

EXHIBIT A

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

October 7, 2014

Part 1 - General Findings

Part 2 - Statewide Planning Goal Findings

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

Part 1

GENERAL FINDINGS

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

KEY ORDINANCE PROVISIONS

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

Part 2

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 787 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR) requirements, Metro’s Urban Growth Management Functional Plan (UGFMP) and the Washington County Comprehensive Plan. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the Post-Acknowledgement Plan Amendment (PAPA) process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the proceeding below. In addition, none of the proposed changes to the map and text of the plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of A-Engrossed Ordinance No. 787.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, the Comprehensive Plan for the Urban Area (CFP), the Community Development Code (CDC), Transportation System Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 787. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 3 – Agricultural Lands

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made to the county’s Community Development Code (CDC) by A-Engrossed Ordinance No. 787. The amendments are consistent with Goal 3; OAR Chapter 660, Division 33; and the county’s acknowledged policies for preservation of farmland. This conclusion is supported by the following facts:

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

Goal 4 – Forestlands

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

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

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

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

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

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

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County.

The CDC requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 787. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11.

Goal 12 - Transportation

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

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 787. The amendments are consistent with the county's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12) and the Regional Transportation Plan (RTP).

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

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

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

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

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

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

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

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

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

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

Goal 13 - Energy Conservation

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

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

Goal 14 - Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

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

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

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

Part 3

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

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

Title 8 - Compliance Procedures

Title 8 sets forth Metro’s procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to Comprehensive Plans.

Title 8 requires jurisdictions to submit notice to Metro at least 45 days prior to the first evidentiary hearing for a proposed amendment to a Comprehensive Plan. Staff sent Metro a copy of proposed Ordinance No. 787 on June 19, 2014, 47 days prior to the first evidentiary hearing. Staff contacted Metro and received no comments on the proposed ordinance.

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