



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 858 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO CITY/COUNTY COORDINATION, AND DEVELOPMENT STANDARDS ASSOCIATED WITH SCOGGINS DAM/HENRY HAGG LAKE AND SPECIAL USE QUARRIES**

Presented by: Stephen Roberts, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 858 proposes to amend the Community Development Code to improve coordination between the County and other jurisdictions in advance of development, and to accommodate previously identified uses (Special Use quarries, Scoggins Dam seismic improvements). A-Engrossed Ordinance No. 858 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

After its Sept. 3 hearing, the Board directed engrossment of the ordinance to make a number of changes. A summary of the amendments were included in the staff report for the Sept. 3 hearing. The Board conducted its first hearing Oct. 15 for A-Engrossed Ordinance No. 858 and continued the hearing to Oct. 22, 2019.

A staff report will be provided to the Board prior to the Oct. 22 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 two minutes for individuals and five minutes for a representative of a group.

(continued)

The Staff Report is hyperlinked here and is also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 858 by title only and conduct the third public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 858 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>3.d.</u>
Date:	10/22/19

CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 858 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO CITY/COUNTY COORDINATION, AND DEVELOPMENT STANDARDS ASSOCIATED WITH SCOGGINS DAM/HENRY HAGG LAKE AND SPECIAL USE QUARRIES
BCC 10/22/19

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): None known at this time.

Legal History/Prior Board Action:

- Oct. 15, 2019 – First Engrossment Hearing on A-Engrossed Ordinance No. 858
- Sept. 3, 2019 – First Board Hearing on Ordinance No. 858; Board orders engrossment of ordinance
- 2018 Washington County - Beaverton Urban Area Planning Agreement adopted through Ordinance No. 839A on Oct. 23, 2018
- Special Use standards for smaller quarries adopted through Ordinance No. 824 on Sept. 5, 2017

Budget Impacts: None known at this time.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 858

An Omnibus Ordinance Amending the
Community Development Code Relating to
City/County Coordination, and Development
Standards Associated with Scoggins Dam/Henry
Hagg Lake and Special Use Quarries

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

SECTION 1

A. The Board 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, and 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, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-42, 845, and 847.

B. As part of its ongoing planning efforts, Washington County staff has identified amendments to the Community Development Code related to documentation requirements for development applications, development activities involving Henry Hagg Lake/Scoggins Dam,

1 and certain standards applicable to Special Use Quarries. The Board recognizes that such
2 changes are necessary for the health, safety and welfare of the residents of Washington
3 County, Oregon.

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

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

16 SECTION 2

17 The following exhibit, attached hereto and incorporated herein by reference, is adopted
18 as an amendment to the designated document as follows:

19 A. Exhibit 1 (4 pages), amends the following provisions of the Community
20 Development Code:

- 21 1. Section 203 – Processing Type I, II and III Development Actions;
- 22 2. Section 342 – Exclusive Forest and Conservation District (EFC);

1 3. Section 422 – Significant Natural Resources; and

2 4. Section 430 – Special Use Standards.

3 SECTION 3

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

6 SECTION 4

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

9 SECTION 5

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

13 SECTION 6

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

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20 ///

1 SECTION 7

2 This Ordinance shall take effect on November 28, 2019.

3 ENACTED this 22 day of October, 2019, being the 3rd reading
4 and 3rd public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 *Kathy Hyt* 10/22/19
CHAIR

10 *Gregory*
RECORDING SECRETARY

11 READING

11 PUBLIC HEARING

12 First 9.3.19
13 Second 10.15.19
14 Third 10.22.19
15 Fourth _____
16 Fifth _____
17 Sixth _____

12 First 9.3.19
13 Second 10.15.19
14 Third 10.22.19
15 Fourth _____
16 Fifth _____
17 Sixth _____

18 VOTE: Aye: 4

18 Nay: 0

19 Recording Secretary: *Gregory*

19 Date: 10.22.19

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 203 - PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-4 Application

203-4.1 Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.

203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:

M. For lands within the Clean Water Services boundary, documentation from Clean Water Services which specifies the conditions and requirements necessary for the applicant to comply with the agency's stormwater connection permit, water quality, erosion control, and sanitary sewer standards.

N. For land divisions and development actions subject to Type II or III development review on lands within a City Coordination Area (see map(s) on file with Current Planning), documentation from the appropriate city that ensures early coordination has occurred and confirms the City was informed of the pending application and was provided the opportunity to communicate regarding connection to city services. Changes of use that do not propose any new structures are exempt from this requirement. The documentation shall be no more than 180 days old.

2. SECTION 342 - EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-006 and ORS 215.

For all permitted uses, the property owner shall sign and record an agreement form, in the Department of Assessment & Taxation, Recording Division, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act. In this district, site development and buildings, including accessory buildings, shall comply with the Fire Structure Siting and Fire Safety Standards of Section 428.

342-4 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

342-4.1 Uses which may be allowed:

- K. All activities and uses associated with an expansion or alteration of Barney Reservoir and Henry Hagg Lake/Scoggins Dam; including but not limited to impoundment structures, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related alterations.

3. SECTION 422 - SIGNIFICANT NATURAL RESOURCES

422-3 Criteria for Development

422-3.3 Development within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:

- A. No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan Element) shall be allowed except for the following:

- (8) All activities and uses associated with an expansion or alteration of Barney Reservoir and Henry Hagg Lake/Scoggins Dam; including but not limited to impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.

4. SECTION 430 - SPECIAL USE STANDARDS

430-130 Special Mineral/Aggregate Mining and/or Processing in the EFC District

Special Mineral/Aggregate Mining and/or Processing may be approved in the EFC district on a site that does not meet the minimum quantity threshold under OAR 660-023-0180(3)(a) that applies to significant aggregate resource sites in the Willamette Valley.

Section 430-130 provides associated standards intended to protect against undesirable impacts to neighboring properties and to ensure site reclamation for future reuse in a manner compatible with surrounding uses and consistent with provisions of the EFC district.

430-130.4 An applicant shall submit plans for Special Mineral/Aggregate Mining and/or Processing in the EFC District that demonstrate compliance with plan requirements of CDC Sections 203-4.2 E., 403 and 404 and the following standards. Plans shall be prepared by a combination of certified professionals qualified to address plan requirements below (such as engineers including mining engineers, engineering testing firms, ~~surveyors~~, geologists, and surveyors). Where the following standards exceed those of Sections 203-4.2 E., 403 and 404, the following standards shall prevail:

B. Minimum Setbacks (except as increased by required compliance with Forest Structure Siting and Fire Safety Standards of Section 428)

- (7) All Special Mineral/Aggregate Mining and Processing, and associated improvements or activities, shall maintain a setback of at least ~~one hundred (100)~~ one hundred (100) feet from significant natural resource ~~areas and riparian corridors identified as Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat.~~ areas and riparian corridors identified as Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat. Where setback requirements of other applicable CDC Sections, departments or agencies exceed this, the larger requirement shall apply.

F. Access

- (1) Plans and plan notes shall show the haul route within the site and between the site and the nearest paved public highway, including but not limited to:

- (e) Locations of any Significant Natural Resource areas, as identified on the Rural/Natural Resource Plan, within ~~two hundred fifty (250)~~ two hundred fifty (250) feet of the route; and

430-130.5 Special Mineral/Aggregate Mining and/or Processing in the EFC District shall be subject to the following:

D. Other

- (1) The applicant must provide evidence and findings demonstrating that:

- (f) For any proposed use within 250 feet of a Significant Natural Resource Area identified on the Rural/Natural Resource Plan, the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat, or how that interference will be mitigated~~The proposal will not have a significant adverse impact on sensitive fish or wildlife habitat. See CDC - Section 422 if site development/operation will occur within two hundred fifty (250) feet of a Significant Natural Resource identified on the Rural/Natural Resource Plan.~~



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 858

Presented by: Stephen Roberts, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 858 amends the Community Development Code to improve coordination between the County and other jurisdictions in advance of development, and to accommodate previously identified uses (Special Use quarries, Scoggins Dam seismic improvements). A-Engrossed Ordinance No. 858 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 A-Engrossed Ordinance No. 858. Prior to the Oct. 22, 2019 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.

(continued)

Attachment: Resolution and Order

The Ordinance Findings are hyperlinked here and are also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 858 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 19-97

Agenda Item No.	<u>3.e.</u>
Date:	10/22/19

**ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 858
BCC 10/22/19**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): None known at this time.

Legal History/Prior Board Action: These finding are associated with A-Engrossed Ordinance No. 858.

Budget Impacts: No known at this time.

1 IN THE BOARD OF COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
5 of A-Engrossed Ordinance No. 858) No. 19-97

6 This matter having come before the Washington County Board of Commissioners (Board) at
7 its meeting of October 22, 2019; and

8 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant facts
9 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
10 Statutes and Administrative Rules, Washington County’s Comprehensive Plan, and titles of Metro’s
11 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 858; and

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

14 It appearing to the Board that the Planning Commission, at the conclusion of its public
15 hearing on August 7, 2019, made a recommendation to the Board, which is in the record and has
16 been reviewed by the Board; and

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

21 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of A-Engrossed
22 Ordinance No. 858 are hereby adopted.


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1 DATED this 22nd day of October, 2019.

2 BOARD OF COMMISSIONERS
3 FOR WASHINGTON COUNTY, OREGON

4  10/22/19
5 Chair Kathryn Harrington

6 APPROVED AS TO FORM:

7 
8 County Counsel
9 For Washington County, Oregon

10 
11 Recording Secretary

	AYE	NAY	ABSENT
HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TREECE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 858

AN OMNIBUS ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO CITY/COUNTY COORDINATION, AND DEVELOPMENT STANDARDS ASSOCIATED WITH SCOGGINS DAM/HENRY HAGG LAKE AND SPECIAL USE QUARRIES

Oct. 22, 2019

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. 858 amends the Community Development Code (CDC) to add new application submittal requirements relating to City/County coordination, and amend development standards for Scoggins Dam/Henry Hagg Lake and Special Use quarries.

Key Ordinance Provisions

- Adds document submittal requirement in Section 203-4 for certain land use applications occurring within identified Coordination Areas resulting in new lots or structures, consistent with adopted UPAAAs.
- Adds provisions to allow activities associated with the Tualatin Joint Project to expand or alter Henry Hagg Lake/Scoggins Dam.
- Clarifies applicable Significant Natural Resource standards for Special Use quarries located in the EFC District.

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 A-Engrossed Ordinance No. 858 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. Most of the findings are precautionary and are provided in order to demonstrate ongoing compliance. Regarding the amendments to the CDC to accommodate alterations of Henry Hagg Lake that may result from the modification of the Scoggins Dam facility, Goal 5 compliance is addressed through the completion of an Economic, Social, Environmental, and Energy (ESEE) analysis provided in accordance with Chapter 660, Division 23 of the Oregon Administrative Rules, as discussed under Goal 5 below.

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. 858.

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. 858.

Notice was coordinated with all affected governmental entities and no written comments were received regarding the ordinance.

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.

A-Engrossed Ordinance No. 858 amends standards relating to forest lands and urban lands only. Therefore, compliance with Goal 3 is not affected by the amendments of A-Engrossed Ordinance No. 858.

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.

A-Engrossed Ordinance No. 858 includes amendments that clarify provisions in the CDC relating to specific reservoirs and special use quarries located on forest lands. One amendment will add Henry Hagg Lake as an additional reservoir to the allowed uses in the Exclusive Forest and Conservation (EFC) District subject to Type III review procedures. Thus, any changes or alterations to that reservoir will receive a higher level of scrutiny through public hearing requirements and the associated public notice.

Additional amendments modify the Special Use standards for Mineral and Aggregate Extraction in the EFC District (Special Use quarries). These amendments clarify existing standards and make them consistent with standards in CDC Section 422, Significant Natural Resources. These amendments are clarifications of existing standards that are consistent with Goal 4.

A-Engrossed Ordinance No. 858 does not amend Community Plan or Rural/Natural Resource Plan policies that impact the County's compliance with Goal 4. As a result, the amendments of A-Engrossed Ordinance No. 858 maintain compliance 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.

A-Engrossed Ordinance No. 858 makes amendments to clarify the Special Use standards for Mineral and Aggregate Mining and/or Processing in the EFC District. The mineral and aggregate resources regulated by these standards are not Goal 5 aggregate resources because the resources

do not meet the threshold for review and protection as a Significant Goal 5 resource in the Willamette Valley.

The clarifications to these standards more specifically identify the Goal 5 water-related resources areas designated as Significant Natural Resources (SNRs) and classified as *Water Areas and Wetlands* and *Water Areas and Wetlands and Fish and Wildlife Habitat* from which the mining activities must maintain minimum setbacks and for which findings that the mining activities will not seriously interfere must be made. However, these clarifying amendments do not amend any previously adopted Goal 5 SNR designations. These clarifying amendments are consistent with the County's acknowledged policies and standards for the protection of Goal 5 resources, as well as those set forth in OAR Chapter 660, Division 23.

A-Engrossed Ordinance No. 858 also allows for the expansion of Henry Hagg Lake in conjunction with proposed alterations to Scoggins Dam. The U.S. Bureau of Reclamation (Reclamation) constructed Scoggins Dam and associated water supply facilities that resulted in the creation of Henry Hagg Lake. The lake is used as a water supply for irrigation, as well as drinking water for urban municipalities located within the Tualatin Valley basin and instream discharge to address low-flow water supply in the Tualatin River by Clean Water Services (CWS). Reclamation and CWS are studying seismic and water supply improvements that will alter Scoggins Dam and reconfigure Henry Hagg Lake.

Goal 5 directs local jurisdictions to develop a land use program to protect and conserve natural resources, scenic and historic areas, and open spaces. Division 23 establishes procedures and criteria for inventorying and evaluating Goal 5 resources. The statutory process consists of three major steps: develop an inventory of resources; conduct an Economic, Social, Environmental, and Energy (ESEE) analysis; and develop a land use program (decision). The County has an acknowledged Goal 5 program as described below.

Inventory: The County inventoried Goal 5 resources in the Resource Document, an element of the County's acknowledged Comprehensive Plan (Plan).

ESEE: Within the Resource Document, an ESEE analysis identified the economic, social, environmental, and energy consequences associated with allowing, prohibiting, or allowing with limitations conflicting uses for each of the identified resources.

Program Decision: The County developed both regulations and policies in the Plan to limit uses that would conflict with significant natural resources that were otherwise protected. Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan (RNRP), and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

The regulations that implement the program decision are located in Section 422 of the CDC. SNR maps in the Community Plans and the RNRP identified areas subject to Section 422 regulations. In particular, CDC Section 422-3.3 A. prohibits "new or

expanded alteration of vegetation or terrain” of riparian corridors and SNRs except in limited circumstances.

Need to complete a new ESEE analysis

The lake and its immediate riparian areas are designated SNRs subject to CDC Section 422-3.3 A. Since A-Engrossed Ordinance No. 858 adds the expansion of Henry Hagg Lake and the Scoggins Dam alterations to the list of limited uses allowed to alter these SNRs, the CDC amendments to allow alterations of the existing lake and dam is considered a potentially “conflicting use” under the current Division 23 Goal 5 rules. Consistent with these rules, the County must conduct an ESEE analysis to determine whether to allow a potentially conflicting use.

ESEE Analysis

The process to conduct an ESEE analysis includes the following steps: determine the impact area; identify the conflicting use(s); analyze the consequences; and make a program decision to allow, limit or prohibit the conflicting use.

Impact Area

The project is known as the Tualatin Basin Water Supply and Dam Safety Joint Project or Tualatin Joint Project (TJP). The impact area for the ESEE analysis is the proposed area that would be impacted by the three project alternatives currently under consideration by Reclamation and CWS, as shown in the Significant Natural Resources map prepared by CWS (Attachment A).

Conflicting Use(s)

A single use is proposed in this case, the expansion of Henry Hagg Lake and alteration of the Scoggins Dam and associated water supply facilities. The use allowance consists of any and all activities needed to conduct any one of the proposed three alternative alterations to Scoggins Dam and associated facilities, including grading, construction and installation for the purposes of providing impoundment structures, water diversion and transmission facilities, road construction and related land alterations.

Consequence/Scenario Analysis

Scenario A: Allow conflicting use within the impact area.

Under this scenario, the use would be allowed in the EFC District and the resources within the impact area would not be subject to the land use regulations in Section 422.

Economic: The need for increased water supply for industrial water use in the Tualatin Basin is long-standing and was identified as Tualatin Phase II in the Resource Document. The TJP will fulfill that vision and is intended to increase the region’s water supply for both commercial and residential customers, which will facilitate increased consumption by both agricultural and industrial water users in the County. Agriculture and industrial uses are both important economic sectors for the County. Allowing the expansion and/or alteration of Henry Hagg Lake/Scoggins Dam would have positive economic consequences.

Social: There are public health benefits associated with adequate drinking water. In addition, adequate drinking water for incorporated cities within the County will facilitate the region’s ability to accommodate anticipated future growth. In-water work would remain subject to Department of State Land (DSL) and U.S. Army Corp of Engineers (Army Corps) standards that limit erosion and other potential negative social impacts on water quality.

Environmental: Loss of ecosystem services including water storage and flood control, and degradation of riparian habitat at the site may not outweigh entirely the benefits of improved downstream water quality.

Energy: Potential for energy savings as a result of efficient system design or use of energy generating technology.

Scenario A consequences	
Economic	Positive
Social	Positive
Environmental	Negative
Energy	Neutral - Positive

Scenario B: Limit the conflicting use within the impact area. Under this scenario, although allowed in the EFC District, the use would be limited by the regulations in Section 422.

Economic: Same as for Scenario A.

Social: Same as for Scenario A.

Environmental: In addition to the benefits gained through improved water quality during low-flow events, the loss of ecosystem services would be alleviated by requirements in Section 422 to mitigate impacts on the riparian habitat.

Energy: Same as for Scenario A.

Scenario B consequences	
Economic	Positive
Social	Positive
Environmental	Neutral - Positive
Energy	Neutral - Positive

Scenario C: Prohibit the conflicting use within the impact area.

Under this scenario, the use would be prohibited in the impact area, notwithstanding the allowance in the EFC District.

Economic: Long-standing plans and investments in the TJP would be an economic loss. Identifying an alternative water supply would require additional investment in resources and staffing. This would result in either increased costs to municipal and CWS rate-payers and irrigation district members to fund sourcing a new water supply source or a reduced water supply, which would negatively impact irrigation customers, residential and commercial customers.

Social: Resource scarcity is likely to have negative social consequences. Reduced supplies of drinking water may cause financial hardship and public health consequences. Insufficient amounts of industrial and irrigation water can cause job losses that have negative social impacts as well.

Environmental: No loss of ecosystem services, however no benefits of improved downstream water quality either.

Energy: No improvement of system energy consumption anticipated.

Scenario C consequences	
Economic	Negative
Social	Negative
Environmental	Neutral - Positive
Energy	Neutral

Program Decision

A decision to prohibit or limit conflicting uses protects natural resources. A decision to allow a conflicting use may also be consistent with Goal 5, as long as that decision is supported by the ESEE analysis.

Each of the scenarios includes potential positive benefits, although Scenarios A (allow) and B (limit) offer more positives than Scenario C (prohibit). Both Scenarios A and C include negative consequences. Scenario B, which limits the conflicting use, includes neutral but no negative consequences. The scenario with the greatest net benefits, therefore, is the limit scenario. Thus, the County's program decision to allow the conflicting use subject to the limits of Section 422 is consistent with Goal 5.

The amendments in A-Engrossed Ordinance 858 are consistent with the County's policies that relate to Goal 5. Based on the above findings, including the ESEE analysis, the CDC amendments in A-Engrossed Ordinance No. 858 maintain the County's compliance with Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP and Policies 4, 5, 6 and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance No. 858 does not amend the Plan policies or CDC standards related to air, water or land resources that impact the County's compliance with Goal 6. A-Engrossed Ordinance No. 858 does not amend any provisions regarding Community Plan and CDC protections to air quality or land resource quality. The amendments in A-Engrossed Ordinance No. 858 do not directly amend any Community Plan or Rural/Natural Resource Plan policies. The amendments will permit expansion of Henry Hagg Lake through alterations to the Scoggins Dam facility. As a result of these activities, certain wetlands along the lake edge may be submerged and mitigated to ensure ultimate wetland capacity is maintained, consistent with existing standards in CDC Section 422-3.3 B. and 422-3.6. Ultimately, the increase in water storage will allow CWS to increase the amount of water discharged into the Tualatin River during low-flow events to enhance downstream water quality.

Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 858. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 – Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 858 does not amend the applicable Plan policies and strategies or CDC sections related to flood plain areas, or to natural disasters and hazards. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 858. The amendments are consistent with the County's acknowledged policies and standards for Goal 7.

Goal 8 – Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

Reclamation constructed Scoggins Dam and associated facilities that resulted in the creation of Henry Hagg Lake. In addition to the lake's primary water supply function, recreation activities also occur at the lake. Recreation uses are located within Scoggins Valley Park, which is managed by the County's Facilities and Parks Services Division of the Department of Support Services. Recreational elements at the park include:

- Three picnic areas.
- Two boat ramp and recreation areas.
- A series of discontinuous soft surface lake trails along portions of the lake shore.

CDC amendments to allow expansion of Henry Hagg Lake as a result of the alteration of the Scoggins Dam facility may affect the configuration of existing recreational elements within Scoggins Valley Park, including possible submersion. Federal requirements generally require Reclamation to develop a Resource Management Plan (RMP) for its assets at least every ten years; the portion of the RMP addressing Scoggins Valley Park is developed in partnership with the County. Due to the planned seismic and water supply improvements at the site the most recent RMP dates from 2004. Development of future recreational facilities will be contemplated by Reclamation in partnership with the County. The amendments in A-Engrossed Ordinance No. 858 do not restrict or otherwise affect the ability of Reclamation and the County to provide secondary recreational uses at the site, consistent with existing land use regulations.

A-Engrossed Ordinance No. 858 amendments do not amend applicable Plan policies. A-Engrossed Ordinance No. 858 does not amend the location and alignment of any future planned trails or on-street connections. Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance No. 858.

The amendments are consistent with the County's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 858 does not amend any County policies or CDC requirements regarding the local economy. However, the code amendments related to Henry Lake/Scoggins Dam are intended to increase the region's water supply for both commercial and residential customers, which will facilitate increased consumption if needed by both agricultural and industrial water users in the County.

Consistent with Goal 9, A-Engrossed Ordinance No. 858 allows for increased access to local mineral and aggregate sources needed for ongoing transportation infrastructure projects and residential and commercial development during a time of vigorous economic growth. The clarification of the standards that apply to Special Use quarries may spur additional economic activity through the initiation and/or increase in quarry activities and the resulting increase in local supply of aggregate for local road construction projects.

Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 858.

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. 858 does not amend any County policies regarding the provision of housing. The ordinance will apply new submittal requirements for development actions that increase the number of structures or lots in Coordination Areas near city boundaries. The orderly development of land near city boundaries may facilitate future development at appropriate urban densities.

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. 858 does not amend the policies or CDC standards relating to public facilities and services. Consistent with Goal 11, the ordinance will increase water supply available for both commercial and residential urban uses. The amendments may also increase access to aggregate necessary for all new development, and for construction and maintenance of public transportation facilities needed to serve new development.

Goal 12 – Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation 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.

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 provisions of A-Engrossed Ordinance No. 858 do not change the TSP or otherwise significantly affect the transportation system as identified in OAR 660-012-0060.

Therefore, plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 858.

Goal 13 – Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

A-Engrossed Ordinance No. 858 provides the potential for energy conservation. Currently, locations to obtain aggregate are not well dispersed geographically throughout the county. Heavy aggregate must often be hauled, primarily from locations in the southeastern part of Washington County and in Columbia County, to County road improvement sites that are a significant distance away. In part, A-Engrossed Ordinance No. 858 seeks to increase access to aggregate sources nearer to worksites, especially in the western part of the county, which could significantly reduce related fuel consumption consistent with the energy conservation intent of Goal 13.

A-Engrossed Ordinance No. 858 does not amend the applicable Plan policies and strategies or CDC sections related to energy conservation; therefore, compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 858.

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. 858 does not add any land to the UGB or urbanize any land. CDC amendments that address submittal requirements in Coordination Areas are intended to facilitate appropriate urban development by making the applicant aware of applicable policies and regulations regarding potential connection to city services, annexation availability and the city's development regulations. Therefore, plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance No. 858.

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. 858 findings have been prepared to address Titles 1, 3, 6, 8 and 11 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

A-Engrossed Ordinance No. 858 amends sections of the CDC that do not directly address housing capacity or need. As described in the findings for Goal 10 (Housing), the ordinance proposes amendments to the CDC to require evidence of applicant consultation with cities when proposing development in certain Coordination Areas near city boundaries, thus serving to maintain housing capacity. Therefore, the amendments in A-Engrossed Ordinance No. 858 are consistent with Title 1.

Title 3 – Water Quality and Flood Management

Title 3 protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.

RESPONSE

A-Engrossed Ordinance No. 858 does not amend any Plan policies or CDC standards related to urban water quality or flood management. Amendments to Henry Hagg Lake/Scoggins Dam are likely to result in increased water supply for CWS, which will allow for increased instream water flows in the Tualatin River, which traverse urban southwestern Washington County, resulting in improved water quality. A-Engrossed Ordinance No. 858 is consistent with Title 3.

Title 6 – Centers, Corridors, Station Communities and Main Streets

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

RESPONSE

Where Metro-designated Centers, Corridors, Main Streets or Station Communities may include future development Coordination Area(s), the ordinance may help such areas to better function as centers of urban life by facilitating orderly development of land. A-Engrossed Ordinance No. 858 is consistent with Title 6.

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. 858 was sent June 28 to Metro, 40 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 858 was sent Sept. 20 to Metro. Metro provided no comments on A-Engrossed Ordinance No. 858.

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

A-Engrossed Ordinance No. 858 amendments to the CDC related to development coordination areas applies only to lands within the urban growth boundary that are already designated for urban use. A-Engrossed Ordinance No. 858 does not affect compliance with Title 11.