner from the Community Planning group of LRP provided a PowerPoint presentation regarding Ordinance No. 829 – County - Hillsboro UPAA, an element of the Comprehensive Plan. Staff provided background and history regarding the ordinance. The original Hillsboro -Washington County UPAA was adopted in 1983 with multiple updates over the years. The last update to the UPAA with Hillsboro was approved in 2004. Staff also shared reasons for ordinance, changes, recommendations and key provisions.

Recommendation
- Recommend approval of Ordinance No. 829 to the Board of Commissioners (Board).

Discussion
- Question concerning the Urban Reserve-Planning Responsibility Undefined Area and the process for identifying planning responsibility in the future.
Final Vote
Commissioner Wellner moved to recommend to the Board of Commissioners Ordinance No. 829 as prepared by staff. Commissioner Beaty seconded motion.

Public hearing closed.

Commissioner Wellner moved to recommend to the Board of Commissioners adoption of proposed Ordinance No. 829 as prepared by staff. Commissioner Beaty seconded motion. **Vote: 6-0-1 (Commissioner Enloe abstained due to her position with the City of Hillsboro and Commissioner Mills left early). Motion passed.**

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End of deliberations.
**Ordinance Purpose and Summary**

Ordinance No. 829 proposes to amend the 2004 Washington County - Hillsboro Urban Planning Area Agreement, an element of the County Comprehensive Plan. Proposed updates include adding policies and processes for coordinating concept planning in the Urban Reserves within Hillsboro’s area of interest and minor changes to the policies and processes for comprehensive planning in the Urban Planning Area. The planning area map is revised to reflect Hillsboro’s Urban Reserve Planning Area, changes to the Urban Planning Area and annexations since the last update.

**Who is Affected**

Owners of land in the area proposed to be included in the Hillsboro Urban Planning Area and Urban Reserve Area boundary.

**What Land is Affected**

Properties proposed to be included in the Hillsboro Urban Planning Area and Urban Reserve Planning Area boundary.

**Key Provisions**

- Minor changes to the processes and policies for coordinating comprehensive planning and notification requirements in the Urban Planning Area
- A new Section III (Concept Planning for the Urban Reserve Area) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area
- Exhibit A, the 2004 Hillsboro UPAA map is deleted and replaced with a new Exhibit A reflecting the addition of the ‘Urban Reserve Planning Area’, ‘Urban Planning Area C’, the ‘Urban Reserve - Planning Responsibility Undefined Area’ and recent city annexations.
- Minor text changes throughout the document to provide consistency and clarity

**Initial Public Hearings**

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<td>September 26, 2017</td>
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Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

At its September 26, 2017 public hearing, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted September 26, 2017, the ordinance would become effective October 26, 2017.

**Washington County Comprehensive Plan Element Amended**

- Washington County - Hillsboro Urban Planning Area Agreement
How to Submit Comments

- Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning.
- Include the author's name and address with any public testimony.

Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
Telephone: 503-846-3519    Fax: 503-846-4412
Email: lutplan@co.washington.or.us

Staff Contact

Michelle Miller, Senior Planner
Telephone: 503-846-8101
Email: michelle_miller@co.washington.or.us

Proposed ordinance is available at the following locations:

- Department of Land Use & Transportation at the address listed above
- www.co.washington.or.us/landuseordinances
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of CPOs.
August 9, 2017

To: Community Participation Organizations, Cities, Service Districts, Interested Parties

From: Andy Back, Manager Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 829

The Washington County Planning Commission and Board of Commissioners (Board) will soon consider proposed Ordinance No. 829. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519. This ordinance is available on the Washington County website at:

www.co.washington.or.us/landuseordinances

Ordinance Purpose and Summary

Ordinance No. 829 proposes to amend the 2004 Washington County - Hillsboro Urban Planning Area Agreement, an element of the County’s Comprehensive Plan. Proposed updates include adding policies and processes for coordinating concept planning in the Urban Reserves within Hillsboro’s area of interest and minor changes to the policies and processes for comprehensive planning in the Urban Planning Area. The planning area map is revised to reflect Hillsboro’s Urban Reserve Planning Area, changes to the Urban Planning Area and annexations since the last update.

Who is Affected

Owners of land in the area proposed to be included in the Hillsboro Urban Planning Area and Urban Reserve Planning Area boundary.

What Land is Affected

Properties proposed to be included in the Hillsboro Urban Planning Area and Urban Reserve Planning Area boundary.

Initial Meeting and Public Hearings

Planning Commission
1:30 p.m.
September 6, 2017

Board of Commissioners
6:30 p.m.
September 26, 2017

Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

At its September 26, 2017 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted September 26, 2017, it would become effective October 26, 2017.

Department of Land Use & Transportation
Planning and Development Services • Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
phone: 503-846-3519 • fax: 503-846-4412
www.co.washington.or.us/lut • lutplan@co.washington.or.us
Key Provisions

- Minor changes to the processes and policies for coordinating comprehensive planning and notification requirements in the Urban Planning Area.
- A new Section III (Concept Planning for the Urban Reserve Area) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area.
- Exhibit A, the 2004 Hillsboro UPAA map is deleted and replaced with a new Exhibit A reflecting the addition of the ‘Urban Reserve Planning Area’, ‘Urban Planning Area C’, the ‘Urban Reserve - Planning Responsibility Undefined Area’ and recent city annexations.
- Minor text changes throughout the document to provide consistency and clarity.

Washington County Comprehensive Plan Element Amended

- Washington County – Hillsboro Urban Planning Area Agreement

How to Submit Comments

- Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning.
- Include the author’s name and address with any public testimony.

Staff Contact

- Michelle Miller, Senior Planner
- Telephone: 503-846-8101
- Email: michelle_miller@co.washington.or.us

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- [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of CPOs
An Ordinance Amending the Washington County - Hillsboro Urban Planning Area Agreement, an Element of the Washington County Comprehensive Plan

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

SECTION 1

A. The Board of recognizes that the Urban Planning Area Agreement with the City of Hillsboro ("City") was adopted by Ordinance No. 308 on August 28, 1986 and subsequently amended by Ordinance Nos. 332A, 533, and 613.

B. Following the Urbanization Forum process, Washington County ("County") and the City recognized, through Washington County Resolution and Order 09-63 and City of Hillsboro Resolution No. 2291, that all future urban growth boundary additions are to be governed and urbanized by the City. And that further, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon Legislature acknowledged the regional Urban Growth Boundary (UGB), and Rural and Urban Reserves with respect to the County and City.

C. Subsequent ongoing planning efforts by the County indicate a need for changes to the Urban Planning Area Agreement with the City relating to the City’s Urban Planning Area and the need to coordinate planning and urban services for the new urban reserve lands.

///
D. The Board recognizes that such changes are necessary from time to time for the benefit and welfare of the residents of Washington County, Oregon.

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

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

SECTION 2

The following Exhibit, attached and incorporated herein by reference, is hereby adopted as an amendment to the Washington County - Hillsboro Urban Planning Area Agreement, an Element of the Washington County Comprehensive Plan as follows:

A. Exhibit 1 (18 pages) –

1. Adds language related to coordination of planning activities in the Urban Reserves;
2. Makes minor changes to the coordination of planning activities in the Urban Planning Area;

3. Deletes Map “Exhibit A” of the Washington County - Hillsboro Urban Planning Area (UPAA);

4. Deletes Map “Exhibit A” - North Map, Washington County - Hillsboro Urban Planning Area (UPAA);

5. Deletes Map “Exhibit A” - South Map, Washington County - Hillsboro Urban Planning Area (UPAA); and


SECTION 3

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

SECTION 4

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

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
SECTION 6

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

SECTION 7

This Ordinance shall take effect thirty (30) days after adoption.

ENACTED this ____ day of ____________, 2017, being the ________ reading and ______ public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

____________________________________
CHAIRMAN

____________________________________
RECORDING SECRETARY

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VOTE: Aye: __________________________ Nay: __________________________

Recording Secretary: __________________________ Date: __________________________
Washington County – Hillsboro
Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in
the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF HILLSBORO,
an incorporated municipality of the State of Oregon, hereinafter referred to as the “CITY”.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for
the performance of any or all functions and activities that a party to the agreement, its officers or
agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that city, county, state
and federal agency and special district plans and actions shall be consistent with the
comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter
197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each
jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the
means by which comprehensive planning coordination within the Regional Urban Growth
Boundary (UGB) will be implemented; and

WHEREAS, the CITY and COUNTY have entered into cooperative agreements with special
service districts for fire and life safety; water; parks, recreation and open space; sanitary sewer;
and surface water services, consistent with ORS 195.020; and

Whereas, the CITY in accordance with Senate Bill 122 agreements and consistent with its role as
a full service city, has the authority to choose to provide all public services to any newly annexed
land unless the CITY agrees to have an alternative service provider; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution &
Order 09-63, and the CITY through Resolution No. 2291, agreed that future additions to the
UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and
also agreed to urge Metro to expand the UGB only to such areas as are contiguous to
incorporated areas of Washington County; and

WHEREAS, the State legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015,
validated the acknowledged UGB and Urban and Rural Reserves established through the Metro
Regional process involving both the COUNTY and the CITY; and

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement
(UPAA) to reflect the changes to the UGB, the CITY’s Urban Planning Area, and the need for
urban planning of the new urban reserve lands; and

abcdef Proposed additions
abcdef Proposed deletions
WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. An Urban Planning Area Agreement incorporating both Establish a site-specific Urban Planning Area within the UGB Regional Urban Growth Boundary within which both the COUNTY and the CITY maintain an interest in comprehensive planning and development, and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning; and

2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and

3. Confirm The status of existing comprehensive plans and implementing ordinances as they apply to the Urban Planning Area; and

4. Special policies regarding comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and

5. Establish A process to amend the Urban Planning Area Agreement (UPAA).

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area mutually defined by the COUNTY and the CITY is the Hillsboro Urban Service Area and includes the areas designated on the Washington County-Hillsboro UPAA Map “Exhibit “A” to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan, as defined by OAR 660-18-010 (5), means a generalized, coordinated, land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air
and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance adopted under ORS 197, 215 or 227, a land division ordinance adopted under ORS 92.044 or 92.046, or a similar general ordinance establishing standards for implementing a comprehensive plan. “Implementing regulation” does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approvals or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:

a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 3545 calendar days prior to the first final hearing on adoption. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency’s land use or transportation system, the originating agency shall provide the responding agency with the opportunity to participate in the originating agency’s planning process prior to the notification period, such as serving on the originating agency’s advisory committee, if any. The specific method and level of involvement shall be finalized by “Memorandums or Understanding” negotiated and signed by the planning directors of the CITY and the COUNTY. The “Memorandums of Understanding” shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a “Memorandum of Understanding”.
b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency’s land use or transportation system, the originating agency shall transmit the draft amendments recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a “Memorandum of Understanding”, the responding agency shall have ten (10) calendar days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered “no objection” to the draft.

c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.

d. Comments from the responding agency shall be given consideration as part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, land divisions, individual subdivisions, partition or planned unit developments, variances, and other similar actions that requiring a quasi-judicial hearings process which is quasi-judicial in nature.

2. The COUNTY will provide additional coordination opportunities to the CITY on development applications requiring notice within Urban
Planning Area C. Such coordination may include a Development Notification Confirmation Statement or other means of providing the CITY an opportunity to provide recommendations, identify the CITY’s ability to serve the new development and address any foreseeable conflicts at the time of the application submittal to the COUNTY.

3.2 The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of the designated Urban Planning Area or the COUNTY’s transportation network require notice to any property outside the CITY limits.

4.3 The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:

a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice or comment period notice when no public hearing is required, that which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) calendar days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.

c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.

d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may
seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.

   a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearings agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) calendar days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

   b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.

   c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:

   a. Future expansion of the UGB over a long-term period (40-50 years), and

   b. The cost-effective provision of public facilities and services when the lands are included within the UGB.
2. Urban Reserve Planning Area (URPA) means those Urban Reserves identified for annexation and urbanization by the CITY at such time as the UGB is amended to include the Urban Reserve Area.

3. Urban Reserve - Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately annexing and urbanizing, but for which no final agreement has been reached. These areas are not considered part of the Urban Reserve Planning Area for purposes of this Agreement.

4. Undesignated lands are those lands that remain outside of the UGB and not designated as Urban or Rural Reserves in HB 4078-A and HB 2047, and that may not be included inside the UGB before at least 75 percent of the designated Urban Reserve land in the COUNTY has been included in the UGB and planned and zoned for urban uses. Undesignated lands are not considered part of the Urban Reserve Planning Area for purposes of this Agreement.

B. The CITY’s Urban Reserve Planning Area and the Urban Reserve - Planning Responsibility Undefined are identified on “Exhibit A” to this Agreement.

C. The CITY shall be responsible for developing a concept plan in consultation with the COUNTY for the Urban Reserve Planning Area in coordination with Metro and appropriate service districts. The concept plan shall include the following:

1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the Urban Reserve Planning Area. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.

2. An agreement between the COUNTY and CITY that preliminarily identifies that the CITY will be the likely provider of urban services, as defined in ORS 195.065 (4), when the area is urbanized.

D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.

E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the Urban Reserve Planning Area shall be designated as part of Urban Planning Area C, as described below. Inclusion in the Urban Planning Area is
automatic and does not require an amendment to this agreement.

F. In the event that Undesignated lands that are contiguous to the CITY are designated Urban Reserves, the CITY and COUNTY recognize that the CITY is interested in urbanizing these areas. An amendment to this agreement is required to move these areas into the CITY’s URPA.

IV. III. Comprehensive Planning and Development Policies for Urban Planning Areas

Plan Amendments, Development Proposals and Actions

Urban Planning Areas A, B, and C together constitute the CITY’s Urban Planning Area as described below and further identified on “Exhibit A” to this agreement. Each area is subject to general provisions in D, below, as well as the following specific coordination provisions for urban services, annexations and comprehensive planning.

A. Urban Planning Area A (Exhibit “A”)

1. Upon annexation of property in Area A, the CITY will initiate Comprehensive Plan Land Use and Transportation Map changes to CITY land use designations and functional street classifications corresponding as closely as possible to those designations and classifications already adopted by Washington County for those properties and streets. If a property is subject to a concept, neighborhood or community plan adopted by the CITY, the designations of that plan shall be applied.

1. Urban Planning Area A includes a limited number of unincorporated parcels surrounded by or directly adjacent to the existing CITY boundary, as identified on “Exhibit A” as Urban Planning Area A.

2. Specific Annexation Requirements

All land in Urban Planning Area A shall annex to the CITY prior to development. As used in this subsection, “development” includes the construction of any residential dwelling unit or structure or related accessory structures. This requirement may be waived only if documentation is provided by the CITY that expressly authorizes the COUNTY to issue the necessary development permit(s).

3. Specific Urban Service Coordination Requirements

a.2. The CITY shall regulate the conversion of vacant land to urban uses in Urban Planning Area A through the extension of water and sewer service, land partitioning requirements, provision of transportation facilities and annexations within the area. Land within Urban Planning Area A shall not be converted to urban uses prior to annexation to the CITY.
b.3. The COUNTY shall not approve a development proposal or action in Urban Planning Area A if the proposal would require urban services or would not facilitate redevelopment to an urban level of development upon annexation to the CITY.

4. Land Divisions in Urban Planning Area A that would create lots less than 10 acres in size shall not be approved by the COUNTY.

B. Urban Planning Area B (Exhibit “A”)

1. Urban Planning Area B includes the territory shown as Area B has been designated through the Hillsboro Urban Service Agreement dated April 15, 2003, and for annexation to the CITY in the future with the CITY being the future provider of most urban services as specified in the Hillsboro Urban Service Agreement. Area B includes only those unincorporated areas/properties within the Regional Urban Growth Boundary/UGB, as identified on “Exhibit A” as Urban Planning Area B.

2. Upon annexation within Area B, the CITY will initiate Comprehensive Plan Land Use and Transportation Map changes on those recently annexed properties, to CITY land use designations and functional street classifications corresponding as closely as possible to those designations and classifications already adopted by Washington County for those properties and streets.

2.3. Specific Urban Service Coordination Requirements
The CITY shall consider Urban Planning Area B in all public facility plans and park and recreation plans.

IV. Special Policies

A. All land in Area A shall annex to the CITY prior to development. As used in this subsection, “development” includes the construction of any residential dwelling unit or structure related accessory structures. This requirement may be waived only if documentation is provided from the CITY authorizing the COUNTY to issue the necessary permit(s) for development.

B. Land divisions in Area A that would create lots less than 10 acres in size shall not be approved by the COUNTY.

C. The CITY is responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 with Area A of the urban planning area.

C. Urban Planning Area C
1. Urban Planning Area C includes the unincorporated areas contiguous to the CITY and included within the UGB since 2004 and future areas brought into the UGB per Section III of this Agreement (Concept Planning for Urban Reserve Areas) for which the CITY conducts comprehensive planning. Urban Planning Area C is designated on “Exhibit A” to this Agreement.

2. Specific Comprehensive Planning Responsibilities

a. The CITY shall be responsible for comprehensive planning within Urban Planning Area C.

b. For areas within Urban Planning Area C brought into the UGB between 2004 and 2017, the COUNTY and CITY shall enter into an agreement regarding the expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.

c. For areas brought into the UGB after 2017, the CITY and COUNTY will implement the applicable Urban Reserve concept plan and related agreements. The CITY will amend the CITY comprehensive plan to include this area, consistent with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.

3. The COUNTY shall not approve a land division within the unincorporated areas of Urban Planning Area C that is inconsistent with the provisions of the Future Development 20-Acre District (FD-20).

D. General Comprehensive Planning and Development Policies in All Urban Planning Areas

1. The CITY is responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660, Division-11 for the Urban Planning Areas and Urban Reserve Planning Areas.

2. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and
transportation facilities within the Urban Planning Area. Exceptions may include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

V. Annexations

A. The COUNTY and CITY recognize the CITY as the ultimate service provider of urban services to the Hillsboro Urban Service Area as specified in the Hillsboro Urban Service Agreement. The COUNTY also recognizes the CITY as the ultimate local governance provider to all of the territory in the Hillsboro Urban Service Area, including unincorporated properties. As properties are annexed to the CITY, the CITY will provide services to them as specified in the Hillsboro Urban Service Agreement.

B. So that all properties within the Hillsboro Urban Service Area will be served by the CITY, the COUNTY and CITY will be supportive of annexations to the CITY that are consistent with the Hillsboro Urban Service Agreement.

C. The COUNTY expressly consents to the annexation of COUNTY right-of-way in all CITY Urban Planning Areas that are annexed under ORS 222.125 or 222.175, provided that an agreement is in place regarding the expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for County roads.

D. The CITY shall notify the COUNTY of proposed annexations once initiated, but in no case less than 35 calendar days prior to the first hearing on the matter.

E. Upon annexation within Urban Planning Area A or B, the CITY will initiate Comprehensive Plan Land Use and Transportation Map changes on those recently annexed properties to CITY land use designations and functional street classifications corresponding as closely as possible to those designations and classifications already adopted by Washington County for those properties and streets.

F. The CITY and COUNTY desire to transfer COUNTY services to the CITY in an orderly and efficient manner upon annexation so that service provision to residents and businesses will not be interrupted or diminished.

G. So that there will be an orderly and efficient transfer of services to the CITY, the COUNTY and CITY commit to:
1. Develop a long-term annexation strategy to bring unincorporated properties in the Hillsboro Urban Service Area into the CITY. Work to develop this strategy shall begin in 2005; and

2. The CITY will provide all services to Urban Reserve Areas upon annexation and the COUNTY will withdraw these areas from any/all COUNTY service districts, unless otherwise provided through an Inter-Governmental Agreement; and

3. Consult with other service providers, property owners, businesses, the Washington County Committee for Citizen Involvement, and affected County Community Citizen Participation Organizations and any appropriate CITY citizen participation groups to develop this strategy.

VI. Amendments to the Urban Planning Area Agreement

A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this Agreement or the Urban Planning Area Boundary:

1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency. In addition, the CITY or the COUNTY shall send a copy of the Request for Amendment to affected Community Participation Planning Organizations (CPOs).

2. The formal request shall contain the following:
   a. A statement describing the amendment.
   b. A statement of findings indicating why the proposed amendment is necessary.
   c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.

3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 calendar days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination.
that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:

a. **If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section VI.A. (3)**, the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) calendar days of the date it is determined that a proposed amendment creates a disagreement, and shall be completed within ninety (90) calendar days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.

b. Upon completion of the joint study, the study and the recommendations draw from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement periodically on a periodic basis to evaluate the effectiveness of the processes set forth herein and to make any amendments. The review process shall be completed in a timely manner mutually agreed to by both parties. Both parties shall make a good faith effort to resolve inconsistencies that may have developed since the previous review. If inconsistencies still remain at the conclusion of the review period, either party may terminate this Agreement.

C. Any change to the CITY boundary due to annexation or any change to the UGB boundary within the CITY’s Urban Planning Area automatically amends “Exhibit A” without further amendment to this Agreement. The COUNTY and CITY, in conjunction with other Washington County cities, shall begin in 2005 to further update all county-city urban planning area agreements so they address planning issues and initiatives that have occurred since 1988.

VII. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County – Hillsboro Urban Planning Area Agreement dated September 13, 2006. The effective date of this agreement shall be the last date of signature on the signature pages.
IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF HILLSBORO

By ___________________________ Date ___________________________
   Mayor

Approved as to Form:

By ___________________________ Date ___________________________
   City Attorney

By ___________________________ Date ___________________________
   City Recorder

WASHINGTON COUNTY

By ___________________________ Date ___________________________
   Chair, Board of Commissioners

Approved as to Form:

By ___________________________ Date ___________________________
   County Counsel

By ___________________________ Date ___________________________
   Recording Secretary
Delete Map Exhibit A of the Washington County - Hillsboro Urban Planning Area Agreement effective September 13, 2006
Delete Map Exhibit A of the Washington County - Hillsboro Urban Planning Area Agreement effective September 13, 2006