AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category:	Public Hearing – First Reading and First Public Hearing Land Use & Transportation; County Counsel (CPO 4K)
Agenda Title:	**CONSIDER PROPOSED ORDINANCE NO. 836 – AN ORDINANCE AMENDING THE WASHINGTON COUNTY – KING CITY URBAN PLANNING AREA AGREEMENT, AN ELEMENT OF THE COUNTY COMPREHENSIVE PLAN**
Presented by:	Andrew Singelakis, Director of Land Use & Transportation Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 836 proposes to amend the 2001 Washington County – King City Urban Planning Area Agreement (UPAA). Amendments to the UPAA include: adding policies and processes for coordinating concept planning in King City's identified Urban Reserve Planning Area and minor changes to the policies and processes for comprehensive planning in the Urban Planning Area. The map of the planning area is revised to reflect King City's Urban Reserve Planning Area, changes to the Urban Planning Area and annexations since the last update. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

At its Aug. 1, 2018 public hearing for this ordinance, the Planning Commission voted 7 - 0 to recommend that the Board adopt Ordinance No. 836 as filed. A staff report will be provided to the Board prior to the Aug. 28 hearing and posted on the above land use ordinance webpage. Copies of the report will be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and 12 minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 836 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 836 and related findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	**5.b.**
Date:	08/28/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 836

An Ordinance Amending the Washington County – King City 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 King City ("City") was adopted by Ordinance No. 332 on October 25, 1988 and amended by Ordinance No. 547 on April 25, 2000.

B. Following the Urbanization Forum process, Washington County ("County") and the City recognized, through Washington County Resolution and Order 09-63 and City of King City Resolution No. 2009-05, 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 City and 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.

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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 – King City Urban Planning Area Agreement, an Element of the Washington County Comprehensive Plan as follows:

A. Exhibit 1 (10 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;

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3. Deletes Map "Exhibit A" of the Washington County – King City Urban Planning Area Agreement effective April 25, 2000; and

4. Adds new map "Exhibit A" of the Washington County – King City Urban Planning Area Agreement.

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.

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SECTION 7

This Ordinance shall take effect 30 days after adoption.

ENACTED this 28th day of August, 2018, being the first reading and first public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ADOPTED

Andy Duyck
CHAIRMAN

A D. Noyola
RECORDING SECRETARY

READING		PUBLIC HEARING	
First	August 28, 2018	First	August 28, 2018
Second		Second	
Third		Third	
Fourth		Fourth	
Fifth		Fifth	
Sixth		Sixth	

VOTE: *Aye:* Rogers, Schaufen, Malinowski, Terry, Duyck *Nay:* NONE

Recording Secretary: Ana D. Noyola Date: August 28, 2018

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Washington County -- King City
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 KING CITY, 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, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution 2009-05, 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 the 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

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 a site-specific Urban Planning Area within the UGB where~~Regional Urban Growth Boundary within which~~ both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning;

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

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

4. A process to amend the Urban Planning Area Agreement.~~; and~~

~~WHEREAS, subsequent to the date of the prior Urban Planning Area Agreement (UPAA) the CITY has annexed a portion of the Urban Planning Area into the CITY and land outside of and adjacent to the Urban Planning Area has been added to the regional urban growth boundary and must be planned for future urban development; and~~

~~WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the changes in the CITY boundary and the regional urban growth boundary and the need for urban planning of the new urban land.~~

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, Area of Interest and Urban Reserve Planning Area mutually defined by the COUNTY and the CITY includes the areas designated on the Washington County-King City UPAA "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 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 approval 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 35 calendar ~~that 45~~ 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 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 by first class mail or as an attachment to electronic mail ~~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, partitionings~~ or planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process ~~which is quasi-judicial in nature~~.

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 ~~e~~affect on unincorporated portions of the designated Urban Planning Area or the COUNTY's transportation network.

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 which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than 20 calendar~~ten (10)~~ 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.

D. Annexation of COUNTY Urban Areas

The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.

1. Definition

   The CITY's Area of Interest means the unincorporated urban land adjacent to the CITY and within the CITY's Urban Planning Area.

2. The CITY's Area of Interest is identified on "Exhibit A" to this Agreement.

3. The CITY does not conduct comprehensive planning for the CITY's Area of Interest until after annexation to the CITY, but maintains an interest in the COUNTY's comprehensive planning and development actions because of the potential impacts to the CITY's Urban Planning Area.

4. ~~For land which has COUNTY urban plan designations other than Future Development 10 Acre (FD-10)~~Upon annexation of land identified within the CITY's Area of Interest, the CITY agrees to convert COUNTY plan designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations. ~~For land which has COUNTY rural plan designations which have been included inside the regional urban growth boundary (UGB) by Metro, or land with the FD-10 District designation, the CITY shall be responsible for comprehensive planning, including necessary work to comply with Statewide planning goals and associated administrative rules and Metro requirements for lands within the UGB. The CITY and COUNTY will enter into an intergovernmental agreement pursuant to which the CITY will adopt urban plan and zoning designations for the land. The parties will apply the coordination provisions of paragraph II.A.2. of the UPAA. The urban designations will not become effective and development of the land pursuant to the designations will not occur until the land has been annexed to the CITY. As an interim measure, the COUNTY will adopt the FD-10 plan designation for lands which have been included inside the UGB by Metro.~~

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.

B. The CITY's Urban Reserve Planning Area is 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 URPA 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 URPA. 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 URPA shall be designated as part of Urban Planning Area, as described below. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

F. Once an URPA has been added to the UGB and prior to annexation into the CITY, the COUNTY will apply the FD-20 land designation to the land.

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

A. The CITY's Urban Planning Area is identified on "Exhibit A" to this Agreement.

The CITY and COUNTY will implement any 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. Until the CITY adopts a transportation system plan (TSP), the COUNTY's TSP will serve as the TSP for the Urban Planning Area.

B. As required by OAR 660-11-010 the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions 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.

C. The CITY is responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area.

V. ~~I.~~ Amendments to the Urban Planning Area Agreement

A. Amendments may be proposed periodically at the initiation of either party. These may include, but are not limited to amendments to the language of this agreement or additions or modifications to the CITY's identified Urban Planning Area.

B. 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.

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 ~~I~~V. B. ~~(~~3.~~)~~ the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 30 calendar days of the

date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 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.

C.~~B~~ The parties will jointly review this Agreement periodically ~~every two (2) years~~ to evaluate the effectiveness of the processes set forth herein and to make any amendments. ~~The review process shall commence two (2) years from the date of execution and shall be completed within 60 days.~~ Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the 60-day review period inconsistencies still remain, either party may terminate this Agreement.

VI. This agreement shall become effective upon full execution by the COUNTY and CITY and shall then repeal and replace the Urban Planning Area Agreement dated December 28, 2001~~October 25, 1988~~. The effective date of this Agreement shall be the last date of signature on the signature page.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF KING CITY

By _____ Date _____
Mayor

Approved as to Form:

By _____ Date _____
City Recorder

WASHINGTON COUNTY

By _____ Date _____
Chair, Board of Commissioners

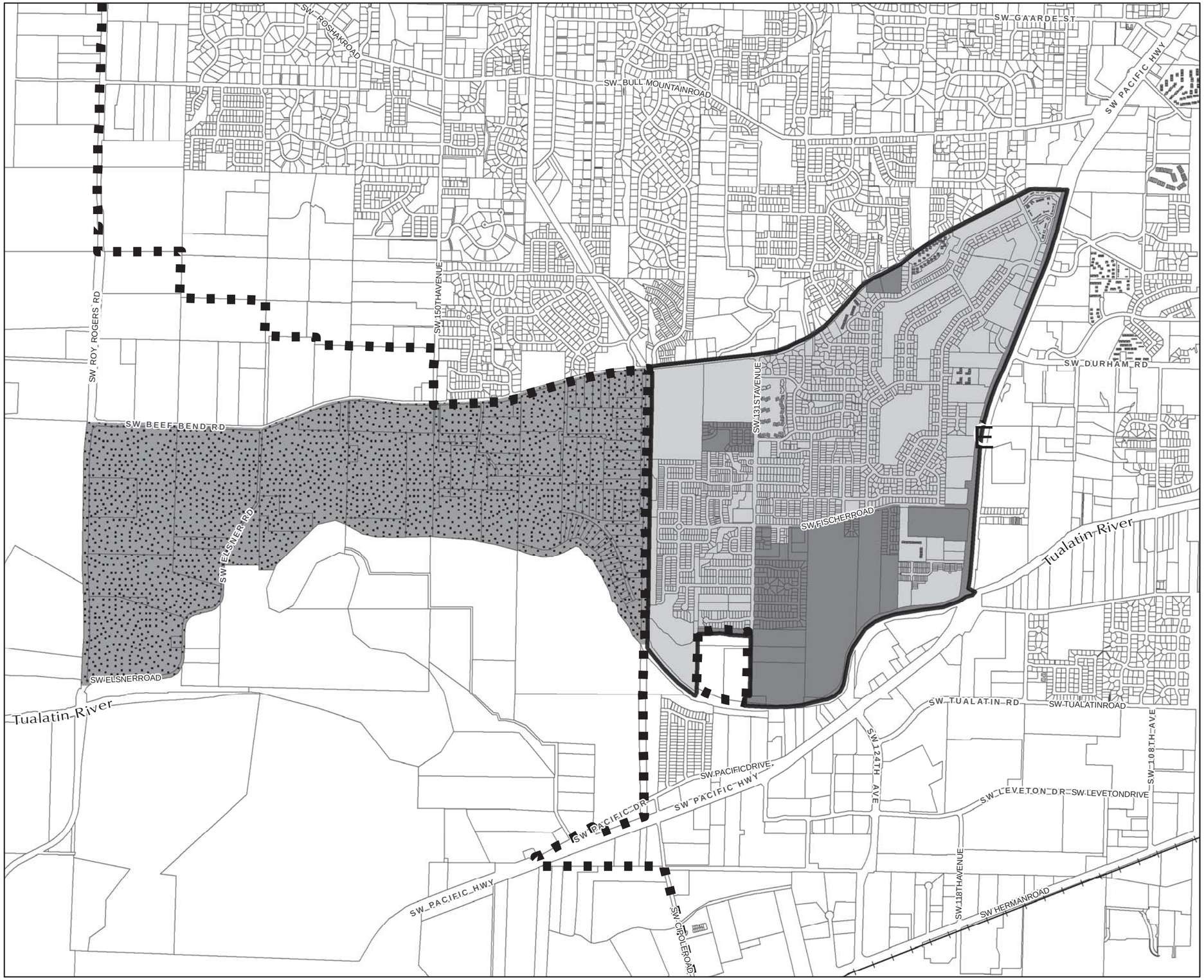
Approved as to Form:

By _____ Date _____
County Counsel

By _____ Date _____
Recording Secretary

City of King City
Urban Planning Area

Washington County - King City
Urban Planning Area Agreement
Exhibit A



- City Limits
- Urban Planning Area
- Area of Interest
- Urban Reserve Planning Area
- Urban Growth Boundary
- Railroad Right-of-Way

1 inch = 1,500 feet

0 750 1,500 2,250 3,000 Feet

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WASHINGTON COUNTY OREGON

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO 4K)

Agenda Title: **ADOPT FINDINGS FOR ORDINANCE NO. 836**

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 836 amends the 2001 Washington County – King City Urban Planning Area Agreement. Ordinance No. 836 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 836. Prior to the Aug. 28, 2018 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk's desk.

Attachment: Resolution and Order

RO Exhibit A (Ordinance Findings) is linked online.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 836 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 18-81

Agenda Item No.	**6.a.**
Date:	08/28/18

IN THE BOARD OF COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting Legislative Findings in Support of Ordinance No. 836	)))	RESOLUTION AND ORDER No. 18-81

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of August 28, 2018; and

It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 836; and

It appearing to the Board that the findings attached and herein incorporated as "Exhibit A" constitute appropriate legislative findings with respect to the adopted ordinance; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on August 1, 2018, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of Ordinance No. 836 are hereby adopted.

DATED this 28th day of August, 2018.

	AYE	NAY	ABSENT
DUYCK	✓	—	—
SCHOUTEN	✓	—	—
MALINOWSKI	✓	—	—
ROGERS	✓	—	—
TERRY	✓	—	—

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Chairman

APPROVED AS TO FORM:

County Counsel
For Washington County, Oregon

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 836

AN ORDINANCE AMENDING THE WASHINGTON COUNTY – KING CITY URBAN PLANNING AREA AGREEMENT, AN ELEMENT OF THE WASHINGTON COUNTY COMPREHENSIVE PLAN

August 28, 2018

Part 1 – General Findings
Part 2 – Statewide Planning Goal Findings
Part 3 – Metro Urban Growth Management Functional Plan Findings
Part 4 – Metro Regional Transportation Functional Plan Findings

Part 1: GENERAL FINDINGS

Ordinance No. 836 amends the Washington County – King City Urban Planning Area Agreement (UPAA), an element of the Comprehensive Plan. Proposed updates include adding policies and processes for coordinating concept planning in the Urban Reserves within King City'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 King City's Urban Reserve Planning Area, changes to the Urban Planning Area and annexations since the last update.

Key Ordinance Provisions

- Minor changes to the processes and policies for coordinating comprehensive planning in the Urban Planning Area
- 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
- Exhibit A of the 2001 UPAA is deleted and replaced with a new Exhibit A, a map reflecting the addition of the Urban Reserve Planning Area and recent city annexations
- Minor text changes throughout the document to provide consistency and clarity

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). 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 Ordinance No. 836 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 Ordinance No. 836.

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 Ordinance No. 836.

Notice was coordinated with all affected governmental entities and comments received regarding Ordinance No. 836 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.

With House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. Ordinance No. 836 includes amendments to the King City UPAA that add policies and processes for coordinating concept planning in the Urban Reserve lands within King City's Urban Planning Area. The concept planning required under Title 11 of the UGMFP for the designated Urban Reserve areas will not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Thus, Ordinance No. 836 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.

With House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. Ordinance No. 836 includes amendments to the King City UPAA that add policies and processes for coordinating concept planning in the Urban Reserve lands within King City's Urban Planning Area. The concept planning required under Title 11 of the UGMFP for the designated Urban Reserve areas will not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Thus, Ordinance No. 836 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.

Ordinance No. 836 does not allow any new uses in any affected land use district within the King City Planning Area and therefore will 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.

Ordinance No. 836 does not amend the applicable Plan policies related to housing, Plan designations, or housing density standards. The amendment to the UPAA includes adding policies and processes for coordinating concept planning in the Urban Reserves within King City's area of interest and minor changes to the process for comprehensive planning in the Urban Planning Area and therefore does not conflict 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.

Plan compliance with Goal 11 is maintained with the amendments made to Ordinance No. 836. 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. The amendments identify that the city is responsible, in coordination with the County for developing concept plans in the unincorporated areas within King City's Urban Planning Area. The UPAA includes policies and processes for coordinating concept and comprehensive planning in order to preliminarily identify the likely providers of urban services, as defined in ORS 195.065(4), when the area urbanizes. Ordinance No. 836 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.

Ordinance No. 836 amends the Washington County – King City Urban Planning Area Agreement (UPAA), an element of the Comprehensive Plan. Ordinance No. 836 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 findings of compliance for the applicable TPR provisions are summarized below.

The amendments in Ordinance No. 836 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in Ordinance No. 836 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 Ordinance No. 836 make no amendments to the Transportation System Plan and require additional transportation analysis before changes would be considered. Therefore, the amendments found in Ordinance No. 836 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.

The UGB was last expanded in 1998 to include lands surrounding King City. The expansion was subsequently acknowledged by the Land Conservation and Development Commission (LCDC). The County relies on the findings acknowledged by LCDC to demonstrate compliance with Goal 14.

Ordinance No. 836 does not add any land to the UGB or urbanize any land. The UPAA with King City provides a process, policies and requirements for coordinating concept planning in the designated Urban Reserve Area in order to provide for the orderly and efficient transition from rural to urban land uses. Goal 14 will apply to future decisions to add Urban Reserve lands to the UGB or when lands are annexed in the city's Urban Planning Area as identified in Exhibit A, the King City Urban Planning Area map Ordinance No. 836 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 Ordinance No. 836 findings have been prepared to address Title) 1, 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.

RESPONSE
Ordinance No. 836 amends the Washington County – King City Urban Planning Area Agreement (UPAA), which does not directly address housing capacity or housing need. The UPAA provides an opportunity for King City, along with the County to coordinate planning efforts and develop comprehensive plans that will meet King City's future housing needs and support Title 1 requirements.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 836 was sent June 27, 2018 to Metro, 35 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 836.

Title 11 - Planning For New Urban Areas

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

RESPONSE

In 2014 and 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing Urban and Rural Reserve land designations for the region, including approximately 528 acres of Urban Reserve land within the unincorporated areas surrounding King City. Title 11 identifies the planning responsibilities and guiding policies and requirements for the Urban Reserve areas as they transition from rural to urban uses.

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 appropriate serviceability to the area in compliance with Title 11. Thus, the 2018 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 including specific provisions in the UPAA that directly address Title 11 requirements.

Title 14 – Urban Growth Boundary

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

RESPONSE
Ordinance No. 836 does not add any land to the UGB or urbanize any land. The UPAA provides a process, policies and requirements for coordinating concept planning in the Urban Reserve Area in order to provide for the orderly and efficient transition from rural to urban land uses. Title 14 will apply to future decisions to add Urban Reserve lands to the UGB or when lands are annexed in the city's Urban Planning Area as identified in the King City Urban Planning Area map. Ordinance No. 836 is consistent with Title 14.

Part 4:
REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No 836 with the applicable policies of Metro's Regional Transportation Functional Plan (RTFP).

RESPONSE
Ordinance No. 836 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC. Therefore, the amendments in Ordinance No. 836 are consistent with the policies in the Regional Transportation Functional Plan.