



June 27, 2014

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager *JB for AB*
Planning and Development Services

Subject: **PROPOSED ORDINANCE NO. 787**

Enclosed for your information is a copy of proposed Ordinance No. 787. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Section.

Ordinance Purpose and Summary

Ordinance No. 787 proposes to amend the Community Development Coded (CDC) relating to the land use review of public transportation facilities.

Who is Affected

Ordinance No. 787 affects residents and businesses within urban and rural unincorporated areas of Washington County.

What Land is Affected

Urban and rural unincorporated areas of Washington County will be affected.

Key Provisions

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

Department of Land Use & Transportation · Planning and Development Services
Long Range Planning

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072
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**Initial Public Hearings
Time and Place**

**Planning Commission
2:00 pm
August 6, 2014**

**Board of Commissioners
10:00 am
September 2, 2014**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

On September 2, 2014, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on September 2, it would become effective on November 28, 2014.

**Community Development
Code Standards Amended**

- 701 Intent and Purpose
- 702 Exempt Projects
- 703 Category A
- 704 Category B
- 705 Category C

How to Submit Comments

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

Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Staff Contact

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**Proposed Ordinance is
available at the following
locations:**

- Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 North First Ave., Suite 350
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

FILED

JUN 18 2014

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 787

An Ordinance Amending the Community
Development Code Relating to Public
Transportation Facilities

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon,
recognizes that the Community Development Code Element of the Comprehensive Plan
(Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance
No. 308, 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, and 769-776.

1 B. As part of its ongoing planning efforts Washington County staff has identified
2 amendments to the Code, including but not limited to, definitions and project categories, to
3 allow for consistency in process and criteria between County, State and Federal requirements
4 for public transportation projects with predictable and limited effects. The Board recognizes
5 that such changes are necessary from time to time for the benefit and welfare of the residents
6 of Washington County, Oregon.

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

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

19 SECTION 2

20 The following exhibit, attached hereto and incorporated herein by reference, is adopted
21 as amendments to the designated documents as follows:

- 22 1. Exhibit 1 (4 pages), amending the following sections of the Community

1 Development Code:

- 2 a. Section 701 – Intent and Purpose;
- 3 b. Section 702 – Exempt Projects;
- 4 c. Section 703 – Category A Projects;
- 5 d. Section 704 – Category B Projects;
- 6 e. Section 705 – Category C Projects.

7 SECTION 3

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

10 SECTION 4

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

13 SECTION 5

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

17 SECTION 6

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

1 SECTION 7

2 This Ordinance shall take effect on November 28, 2014.

3 ENACTED this _____ day of _____, 2014, being the _____ reading
4 and _____ public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 _____
9 CHAIRMAN

10 _____
11 RECORDING SECRETARY

12 READING

13 PUBLIC HEARING

14 First _____
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____

19 First _____
20 Second _____
21 Third _____
22 Fourth _____
Fifth _____

VOTE: Aye: _____

Nay: _____

Recording Secretary: _____ Date: _____

Article VII: PUBLIC TRANSPORTATION FACILITIES of the Community Development Code is amended to reflect the following:

701 INTENT AND PURPOSE

701-4 Definitions

701-4.3 Channelization: ~~Outside an urban growth boundary, s~~Separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of vehicles, bicycles, and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes.

701-4.9 Maintenance: Recurring activities that are needed to keep an existing transportation facility in good operating condition in order to maintain the functional integrity and safe operation of the facility. Maintenance activities are carried out within existing right-of-way and result in no increase of traffic capacity or change in the character of a facility. ~~Maintenance activities include but are not limited to: ditch cleaning and shaping; culvert or pipe repair, cleaning or in-kind replacement; road surface repair, sealing, reconstruction or reversion; grading of aggregate roads; street cleaning and flushing; vegetation management; and bridge cleaning and repair.~~

701-4.15 Roadway Prism: ~~The original constructed embankment or excavation of an existing roadway;~~ area occupied by soil, aggregate, and/or other materials or structures necessary to support a road, including, but not limited to, appurtenant features such as wing walls, retaining walls, or headwalls.

702 EXEMPT PROJECTS

The following public transportation projects and decisions are exempt from the provisions of this Article, applicable to all functional classifications both inside and outside an urban growth boundary, unless otherwise specified below.

702-2 Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within existing right-of-way and ancillary easements. Maintenance may include the in-kind replacement of structures within the flood plain, drainage hazard area or Significant Natural Resource area, if necessary to maintain its serviceability.

702-3 Operational improvements within existing right-of-way and ancillary easements including, but not limited to striping, installation of guard rails, pedestrian ways, widening shoulders, street lighting, signalization, reflectors, buttons, signs, flashing beacons, channelization and median control.

~~Outside an urban growth boundary, improvements that meet the definition of channelization (Section 701-4.3), and improvements to restrict access, including channelization and median control, are not exempt operational improvements.~~

702-4 Reconstruction, ~~or in-kind replacement, or repair of~~ a public transportation facility within existing right-of-way, ~~including the enlargement or removal of culverts, pilings or similar structures,~~ provided that:

- A. No removal or displacement of buildings occur;
- B. No new land parcels result, provided they are
- C. The facility is not located in a flood plain, drainage hazard area or Significant Natural Resource area; or they
- D. ~~would not~~ No change or alteration to a designated historic or cultural resource occur, pursuant to Section 373; and
- E. No additional of travel lanes result.

702-8 Acquisition of right-of-way or ancillary easements related to an approved facility or use, provided that the acquisition is consistent with the Transportation System Plan.

702-11 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

702-12 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

703 CATEGORY A PROJECTS

703-1 Category A Projects Permitted Inside an Urban Growth Boundary

703-1.3 Alteration of a flood plain, drainage hazard area, or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20)

percent of its original footprint for reconstruction, modification repair, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise in flood level is consistent with an adopted drainage master plan.

703-2 Category A Projects Permitted Outside an Urban Growth Boundary

~~703-2.1 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.~~

~~703-2.2 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.~~

~~703-2.3 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~

703-2.14 Uses listed as exempt in Section 702, excluding Section 702-8, which require the acquisition of right-of-way, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.

703-2.25 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20) percent of its original footprint for reconstruction, modification repair, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise is consistent with an adopted drainage master plan.

704 CATEGORY B PROJECTS

704-2 Category B Projects Permitted Outside an Urban Growth Boundary

704-2.2 The following improvements are allowed within the RR-5, AF-5, AF-10, R-COM, R-IND and MAE Districts:

F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels, provided that

the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.

- G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; provided that the alignment and right-of-way width is consistent with the Transportation System Plan.
- ~~H. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.~~

705 CATEGORY C PROJECTS

705-2 Category C Projects Permitted Outside an Urban Growth Boundary

705-2.1 The following projects are allowed in AF-20, EFU and EFC Districts:

- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels; provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.
- ~~H.~~G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; provided that the alignment and right-of-way width is consistent with the Transportation System Plan.
- ~~J. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.~~