



# WASHINGTON COUNTY OREGON

August 31, 2009

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 726**

Enclosed for your information is a copy of proposed Ordinance No. 726. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Division.

### **Ordinance Purpose and Summary**

Ordinance No. 726 proposes to amend Policy 15 of the *Comprehensive Framework Plan for the Urban Area* relating to the possible formation of a new park and recreation special service district in the Tigard-Tualatin School District Boundary. If formed, the district would provide revenue to fund operations of two existing swimming pools located at Tigard and Tualatin High Schools.

### **Who Is Affected**

Property owners in the Tigard/Tualatin School District Boundary

### **What Land is Affected**

Properties in the Tigard/Tualatin School District Boundary

### **Initial Public Hearings**

#### **Time and Place**

**Planning Commission**

**1:30 pm**

**October 7, 2009**

**Board of County Commissioners**

**10:00 am**

**October 20, 2009**

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

On October 20, 2009, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 27, 2009.

**Urban Comprehensive  
Plan Policies Amended**

- Policy 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH

**Community  
Development Code  
Standards Amended**

- None

**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 the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

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

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

**Staff Contact**

Joy L. Chang  
155 North 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3873 Fax: 503-846-4412  
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**Proposed Ordinance is  
available at the  
following locations:**

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

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 726

An Ordinance Amending the Comprehensive Framework Plan for the Urban Area Element relating to Formation of Park and Recreation Districts and a General Update

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Comprehensive Framework Plan for the Urban Area Element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686 and 694.

B. Subsequent ongoing planning efforts of the County indicate a need for amendments in the event a park and recreation district is formed in the urban unincorporated portions of the Bull Mountain and Metzger-Progress areas. The Board takes note that such changes are necessary for the benefit and general welfare of the residents of Washington County, Oregon.

C. 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

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1 that this Ordinance is based on that recommendation and any modifications made by the Board,  
2 as a result of the public hearings process.

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

9 SECTION 2

10 Exhibit 1 (6 pages) – amending Comprehensive Framework Plan for the Urban  
11 Area Policy 15 ROLES AND RESPONSIBILITIES FOR SERVING GROWTH – is  
12 attached hereto and incorporated herein by reference.

13 SECTION 3

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

16 SECTION 4

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

19 SECTION 5

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

1 SECTION 6

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

7 SECTION 7

8 This Ordinance shall take effect thirty (30) days after adoption.

9 ENACTED this 27th day of October, 2009, being the 2nd reading and  
10 2nd public hearing before the Board of County Commissioners of Washington County, Oregon.

11 BOARD OF COUNTY COMMISSIONERS  
12 FOR WASHINGTON COUNTY, OREGON

13 **ADOPTED**

14 *Andy Dora*  
CHAIRMAN

15 *Marion Larkin*  
RECORDING SECRETARY

16 READING

PUBLIC HEARING

17 First October 20, 2009  
18 Second October 27, 2009  
19 Third \_\_\_\_\_  
20 Fourth \_\_\_\_\_  
21 Fifth \_\_\_\_\_  
22 Sixth \_\_\_\_\_

First October 20, 2009  
Second October 27, 2009  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

20 Brian, Duyck, Rogers,  
21 VOTE: Aye: Schouten, Strader  
Recording Secretary: Marian Larkin

Nay: \_\_\_\_\_  
Date: October 27, 2009

Comprehensive Framework Plan for the Urban Area Policy 15 ROLES AND RESPONSIBILITIES FOR SERVING GROWTH is amended to reflect the following:

**POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:**

**It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.**

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning.
- b. Continue to provide the following facilities and services as resources permit:

Service	Portions of County Served
Public Health	County-wide
Sheriff Patrol	County-wide (limited)
Assessment and Taxation	County-wide
Road Maintenance	County roads
Land Development Regulations	Unincorporated Areas Only
Solid Waste Collection System Management (franchising)	Unincorporated Areas Only
Solid Waste Disposal	Unincorporated Areas Outside UGB
Cooperative Library System	County-wide
Records and Elections	County-wide

- c. Consider being an interim provider of park land and recreation facilities either directly or through an intergovernmental agreement with a park and recreation provider when the provisions of Policy 33 are met.
- d. In conjunction with Washington County cities and special service districts and Metro, adopt urban service agreements that address all unincorporated and incorporated properties in the Regional Urban Growth Boundary consistent with the requirements of ORS 195.060 to 080. Urban service agreements shall identify which service providers will be responsible for the long-term provision of the urban services described below and the ultimate service area of each provider. Urban service agreements shall also identify the service provision principles for each of urban services described below.

In the event the urban unincorporated territory in the Bull Mountain area is incorporated into a new city or a park and recreation district is formed that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas, the County will work with affected service providers and amend the Tigard Urban Service Agreement as may be necessary to assure ongoing compliance with ORS 195.

Urban services that will be addressed in urban service agreements include:

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- Fire Protection and Emergency Services
- Law Enforcement
- Parks, Recreation and Open Space
- Public Transit
- Sewer
- Roads and Streets
- Storm Water
- Water

1. In the Tigard Urban Service Area, the designated long-term providers of the urban services described above are:

Service	Long-Term Provider
Fire protection and emergency services	Tualatin Valley Fire and Rescue
Law enforcement	City of Tigard
Parks, recreation and open space	City of Tigard
Public transit	TriMet
Roads and streets	City of Tigard, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)
Sewer	City of Tigard and Clean Water Services
Storm water	City of Tigard and Clean Water Services
Water	City of Tigard, Tualatin Valley Water District and the Tigard Water District

2. In the Hillsboro Urban Service Area, the designated long-term providers of the urban services described above are:

Service	Long-Term Provider
Fire protection and emergency services	City of Hillsboro
Law enforcement	City of Hillsboro
Parks, recreation and open space	City of Hillsboro
Public transit	TriMet
Roads and streets	City of Hillsboro, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)

Sewer	City of Hillsboro and Clean Water Services
Storm water	City of Hillsboro and Clean Water Services
Water	City of Hillsboro and Tualatin Valley Water District

- e. Establish a coordination system with all cities, special districts and private companies that now or will provide services to the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:
1. Sanitary sewage collection and treatment,
  2. Drainage management,
  3. Fire protection,
  4. Water distribution and storage,
  5. Schools,
  6. Libraries,
  7. Utilities (electricity, telephone and cable communications, natural gas, etc.),
  8. Solid waste disposal,
  9. Roads and transportation facilities,
  10. Parks, recreation facilities, and open space,
  11. Police,
  12. Transit, and
  13. Street Lighting
- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
1. Process for review of development proposals,
  2. Process for review of proposed service extension or facility expansion,
  3. Service district or city annexation,
  4. Planning of service extensions, new facilities, or facility expansions,
  5. Procedures for amending the agreement,



6. Methods to be used to finance service and or facility improvements, operation and maintenance,
  7. Methods to be used to acquire and develop park land and recreation facilities.
  8. Standards to be used by the County and the service provider in assessing "adequate" service levels,
  9. Area or clientele to be served now and in the future,
  10. Consistency with Plan policies and strategies,
  11. Coordination of capital improvements programs, and
  12. Cost effectiveness of service provision.
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.
- h. Not oppose proposed annexations to a special service district:
1. That are consistent with an urban service agreement; or
  2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

- i. Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by the City of Beaverton consistent with the Portland Urban Service Boundary, the City of Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of Oleson Road that is currently in Portland.
- j. For the Raleigh Hills Center as shown on the acknowledged Metro 2040 Growth Concept Map, the affected jurisdictions of Beaverton, Portland, Washington County and Metro shall enter into an urban planning agreement to assure implementation of the Urban Growth Management Functional Plan provisions relating to town centers, including the establishment of town center boundaries and demonstration of target capacities for jobs and housing.
- k. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during re-negotiation of Urban Planning Area Agreements.
- l. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city.
- m. Notwithstanding Implementing Strategy l. above, the Board of Commissioners may place a petition to incorporate a city in the urban unincorporated portion of the Bull Mountain area on the ballot provided the Board determines that the petition is consistent with other applicable requirements governing incorporation under state law and the Metro Code. If the voters approve incorporation, the county shall coordinate with the new city and the City of Tigard to amend the existing Washington County –

City of Tigard Urban Planning Area Agreement (UPAA) as may be required to assure ongoing compliance with the coordination requirements required by ORS 195 and Goal 2.

- n. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.
- o. Enter into intergovernmental agreements with high growth school districts that are consistent with state law, and that contain at a minimum the following items:
  - 1. An explanation of how objective criteria for school capacity in the District's school facility plan will be used by the County;
  - 2. School District involvement with the County's periodic review; and
  - 3. How the County will coordinate comprehensive plan amendments and residential land use regulation amendments with the District, including notice of hearing.

These intergovernmental agreements may be adopted by the Board of County Commissioners through Resolution and Order.

- p. Require developing properties not currently located within the service area of a park district that provides park and recreation services to annex to a park district when the following conditions are met:
  - 1. The property lies within an area identified for park and recreation service by a park district in an urban service agreement adopted pursuant to ORS 195.065; or, if no urban service agreement applies to the property, the property lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and
  - 2. The park district has adopted a Park Master Plan for the subject area, which provides the basis for the development of park and recreation facilities.
- q. Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland Urban Service Boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.
- r. Notwithstanding Implementing Strategy g. above, the Board of Commissioners may place a petition to form a park and recreation district that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas on the ballot provided the Board determines that the petition is consistent with other applicable requirements governing formation under state law and the Metro Code. If the voters approve formation of the new district, the county shall coordinate with the City of Tigard to amend the existing Washington County – City of Tigard Urban Planning Area Agreement (UPAA) as may be required to assure ongoing compliance with the coordination requirements required by ORS 195 and Goal 2.

#### Summary Findings and Conclusions

Public facilities and services necessary for growth in Washington County historically have been provided by a variety of unrelated special districts, local governments, and other agencies. Cooperation and

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coordination between service providers in developing plans and programming capital facilities has been limited.

The County has the responsibility under State law to coordinate the timely provision of public facilities and services within the County. Due to the fact that the County itself does not provide a full range of urban services, the best means of fulfilling this responsibility--which will result in a better living environment for County residents--is the formal establishments of a strong coordination system between the County and all service providers and the adoption of urban service agreements.

In 1993 the State Legislature adopted Senate Bill 122 (codified as ORS 195), which requires local governments to work together to establish urban service boundaries and adopt urban service agreements. ORS 195.060 to 080 requires local governments to determine who will be the ultimate urban service providers of the following services: fire protection, parks, recreation, open space, sewer, streets, roads, and public transit. In addition to these services, Washington County local governments determined that law enforcement and storm water services should also be addressed. Urban service agreements identify the ultimate service area of each provider and identify the service provision principles for each urban service. Urban service agreements are applicable to land inside the Regional Urban Growth Boundary, including incorporated and unincorporated areas. Urban service boundaries have been adopted for Hillsboro, Portland and Tigard and urban service agreements have been adopted for Hillsboro and Tigard. Efforts to establish needed urban service agreements and designate urban service boundaries for other cities shall continue. Urban service agreements are a very important tool in ensuring that residents and businesses in the urban area receive all the services addressed in urban service agreements, as well as ensuring the timely and efficient provisions of public facilities and services within the County. In the event the urban unincorporated territory in the Bull Mountain area is incorporated to create a new city or a park and recreation district is formed that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas, the County will work with affected service providers to recognize the new service provider and determine the long-term service providers to the area.

The County has the additional responsibility to its citizens of ensuring that the services needed to allow growth will be provided by the agency or agencies best able to do so in a coordinated, efficient and cost effective manner. Therefore, County review of and recommendations on annexation or incorporation proposals involving cities and special service districts is imperative.

Requiring developing properties to annex to special service districts that provide park and recreation services helps to assure that such services are provided within a reasonable time frame.