Washington County
Contract Review Committee Worksheet

Contract No: BCC19-0557
(Assigned by Purchasing)

Blanket Purchase Order Number: N/A

Types : CA - County Administrator Executes BCC - Board of Commissioner Executes

NOTE: Please review all instructions on the back of this worksheet before you begin processing.

1. Wisard Ship To: Land Use & Transportation - LRP Wisard Bill To: Land Use & Transportation - LRP 2. Date: 05/24/19

3. Contract Administrator/Ext: Michelle Miller 8101 4. Wisard Buyer/Ext: Kris Brannan 3694

5. Type of Contract:
- ☐ (I) Intergovernmental Agreement
- ☐ (G) Purchase of Goods
- ☐ (C) Construction
- ☐ (P) Personal/Professional Services
- ☐ (L) Lease Agreement
- ☐ (S) Services
- ☐ (A) Amendment/Change Order (list original contract number):
- ☒ (O) Other UPAA

6. Minute Order Number/Board Meeting Date: Order No: RO 19-31 Meeting Date: 04/16/19

Bid/RFP No: NIGP Category No:

7. Description of Contract and/or Justification for Amendment: Updates Tualatin City's UPAA by updating/adding policies and processes for coordinating concept planning in the Urban Planning Area withing Tualatin City's area of interest.

8. Contractor, Lessor, Supplier Name: City of Tualatin WISARD Supplier No: 8737

9. Is the contract for a sub-recipient of Grant funds? Yes ☐ No ☒ If Yes, attach a copy of the Grant Pre-Award Risk Assessment Form.

10. Effective Date: Upon final signature 11. Termination Date: Upon notice by either party

12. Original Contract Amount:	$ 0.00	16. ☐ Retainage:	
13. Total of Previous Amendments:		17. ☐ Expenditure:	
14. This Amendment:		☐ Revenue:	
15. Total Amount of Contract:	$ 0.00	18. Chargeable Program No:	NA

19. Source of Funds: NA 20. Payment Terms (monthly installments, progress payments, etc.): NA

21. Remarks:

Check Off List for Attachments in Order of Appearance:

- ☒ 2 copies of the Board Agenda item and Minute Order Number for this agreement (if one is applicable).
- ☐ 2 copies of Insurance Certificates naming the County as additional insured, or include Attachment C with each contract.
- ☒ A minimum of three (3) copies of the contract, all with original contractor's signature(s).
- ☐ 2 copies of either the Quote Sheet OR Justification Selection Memo.
- ☐ One copy of the Invitation to Bid (ITB) document OR Request for Proposal (RFP) document.
- ☐ One copy of the Contractor's Proposal (RFP) or Contractor's Response (ITB.)
- ☐ A Performance and Payment Bond (if applicable).
- ☐ One copy of the Grant Pre-Award Risk Assessment Form (if applicable)

RECEIVED
JUN - 4 2019
County Counsel

Contract Administrator certifies that no changes have been made to the attached County standard contract: Contract Administrator's Signature

22. Signature Route:

1. Department/Division Head: SG Date: 5/31/19
2. Purchasing Supervisor: Date: 6-4-19
3. County Counsel: Date: 6/4/19
4. County Administrative Office: Ruth Osuna Date: 06/06/19

RECEIVED
JUN 6 2019
WASHINGTON COUNTY
PURCHASING DIVISION

CONTRACT MUST BE EXECUTED BY BOTH PARTIES BEFORE WORK CAN COMMENCE

Last Update: 12/03/18

Processing Instructions:

A. A minimum of three (3) original copies of the contract document must be attached to this worksheet.

B. Amendments/change orders to contracts must include one (1) copy of the original agreement, along with a minimum of three (3) copies of the actual amendment/change order.

C. If it is a County contract, all copies of the agreement should be signed by the contractor prior to initiation of the review process.

D. Two (2) copies of the Agenda Sheet for this agreement (if one is applicable) must also be attached to the worksheet.

E. Two (2) Insurance Certificates (if applicable) must be attached to the worksheet.

F. In order for this contract to be entered into WISARD, all data requested on the worksheet must be provided, including expiration date, category number, supplier number and authorized total dollar amount (estimate, if necessary).

G. Upon completion of review process two (2) copies of the executed contract and one copy of the Blanket Purchase Order (BPO) will be returned to the department contract administrator who then forwards one (1) copy of the contract and the BPO to the contractor.

Form Completion Instructions (by numbers):

1. Type the name of the department or division Ship To and Bill To as shown in Wisard (e.g. Health & Human Srvcs, Sheriff's Office, LUT-Ops)
2. Date the contract was submitted for approval.
3. Type the name of the designated person in the department/division to administer the contract and their extension number.
4. Type the name of the designated person in the department/division to receive Wisard notifications (if different from the administrator.)
5. Different types of contracts and the definition:

(I) Intergovernmental	=	agreement between Washington County and other public agencies.
(G) Purchase of Goods	=	contract to purchase goods/materials.
(C) Construction	=	contract to build, alter, repair, improve or demolish any structure, building or highway properties.
(P) Personal/Professional Services	=	contract with an individual professional person or corporation.
(L) Lease Agreement	=	rental/lease agreement on properties and/or equipment.
(S) Services	=	contract that includes labor e.g. painting, plumbing, installation, and on-site maintenance.
(A) Amendment	=	original contract being changed. Reference the original contract number.
(O) Other Categories	=	contracts that do not fall into any of the above.

6. Reference numbers that are related to the contract and Board Meeting Date:
   Minute Order Number (Minute Order assigned after Board of Commissioners action).
   RFP/BID# (assigned by Purchasing Division).
   NIGP Category #: Include the National Institute of Governmental Purchasing (NIGP) 5-digit category code for the type of service you are contracting for. You can find a listing in excel at the Purchasing web site under NIGP Codes. You can perform a search by description for the service you are buying.
7. Description of the project/services to be performed and/or justification for the amendment. If Type of Contract is Amendment (A), a justification for the amendment/change to the original contract must be described here)
8. Full name of the supplier/contractor and their WISARD Supplier #. If this is a new supplier, complete a New Supplier Request form found on the WISARD web page under FORMS. A supplier number must be present for all expenditure contracts before processing.
9. If the contract is for a sub-recipient of Grant funds, complete and include a copy of the Grant Pre-Award Risk Assessment Form.
10. Beginning date of the contract (either date of final execution or some date in the future, include retroactive form if contract has already begun).
11. Ending date of the contract.
12. Amount of the contract.
13. Total amount of all previous amendments.
14. Current change (additional/reduction) to the original amount of the contract.
15. Total amount (includes all amendments).
16. Total retainage amount issued to the contract.
17. Identifies whether the contract is considered to be Revenue or Expenditure.
18. Program number the contract costs will be charged to.
19. Brief explanation of the source of funds e.g. County, Grant, etc.
20. Payment terms of contract.
21. For comments, remarks, suggestions and/or explanation.
22. Signature Routing.

IN THE BOARD OF COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting Legislative Findings in Support of Ordinance No. 849	)))	RESOLUTION AND ORDER No. 19-31

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of April 16, 2019; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, and Washington County's Comprehensive Plan relating to Ordinance No. 849; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on March 20, 2019, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of Ordinance No. 849 are hereby adopted.

DATED this 16th day of April, 2019.

	AYE	NAY	ABSENT
HARRINGTON	✓		
SCHOUTEN	✓	—	—
TREECE	✓	—	—
ROGERS	✓	—	—
WILLEY	✓	—	—

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

04/16/19

Chair

APPROVED AS TO FORM:

County Counsel
For Washington County, Oregon

Barbara Heytmanek
Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 849

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

April 16, 2019

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

Part 1:
GENERAL FINDINGS

Ordinance No. 849 amends the Washington County – Tualatin Urban Planning Area Agreement (UPAA), an element of the Comprehensive Plan. UPAAs establish planning and development coordination policies and processes within specified areas of interest.

Key Ordinance Provisions

- Minor changes to the processes and policies for coordinating comprehensive planning in the Urban Planning Area
- A new section III, (Concept Planning for the Urban Reserve Areas) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area
- Exhibit A of the 2009 UPAA is deleted and replaced with a new Exhibit A, a map reflecting the addition of the Urban Reserve Planning Area and recent city annexations
- Minor text changes throughout the document to provide consistency and clarity

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 849 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the map and text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement
Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of Ordinance No. 849.

Goal 2 - Land Use Planning
Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt Ordinance No. 849.

Notice was coordinated with all affected governmental entities and comments received regarding Ordinance No. 849 were addressed either as part of the proceedings or with subsequent staff coordination.

Goal 3 - Agricultural Lands
Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

With House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. Ordinance No. 849 includes amendments to the Washington County-Tualatin UPAA that add policies and processes for coordinating concept planning in the Urban Reserve lands within Tualatin's Urban Planning Area. The concept planning required under Title 11 of the UGMFP for the designated Urban Reserve areas will not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Thus, Ordinance No. 849 is consistent with Goal 3.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

With House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. Ordinance No. 849 includes amendments to the Washington County-Tualatin UPAA that add policies and processes for coordinating concept planning in the Urban Reserve lands within Tualatin's Urban Planning Area. The concept planning required under Title 11 of the UGMFP for the designated Urban Reserve areas will not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Thus, Ordinance No. 849 is consistent with Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

Ordinance No. 849 does not allow any new uses in any affected land use district within the Tualatin Planning Area and therefore will not conflict with acknowledged Goal 5 resources.

Goal 10 - Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22,

23 and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

Ordinance No. 849 does not amend the applicable Plan policies related to housing, Plan designations, or housing density standards. The amendment to the UPAA includes adding policies and processes for coordinating concept planning in the Urban Reserves within Tualatin's area of interest and minor changes to the process for comprehensive planning in the Urban Planning Area and therefore does not conflict with Goal 10.

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

Plan compliance with Goal 11 is maintained with the amendments made to Ordinance No. 849. The amendments are consistent with the County's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments identify that the city is responsible, in coordination with the County for developing concept plans in the unincorporated areas within Tualatin's Urban Planning Area. The UPAA includes policies and processes for coordinating concept and comprehensive planning in order to preliminarily identify the likely providers of urban services, as defined in ORS 195.065(4), when the area urbanizes. Ordinance No. 849 is consistent with Goal 11.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans, and the CDC.

Ordinance No. 849 amends the Washington County – Tualatin UPAA, an element of the Comprehensive Plan. Ordinance No. 849 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). The findings of compliance for the applicable TPR provisions are summarized below.

The amendments in Ordinance No. 849 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in Ordinance No. 849 do not

change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility. The amendments in Ordinance No. 849 make no amendments to the TSP. Therefore, the amendments found in Ordinance No. 849 are consistent with the TPR.

Goal 14 - Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

The UGB was last expanded to include lands surrounding Tualatin in 2004. The expansion was subsequently acknowledged by the Land Conservation and Development Commission (LCDC). The County relies on the findings acknowledged by LCDC to demonstrate compliance with Goal 14.

Ordinance No. 849 does not add any land to the UGB or urbanize any land. The UPAA with Tualatin provides a process, policies and requirements for coordinating concept planning in the designated Urban Reserve Area in order to provide for the orderly and efficient transition from rural to urban land uses. Goal 14 will apply to future decisions to add Urban Reserve lands to the UGB or when lands are annexed in the city's Urban Planning Area as identified in Exhibit A, the Tualatin Urban Planning Area map. Ordinance No. 849 is consistent with Goal 14.

Part 3:
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that County comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 849 findings have been prepared to address Title 1, 8, 11 and 14 of the UGMFP.

Title 1 - Housing Capacity

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan which calls for a compact urban form and a "fair share" approach to meeting housing needs.

RESPONSE
Ordinance No. 849 amends the Washington County – Tualatin UPAA, which does not directly address housing capacity or housing need. The UPAA provides an opportunity for Tualatin, along with the County to coordinate planning efforts and develop comprehensive plans that will meet Tualatin's future housing needs and support Title 1 requirements.

Title 8 - Compliance Procedures

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

RESPONSE
Consistent with Title 8, a copy of proposed Ordinance No. 849 was sent to Metro February 13, 2019, 35 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 849.

Title 11 - Planning For New Urban Areas

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

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

The County has an interest in assuring that the planning for the unincorporated area meets the expectations for road funding, access management, any potential jurisdictional transfer of roadways and appropriate serviceability to the area in compliance with Title 11. Thus, the 2019 UPAA amendment provides the opportunity to clearly identify and coordinate planning responsibilities and a process that will guide the concept planning expectations for the Urban Reserve Area in a timely manner including specific provisions in the UPAA that directly address Title 11 requirements.

Title 14 – Urban Growth Boundary

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

RESPONSE
Ordinance No. 849 does not add any land to the UGB or urbanize any land. The UPAA provides a process, policies and requirements for coordinating concept planning in the Urban Reserve Area in order to provide for the orderly and efficient transition from rural to urban land uses. Title 14 will apply to future decisions to add Urban Reserve lands to the UGB or when lands are annexed in the city's Urban Planning Area as identified in the Tualatin Urban Planning Area map. Ordinance No. 849 is consistent with Title 14.

Part 4:
REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No 849 with the applicable policies of Metro's Regional Transportation Functional Plan (RTFP).

RESPONSE
Ordinance No. 849 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC. Therefore, the amendments in Ordinance No. 849 are consistent with the policies in the RTFP.

BCC 19-0557

Washington County – Tualatin
Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY," and the CITY OF TUALATIN, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY."

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon State Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution 4906-09 agreed that future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the State legislature with House Bill 4078-A in 2014 and House Bill 2047 in 2015 validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and the CITY; and

WHEREAS, the Basalt Creek and West Railroad Planning Areas, generally located between the CITY and Wilsonville, were added to the UGB by the Metro Council in 2004, through Ord. No. 04-1040B; and

WHEREAS, Metro Ord. No. 04-1040B included a condition that the Basalt Creek and West Railroad Planning Areas undergo Title 11 concept planning, as defined in Metro Code Chapter 3.07 of the Urban Growth Management Functional Plan (UGMFP); and

WHEREAS, the COUNTY, the CITY, Wilsonville and Metro entered into an Intergovernmental Agreement (2011 IGA) (Contract No. BCC 11-0470) to consider the Basalt Creek and the West Railroad Areas in a single concept planning effort and refer to the two areas generally as the Basalt Creek Planning Area, a distinct subarea; and

WHEREAS, the CITY, COUNTY, Wilsonville and Metro entered into the First Addendum to the 2011 IGA, acknowledging the Basalt Creek Transportation Refinement Plan (BCC 13-0724), a collaborative transportation planning effort that identified the major transportation projects for the Basalt Creek Planning Area; and

WHEREAS, the CITY, Wilsonville and Metro, agreed to extend the 2011 IGA through Addendum No. 2.0 (BCC No. 16-1110) until the cities and COUNTY amend their respective UPAAs and incorporate the Basalt Creek Concept Plan into each city's respective comprehensive plans or until September 28, 2019; and

WHEREAS, the CITY through Resolution 5392-18 and Wilsonville through Resolution 2697 adopted the Basalt Creek Concept Plan, which included the necessary transportation and land use planning for the area as well as an agreement on the boundary between Tualatin and Wilsonville; and

WHEREAS, the COUNTY, CITY, Wilsonville and Metro through the Basalt Creek Area planning process, recognized that major multimodal transportation investments have been identified that require significant multijurisdictional coordination and agreed to seek additional funding for the transportation infrastructure in the Basalt Creek Planning Area as needed; and

WHEREAS, the COUNTY and the CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes to the UGB, the CITY's Urban Planning Area, and the need for urban planning of the new Urban Reserve lands; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. An Urban Planning Area Agreement incorporating a site-specific Urban Planning Area within the UGB where both the COUNTY and the CITY maintain an interest in comprehensive planning, and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning;

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

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

4. A process to amend the Urban Planning Area Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area mutually defined by the COUNTY and the CITY include the areas designated on the Washington County-Tualatin UPAA "Exhibit A" to this agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation.

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance adopted under ORS 197, 215 or 227, a land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

2. The COUNTY shall provide the CITY with the opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:

a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 35 calendar days prior to the first hearing on adoption.

For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall provide the responding agency with the opportunity to participate in the originating agency's advisory committee, if any.

b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall transmit the draft amendments by first class mail or as an attachment to electronic mail to the responding agency for its review and comment at least 10 calendar days before finalizing. The responding agency shall have 10 calendar days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.

c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final draft amendment recommendation(s), or b) a statement on the record explaining why the comments cannot be addressed in the final draft.

d. Comments from the responding agency shall be given consideration and included as part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by the COUNTY or the CITY which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small tract zoning or comprehensive

plan amendments, conditional or special use permits, land divisions, planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and/or Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of the designated Urban Planning Area or the COUNTY's transportation network.

3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:

   a. The originating agency with jurisdiction over the proposal, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice which identifies the proposed development action to the responding agency, at the earliest opportunity, but no less than 14 calendar days prior to the date of the first scheduled public hearing or end of the comment period, whichever occurs first. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

   b. The responding agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.

   c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.

   d. Comments from the responding agency shall be given consideration and included as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions with the potential to affect the responding agency's land use or transportation system, but are not subject to the notification and participation requirements contained in subsections A. and B. above.

   a. The originating agency with jurisdiction over the proposed actions shall send by first class mail or as an attachment to electronic mail a copy of all public hearings agendas which contain the proposed actions to the responding agency, at the earliest opportunity, but no less than three calendar days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

   b. The responding agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.

   c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:

   a. Future expansion of the UGB over a long-term period (40-50 years), and

   b. The cost-effective provision of public facilities and services when the lands are included within the UGB.

2. Urban Reserve Planning Area (URPA) means those Urban Reserves identified for annexation and urbanization by the CITY at such time as the UGB is amended to include the Urban Reserve Area.

3. Urban Reserve Planning Area - Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately governing, but no final agreement has been reached. These areas are not considered part of the URPA for the purpose of this agreement.

B. The CITY's Urban Reserve Planning Area and Urban Reserve Planning Area – Planning Responsibility Undefined are identified on "Exhibit A" to this Agreement.

C. The CITY shall be responsible for developing a concept plan in consultation with the COUNTY for the URPA in coordination with Metro and appropriate service districts. The concept plan shall include the following:

1. An agreement between the COUNTY and the CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for County roads in the URPA. The agreement should describe any changes to the CITY and/or COUNTY transportation system plans, other comprehensive plan documents, or codes that have been adopted or will be necessary to implement this agreement.

2. An agreement between the COUNTY and the CITY that preliminarily identifies the likely provider of urban services, as defined in ORS 195.065 (4), when the area is urbanized.

D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.

E. Upon completion and acknowledgement of the concept plan by the CITY and the COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the URPA shall be designated as part of Urban Planning Area, as described below. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this Agreement.

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

IV. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY Urban Planning Area is designated on "Exhibit A."

B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.

C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-011 within the CITY's Urban Planning Area in coordination with other service providers that provide urban services within this area.

D. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the Urban Planning Area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

E. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 10-Acre District (FD-10) or the Future Development 20-Acre District (FD-20), as applicable.

F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.

G. The COUNTY shall not oppose annexations to the CITY within the CITY's Urban Planning Area.

H. The Tualatin Comprehensive Plan employs a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. The CITY's

Comprehensive Plan Map establishes future land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of any property within the Urban Planning Area to the CITY, the Planning District or zone specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130 (2) a).

If a property owner, contract purchaser, the authorized representative of a property owner or contract purchaser, or the CITY desire a Planning District or zone different from that shown on the Tualatin Comprehensive Plan Map, an application for a Plan Map Amendment may be filed with the CITY at the time of or following annexation.

I. The CITY and the COUNTY will implement the applicable Urban Reserve concept plans and related agreements. The CITY will amend the CITY Comprehensive Plan to include this area consistent with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding, if needed. Until the CITY amends its Transportation System Plan (TSP) to include the land within the CITY's Urban Planning Area, the COUNTY's TSP will serve as the TSP for the Urban Planning Area.

V. Special Policies

A. The CITY shall specify in its Comprehensive Plan that access to SW 124th Avenue and Basalt Creek Parkway shall be limited to the following locations: SW Tualatin-Sherwood Road, SW Tonquin Road, SW Grahams Ferry Road, SW Boones Ferry Road and one other location within the CITY portion of the Basalt Creek Planning Area.

B. The CITY agrees to incorporate the planned local street network identified in the Basalt Creek Refinement Plan into the CITY's TSP and include all transportation projects on the COUNTY's Transportation Development Tax (TDT) Road Project List to be eligible for TDT funding.

C. The CITY agrees to work with the COUNTY and other partners to secure funding for construction of Basalt Creek Parkway from SW Grahams Ferry to SW Boones Ferry Road and other transportation improvements identified on the Basalt Creek Transportation Refinement Plan to support development in the Basalt Creek Planning Area.

D. Where the CITY Urban Planning Area boundary on "Exhibit A" is shown as SW 124th Avenue, SW Basalt Creek Parkway, SW Tonquin Rd. and/or SW Waldo Way, the boundary shall extend to the centerline of each road.

VI. Amendments to the Urban Planning Area Agreement

A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:

1. The CITY or the COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.

2. The formal request shall contain the following:

a. A statement describing the amendment.

b. A statement of findings indicating why the proposed amendment is necessary.

c. If the request is to amend the planning area boundary, a map that clearly indicates the proposed change and surrounding area.

3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 calendar days of the date the request is received.

4. The CITY and the COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and the COUNTY:

a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section VI. A. 3, the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 30 calendar days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 calendar days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.

b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties may individually or jointly initiate review of this Agreement to evaluate the effectiveness of the processes set forth herein and determine if conditions warrant any amendments. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, inconsistencies still remain at the conclusion of the review period, either party may terminate this Agreement.

VII. This Agreement shall become effective upon full execution by the CITY and the COUNTY and shall then repeal and replace the Washington County – Tualatin Urban Planning Area Agreement effective December 23, 2009. The effective date of this Agreement shall be the last date of signature on the signature page.

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

CITY OF TUALATIN

By _____ Date 5/20/19
City Manager

Approved as to Form:

By _____ Date 5/20/2019
City Attorney

WASHINGTON COUNTY

By _____ Kathryn Harrington Date 06/06/19
Chair, Board of Commissioners

Approved as to Form:

By _____ Date 6/4/19
County Counsel

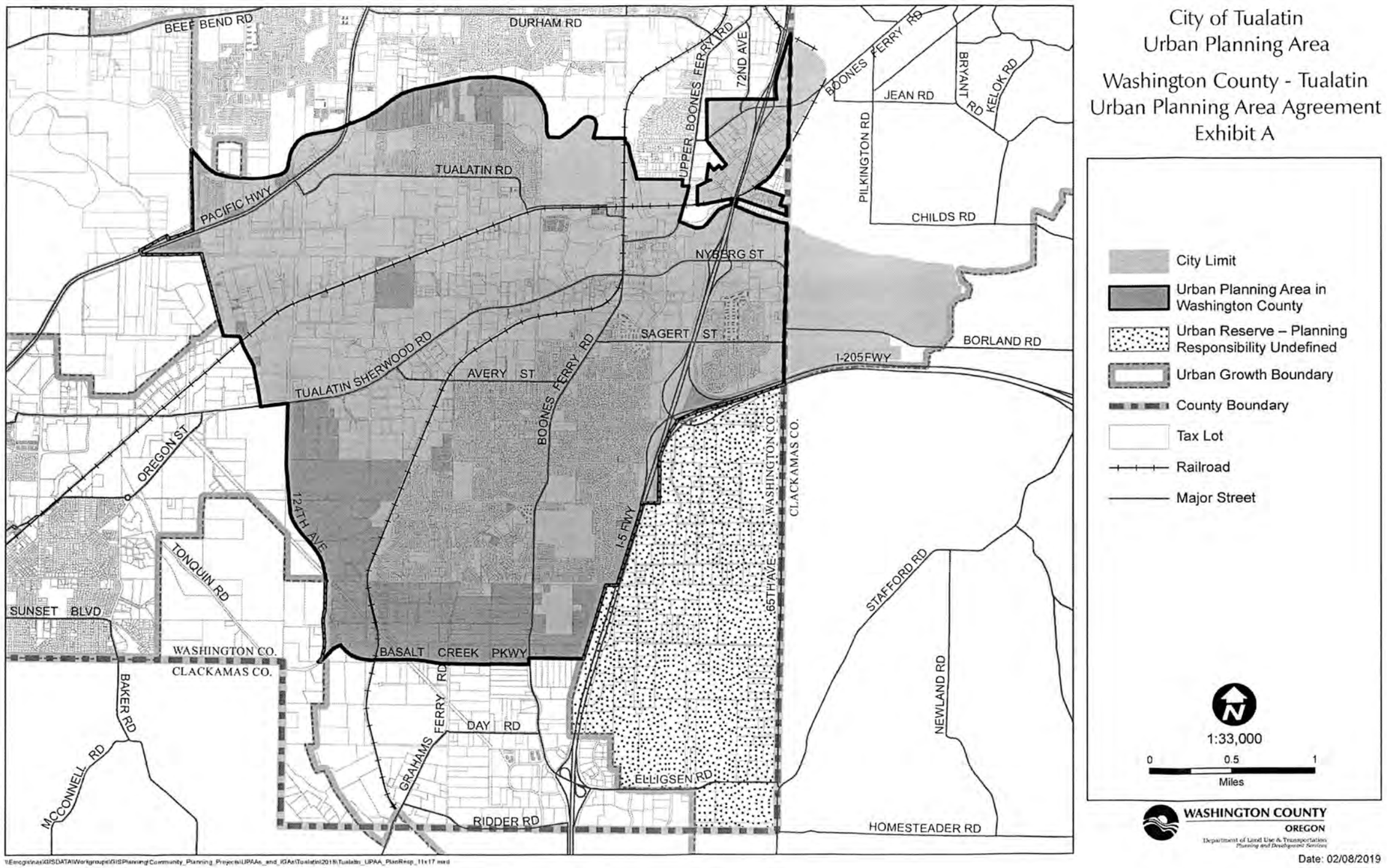
By _____ Date _____
Recording Secretary

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

~~MINUTE ORDER #~~ RO 19-31

DATE 4-16-19

BY Barbara Hejtmanek
CLERK OF THE BOARD



Agreement Amended by
Washington County Land Use Ordinance No. 849
Adopted April 16, 2019