



July 27, 2009

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 718**

Enclosed for your information is a copy of proposed Ordinance No. 718. 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 the Long Range Planning Division.

Ordinance Purpose and Summary

Ordinance No. 718 proposes to 1) amend the Washington County Transportation Plan to change the Functional Classification of one roadway and the Special Area Street designation of sections of four roadways in the Cedar Mill/Cedar Hills area, and to clarify that removal of proposed roadways from the Transportation Plan must be done through legislative action; and 2) amend the Community Development Code to correct references to the Traffic Impact Fee and to clarify how off-street trails and pathways are addressed in the land development process.

Who Is Affected

Property owners in Cedar Hills and West Haven area of Cedar Mill may be affected by this proposal, particularly those near or adjacent to existing and planned sections of roadways identified in the **Key Provisions** section below.

What Land is Affected

Properties in Cedar Hills and Cedar Mill areas near or adjacent to facilities whose functional classification or Special Area Street Designation is modified by this proposal, as delineated in the **Key Provisions** section below.

Key Provisions

- Specific amendments to the Washington County Transportation Plan include:
 - Changing the Functional Classification of existing and proposed sections of Baltic/95th between Taylor Street and St. Vincent Hospital from Neighborhood Route to Collector;
 - Changing the Special Area Street designations of proposed and existing sections of Baltic/95th between Taylor Street and St. Vincent Hospital from Special Area Neighborhood Route to Special Area Collector;
 - Changing the Special Area Street designations of portions of Marlow, Butner and 90th Avenue to achieve consistency with the Functional Classification map or to reflect action already taken during the land development process; and
 - Clarifying that deletion of a proposed road from the Transportation Plan must be done through legislative action.

- Specific amendments to the Washington County Community Development Code include:
 - Correcting some references to the Traffic Impact Fee; and
 - Clarifying how off-street trails and pathways and Special Area Trails are addressed in the land use permit application process.

Initial Public Hearings -- Time and Place

Planning Commission
1:30 pm
September 2, 2009

Board of County Commissioners
10:00 am
October 6, 2009

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 North 1st Avenue, Hillsboro, Oregon.

On October 6, 2009, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 5, 2009.

2020 Transportation Plan Amendments

- Amendments to planned roadway designations in the Cedar Hills/Cedar Mill area, as depicted on the following maps and text:
 - 'Functional Classification System' map (Figure 4D);
 - 'Special Area Street Overlay – Sunset Station Area' map (Figure 6); and
 - Transportation Plan Monitoring Strategy 22.3.

Community Development Code Amendments

- Amendments to Community Development Code Section 501, addressing Traffic Impact Fee references in subsections 6.5, 6.6, 8.2 and 8.5, and off-street trails and pathway provisions in subsections 7.1 and 8.3.

How to Submit Comments

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Long Range Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

Blair Crumpacker, Senior Planner
155 North 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3878 Fax: 503-846-4412
e-mail: Blair_Crumpacker@co.washington.or.us

Proposed Ordinance is available at the following locations:

- Washington County Department of Land Use & Transportation Long Range Planning Division, 155 North 1st Ave. Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- <http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2009landuseordinances.cfm>
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

JUL 14 2009

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 718

An Ordinance Amending the Washington
County 2020 Transportation Plan and the
Community Development Code relating
to a General Update

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, and 711.

B. The Board of County Commissioners of Washington County, Oregon ("Board") recognizes that the Transportation Plan Element of the Comprehensive Plan (Volume XV) was adopted on October 25, 1988, by way of Ordinance Nos. 332 and 333 with portions subsequently amended by Ordinance Nos. 343, 382, 409, 419, 426, 432, 450, 463, 470, 471, 473, 474, 480, 483-485, 493, 494, 503, 515, 526, 537, 542, 546, 552, 556, 588, 601, 609, 611, 626, 627, 631, 642, 649, 663, 674, 683, and 713.

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1 C. Subsequent ongoing planning efforts of the County indicate a need for minor amendments
2 to the 2020 Transportation Plan to provide more clarity and to comply with the principles, standards and
3 guidelines set forth in the Plan, and to the Community Development Code for purposes of clarification.
4 The Board takes note that such changes are necessary to assure consistency with existing system maps,
5 plans, and code and are for the benefit of the health, safety, and general welfare of the residents of
6 Washington County, Oregon.

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

13 E. The Board finds and takes public notice that it is in receipt of all matters and information
14 necessary to consider this Ordinance in an adequate manner, and finds that this Ordinance complies with
15 the Statewide Planning Goals, the standards for legislative plan adoption as set forth in Chapters 197 and
16 215 of the Oregon Revised Statutes, the Washington County Charter, the Washington County Community
17 Development Code, and the Washington County Comprehensive Plan.

18 SECTION 2

19 The following Exhibits, attached and incorporated herein by reference, are hereby adopted as
20 amendments to the following documents:

21 A. Exhibit 1 (1page) – amending the “Functional Classification System” map of the
22 Washington County 2020 Transportation Plan to change the designation of

1 Baltic/95th North of the Sunset Highway from Neighborhood Route to Collector
2 North to Taylor;

- 3 B. Exhibit 2 (1 page) – amending the “Special Area Street Overlay, Sunset Station
4 Area” map of the Washington County 2020 Transportation Plan to modify
5 identified portions of existing Marlow and Butner from Special Area
6 Neighborhood Route to Special Area Collector, to modify identified portions of
7 95th from Special Area Neighborhood Route to Special Area Collector, and to
8 designate the identified portion of 90th as a Special Area Neighborhood Route.
- 9 C. Exhibit 3 (1 page) – amending the Washington County 2020 Transportation Plan
10 Monitoring Strategy 22. 3 to clarify that deletion of a proposed road in the Plan
11 must be done legislatively;
- 12 D. Exhibit 4 (1 page) – amending the Community Development Code (CDC)
13 Sections 501-6.5, 6.6, 8.2, and 8.5 to correct the identified references to
14 “Transportation Development Tax” to “Traffic Impact Fee;” and
- 15 E. Exhibit 5 (2 pages) – amending CDC Sections 501-7.1 and 8.3 to clarify that off-
16 street trails and pathways and Special Area Trails are included among Desirable
17 Services as defined in CDC 501-7.1C and to clarify how these facilities should be
18 addressed in the land use permit application process.

19 SECTION 3

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

22 SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS
215.427 (2007 Edition).

SECTION 5

If any portion of this Ordinance, including the exhibit, 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.

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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 _____, 2009, 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

READING

PUBLIC HEARING

First _____
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

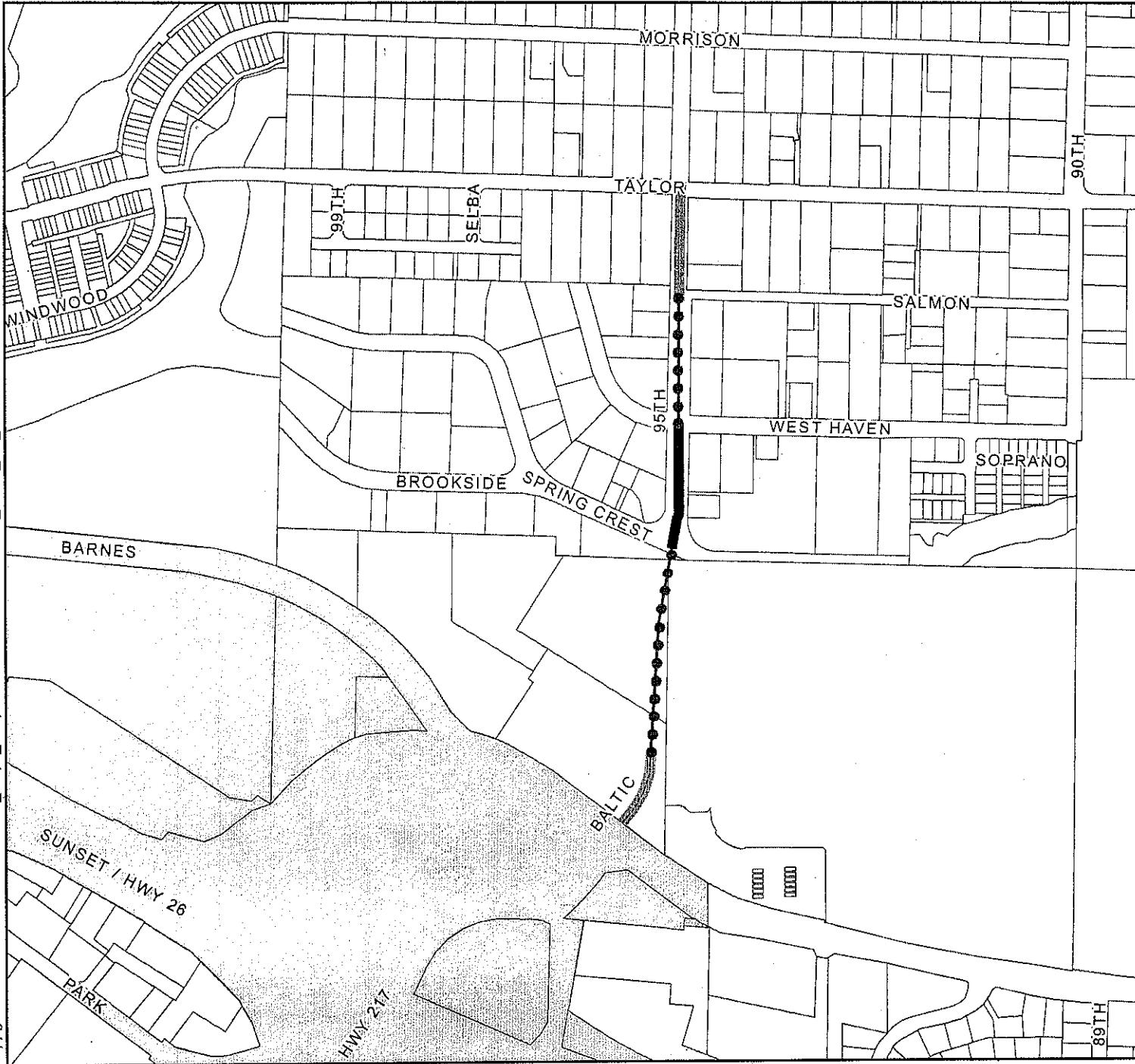
First _____
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Sixth _____

VOTE: *Aye*: _____







Nay: _____

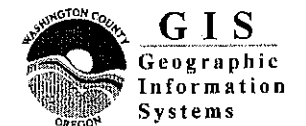
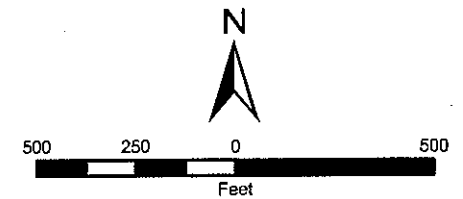
Recording Secretary: _____ Date: _____

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Amend the 'Functional Classification System' map of the Washington County 2020 Transportation Plan as indicated:

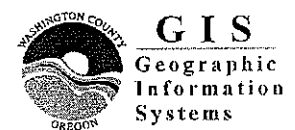
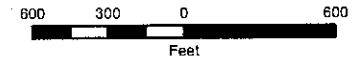
-  Change from Neighborhood Route to a Proposed Collector.
-  Change from Proposed Neighborhood Route to a Collector.
-  Change from Proposed Neighborhood Route to a Proposed Collector.
-  Change from Neighborhood Route to a Collector.
-  Tax Lots
-  City of Beaverton



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

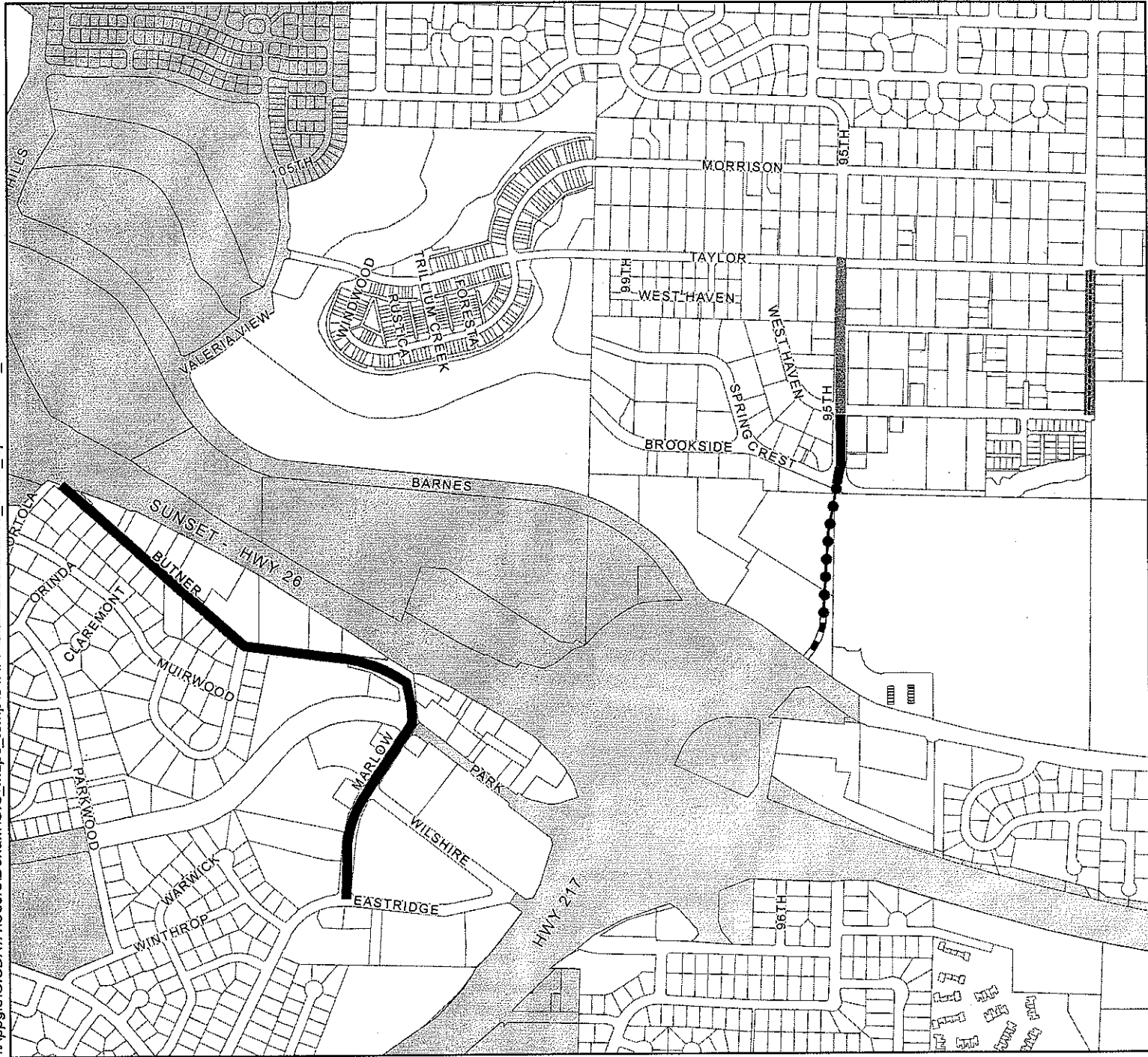
Amend the 'Special Area Street Overlay Sunset Station Area' map of the Washington County 2020 Transportation Plan as indicated:

-  Change from Special Area Neighborhood Route to Proposed Special Area Collector.
-  Change from Special Area Neighborhood Route to Special Area Collector.
-  Change from Proposed Special Area Neighborhood Route to Proposed Special Area Collector.
-  Designate Special Area Neighborhood Route.
-  Change from Special Area Neighborhood Route to Special Area Collector.
-  Tax Lots
-  City of Beaverton



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The Washington County 2020 Transportation Plan Monitoring Strategy 22.3 is amended to read as follows:

22.3 Provide for amendments and administrative adjustments to the Transportation Plan that include the following:

A. Legislative Amendments:

Those changes which involve the creation, broad scale implementation or revision of public policy, including large scale map changes where a significant number of property owners are directly affected, may be processed as legislative plan amendments, including public hearings, as provided for in the Community Development Code. These include but are not limited to the Functional Classification Map and descriptions, Bicycle System Map (excluding alignment modifications to off-street pathways), Plan policies, modifications to the general location of facilities identified in the plan, ~~and~~ selection of the general location of a facility in a Corridor Study Area and deletion of proposed facilities identified in the plan.

The Washington County Community Development Code is amended to read as follows:

- 501-6.5 If an exception to Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] is granted pursuant to Section 501-6.3, the applicant shall:
- B. Assure the following, with said assurance provided prior to issuance of a building permit:
- (2) All identified safety improvements, both on-site and within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the ~~Transportation Development Tax~~Traffic Impact Fee Ordinance – Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development; and
- 501-6.6 Notwithstanding the provisions of this Section 501-6, all new construction and expansion of the existing structures shall pay the ~~Traffic Impact Fee~~Transportation Development Tax, except as provided in the Transportation Development Tax Ordinance (Ordinance 691). No exception to the Transportation Development Tax shall be granted except as provided in the Transportation Development Tax Ordinance.
- 501-8.2 Essential Services
- B. Adequate Level of Arterial and Collector Roads
- (1) All identified safety improvements within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the ~~Transportation Development Tax~~Traffic Impact Fee Ordinance – Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development;
- 501-8.5 Access to County and Public Roads
- F. Sight Distance
- (7) In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the Director. The request for modification shall be specifically stated in the notice for the accompanying development permit and shall be considered as part of said development permit. The request for modification of the sight distance requirements shall be subject to the following:
- (c) Certified that the modification will not compromise safety or the intent of the County's transportation standards, which include but are not limited to the following: Washington County Transportation Plan; Washington County Uniform Road Improvement Design Standards; Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements Under the ~~Transportation Development Tax~~Traffic Impact Fee Ordinance - Process Documentation); Community Plans; Comprehensive Framework Plan for the Urban Area; and the Community Development Code;

Community Development Code Article V, Public Facilities and Services, is amended to reflect the following:

1. *Revisions to Section 501-7:*

501-7 Levels of Public Facilities and Services

501-7.1 Implementation strategies of the Comprehensive Plan have placed Public Facilities and Services into three (3) categories for development:

- A. Critical Services -- public water, public sewer, fire protection, drainage and access on Local and Neighborhood Route roads;
- B. Essential Services -- schools, Arterial (including State highways) and Collector roads, transit improvements, police protection, street lighting and on-site pedestrian facilities in the public right-of-way; and
- C. Desirable Services -- public transportation service; parks; bicycle facilities; and off-site pedestrian facilities, including off-street trails identified on the Transportation Plan Trails and Pedestrian System map, off-street pathways, Special Area Trails and Pedestrian Connectivity Areas identified on the Community Plans.

2. *Revisions to Section 501-8.3:*

501-8.3 Desirable Services

A. Pedestrian walkways, off-street trails and pathways, and bicycle facilities

- (1) Applications may be conditioned to provide on- and off-site pedestrian walkways, off-street trails and pathways; and on- and off-site bicycle facilities, including appropriate open space or easement reservations or dedications, when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.
- (2) Applications shall address any off-street trail, pathway or walkway identified on the Transportation Plan Trails and Pedestrian System map or the applicable Community Plan (including facilities identified in Pedestrian Connectivity Areas), that is adjacent to or in proximity to the subject site. Specifically, the applicant shall:
 - (a) Provide documentation from the current or identified long-term trail provider about needed open space or easement reservations or dedications and/or any necessary improvements for any identified on or off site walkway, trail, or pathway; and,

(b) Include in the submitted site plan any open space or easement reservation or dedication area and/or off-street trail, pathway or walkway identified by the trail provider in the documentation provided pursuant to (a) above.

B. Park and recreation facilities

- (1) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:
 - (a) The property lies within an area identified for park service by the Park District in an urban service agreement; or,
 - (b) If no urban service agreement applies to the property, the property lies between the Hillsboro, Tigard and Portland Urban Service Boundaries or lies within an area for which the District is designated a party in a cooperative agreement; and
 - (c) The Park District has adopted a Park Master Plan for the area the property is located in.

- (2) Provision of park and recreation services to properties added to the UGB after 1998:

No development shall be approved on property added to the UGB after 1998 when a Park District is identified as the long-term park and recreation service provider and the subject property is located outside of the Park District's boundary unless the property is annexed to the District.

- (3) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the County a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application. Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for land divisions and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.