

## **FINDINGS FOR A-ENGROSSED ORDINANCE NO. 822**

### **An Omnibus Ordinance Amending the Rural / Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Community Development Code.**

**October 17, 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. 822 is an omnibus ordinance providing minor amendments to several elements of the Washington County Comprehensive Plan including the Rural /Natural Resource Plan (RNRP), the Comprehensive Framework Plan for the Urban Area (CFP) and the Community Development Code (CDC).

#### **Key Ordinance Provisions**

- Clarify school district documentation and notice requirements for large school districts (RNRP, CFP and CDC)
- Clarify limits on plan amendments for property designated as urban or rural reserves in compliance with state law (RNRP)
- Update a reference to Metro’s Urban Growth Management Functional Plan for ‘Area of Special Concern 4’ regarding Industrial Lands (CFP)
- Require a neighborhood meeting when a Type II or III Commercial, Institutional or Industrial use is proposed within 125 feet of a residential area (CDC)
- Change appeal authority for Type III Transit Oriented developments to be the same as other Type III appeals (CDC)
- Allow heat pumps and air conditioning units in the required residential side yard (CDC)
- Allow the front yard setback to be reduced to five (5) feet as approved by the Building Official in manufactured dwelling subdivisions created before December 27, 1983 (CDC)

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 County is also required to make findings that the amendments are consistent with the requirements of Metro’s Urban Growth Management Functional Plan (UGMFP) and Regional Transportation Plan (RTP). 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. 822 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. 822.

A-Engrossed Ordinance No. 822 amends the CDC to clarify neighborhood meeting requirements in order to provide additional opportunity for early public involvement when a commercial, institutional or industrial proposal is located within 125 feet of a residential district. Neighborhood meetings inform the adjacent neighborhood early in the development review process, resulting in a more timely review of development applications and provide an opportunity for meaningful citizen engagement in the process. A-Engrossed Ordinance No. 822 is consistent with Goal 1.

**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. 822.

Notice was coordinated with all affected governmental entities and comments received regarding A-Engrossed Ordinance No. 822 were addressed either as part of the proceedings or with subsequent staff coordination.

### **Goal 3 - Agricultural Lands**

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

The minor amendment to Policy 1 of the RNRP clarifies the general plan amendment provisions, including the addition of a reference to OAR 660-027-0070 in order to make applicants aware of the restrictions and limited exceptions to plan amendment requests within the urban and rural reserves, regardless of current land use designation. A-Engrossed Ordinance No. 822 is consistent with Goal 3.

### **Goal 4 – Forest Lands**

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

The minor amendment to Policy 1 of the RNRP clarifies the general plan amendment provisions, including the addition of a reference to OAR 660-027-0070 in order to make applicants aware of the restrictions and limited exceptions to plan amendment requests within the urban and rural reserves, regardless of current land use designation. A-Engrossed Ordinance No. 822 is consistent with Goal 4.

### **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.

Regulatory protection of the County’s existing Goal 5 Resources will not change as a result of the amendments in A-Engrossed Ordinance No. 822 and none of the CFP policies described above were amended. A-Engrossed Ordinance No. 822 does not allow any new uses in any affected land use district and therefore does not conflict with acknowledged Goal 5 resources.

**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. 822 does not directly impact housing units, types or densities or policies found in the CFP and RNRP. The amendments to the CDC allow a reduced front yard setback for manufactured dwelling subdivisions, approved before December 27, 1983. This allows greater flexibility in siting newer and often larger replacement manufactured homes on existing smaller, platted manufactured home lots. The amendments help preserve a relatively affordable housing option while still maintaining necessary health and safety requirements. A-Engrossed Ordinance No. 822 is consistent with 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. 822 amends Policy 1 (The Planning Process) of both the RNRP and the CFP concerning the current County practice of notifying large school districts twenty (20) days in advance of a hearing, reflecting state law and current practice. The amendment also clarifies the documentation required from a school district for quasi-judicial or legislative comprehensive plan amendments that impact the planned density of residential land or a residential land use regulation amendment. A related change amends CDC Section 501-9.10, regarding Public Facility and Service Requirements Outside the UGB, making the school documentation requirements similar to the requirements for areas inside the UGB. A-Engrossed Ordinance No. 822 reflects state law provisions and is consistent with 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. 822 does not 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).

The amendments in A-Engrossed Ordinance No. 822 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in A-Engrossed Ordinance No. 822 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. The amendments in A-Engrossed Ordinance No. 822 make no amendments to the Transportation System Plan and require additional transportation analysis before changes would be considered. Therefore, the amendments found in A-Engrossed Ordinance No. 822 are consistent with the TPR.

#### **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. 822 does not add any land to the UGB or urbanize any land. Urban and rural reserves in the Portland Metro Area are implemented through Oregon Administrative Rules (OAR) Chapter 660, Division 027. Policy 1 of the RNRP describes the planning process and the implementing strategies for plan amendments in the rural areas. The general limitations for plan amendments outlined in this policy include conformance with applicable LCDC Goals, state statutes, administrative rules, and policies and strategies of the RNRP and Transportation Plan elements of the County Comprehensive Plan.

The minor amendment to Policy 1 clarifies this general plan amendment provision, including the addition of a reference to OAR 660-027-0070. The intent is to make applicants aware of the restrictions and limited exceptions to plan amendment requests within the urban and rural reserves, regardless of current land use designation. Goal 14 will apply to future decisions to add Urban Reserve lands to the UGB. A-Engrossed Ordinance No. 822 is consistent with Goal 14.

**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. 822 findings have been prepared to address Title(s) 1, 4, 8, 11 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.

A-Engrossed Ordinance No. 822 amends sections of the CDC, which does not directly address housing capacity or housing need. However, reducing the front yard setbacks for manufactured dwelling subdivisions developed before 1983, allows greater flexibility when siting manufactured homes on existing lots, thus preserving an existing affordable housing type. A-Engrossed Ordinance No. 822 is consistent with Title 1.

**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.

A-Engrossed Ordinance No. 822 does not directly provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in RSIAs, Industrial and Employment Areas. CFP Policy 41, Implementing Strategy d. 4. identifies the criteria for development within ASC 4, an approximately 354-acre area between Tualatin and Sherwood. According to Metro’s Title 4 Map of Industrial and Other Employment Areas, ASC 4 is not considered a RSIA and the correct citation for the industrial land should be Section 3.07.430, rather than 3.07.420. This minor amendment corrects the inaccurate reference. A-Engrossed Ordinance No. 822 clarifies Metro’s regulations and is consistent with Title 4.

**Title 8 - Compliance Procedures**

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

Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

Consistent with Title 8, a copy of proposed A-Engrossed Ordinance No. 822 was mailed to Metro June 12, 2017, 37 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 822 was mailed to Metro on August 23, 2017. Metro provided no comments on A-Engrossed Ordinance No. 822.

### **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.

Urban and rural reserves in the Portland Metro Area are implemented through Oregon Administrative Rules (OAR) Chapter 660, Division 027. Policy 1 of the RNRP describes the planning process and the implementing strategies for plan amendments in the rural areas. The minor amendment proposed to Policy 1 seeks to clarify this general plan amendment provision, including the addition of a reference to OAR 660-027-0070. The intent is to make applicants aware of the restrictions and limited exceptions to plan amendment requests within the urban and rural reserves, regardless of current land use designation. A-Engrossed Ordinance No. 822 is consistent with Title 11.

### **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.

A-Engrossed Ordinance No. 822 does not add any land to the UGB or urbanize any land. The amendments do not change any criteria for UGB decisions. A-Engrossed Ordinance No. 822 is consistent with Title 14.