

October 10, 2003

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager  
Department of Land Use and Transportation

Subject: **PROPOSED A-ENGROSSED ORDINANCE No. 612**

Enclosed for your information is a copy of proposed A-Engrossed Ordinance No. 612. A-Engrossed Ordinance No. 612 proposes to require owners of developing properties located outside of the current service boundary of a park district pay to the County a park System Development Charge (SDC) at time of development.

The Board of County Commissioners (Board) ordered changes to Ordinance No. 612 at their October 7, 2003 public hearing. These changes are incorporated into A-Engrossed Ordinance 612. The changes set forth in A-Engrossed Ordinance 612.

The key substantive changes ordered by the Board will:

1. Replace Policies 33 and 35 of the Comprehensive Framework Plan for the Urban Area (CFP) with a new Policy 33. New Policy 33 adds additional strategies that set forth the policy basis for insuring that developing properties not currently located within the service area of a park and recreation provider are provided with adequate park and recreation services. The new language also enables the County to serve as an interim provider of park and recreation facilities. Park SDC's are also incorporated into the policy as one of the possible funding sources available for the County acquiring land for park and recreation facilities.
2. Amend Policy 34 of the CFP. Under the amended Policy 34, the County will use an approved park district master plan in addition to community plans when identifying potential acquisition of land for park and recreational facilities.
3. Amend Policy 14 of the CFP to allow the collection of a park SDC by the County to help pay for the acquisition of land for park and recreation facilities.
4. Amend Policy 15 of the CFP to enable the County to serve as an interim provider of park land and recreation facilities.
5. Amend Article V. of the Community Development Code to require owners of developing properties pay a park SDC at time of development.

The Board will hold two public hearings for A-Engrossed Ordinance No. 612 at their regular meetings at **10:00 a.m. on Tuesday, October 21, 2003** and at **6:30 p.m. on Tuesday, October 28, 2003**. The public hearings will be held in the Shirley Huffman Auditorium of the Public Services Building, located at 155 North First Avenue in downtown Hillsboro, Oregon. At the October 28<sup>th</sup> meeting, the Board may choose to adopt the ordinance, continue the hearing to a future date, order additional changes, or reject the ordinance. Testimony may be provided at the public hearings or it may be submitted in writing prior to the hearings.

If you would like more information about proposed A-Engrossed Ordinance No. 612, please contact Paul Schaefer, Planning Division at (503) 846-8817, or write to the Washington County Planning Division at 155 North First Avenue, MS #14, Hillsboro, Oregon 97124-3072. An electronic copy of this ordinance and other land use ordinances are available on the County's internet site, [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://www.co.washington.or.us/deptmts/lut/planning/ordhome.htm).

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 A-ENGROSSED  
4 ORDINANCE 612

( An Ordinance Amending the Comprehensive  
( Framework Plan for the Urban Area and the  
( Community Development Code, Elements of  
( the Comprehensive Plan Relating to Park and  
( Recreation Services

5  
6 The Board of County Commissioners of Washington County, Oregon, ordains:

7 SECTION 1

8 A. The Board of County Commissioners of Washington County, Oregon, recognizes  
9 that the Community Development Code element of the Comprehensive Plan (Volume IV) was  
10 readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions  
11 subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-  
12 386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421, 422, 423, 428-434, 436, 437, 439,  
13 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-  
14 523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-  
15 595, 603-605, 607, and 608.

16 B. The Board of County Commissioners recognizes that the Comprehensive  
17 Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was  
18 readopted with amendments on September 9, 1986, with portions subsequently amended by  
19 Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 483, 503, 516, 517, 526,  
20 561, 572, 588-590, 598, and 608.

21 C. Subsequent ongoing planning efforts of the County indicate a need for changes to  
22 the above listed elements of the Comprehensive Plan to add provisions concerning park land and

1 recreation facilities. The Board takes note that such changes are necessary for the benefit of the  
2 health, safety, and general welfare of the residents of Washington County, Oregon.

3 D. Under the provisions of Washington County Charter Chapter X, the Land Use  
4 Ordinance Advisory Commission has carried out its responsibilities, including preparation of  
5 notices, and the County Planning Commission has conducted one or more public hearings on the  
6 proposed amendments and has submitted its recommendations to the Board. The Board finds that  
7 it has considered that recommendation, but the Board has determined that amendments are  
8 necessary to reflect the Board's policy choice regarding the best mechanism to help ensure  
9 preservation and provision of parkland and facilities.

10 E. 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 that this Ordinance  
12 complies with the Statewide Planning Goals, the Metro Urban Growth Management Functional  
13 Plan, and the standards for legislative plan adoption, as set forth in Chapters 197 and 215 of the  
14 Oregon Revised Statutes, the Washington County Charter, and the Washington County  
15 Community Development Code.

16 SECTION 2

17 The following exhibits, attached and incorporated herein by reference, are hereby adopted  
18 as amendments to the following:

19 (A) Exhibit 1 (4 Pages) amending Comprehensive Framework Plan for the Urban  
20 Area Policy 33.

21 (B) Exhibit 2 (2 Pages) amending Comprehensive Framework Plan for the Urban  
22 Area Policy 34.

- (C) Exhibit 3 (2 Pages) repealing Comprehensive Framework Plan for the Urban Area Policy 35.
- (D) Exhibit 4 (3 Pages) amending Comprehensive Framework Plan for the Urban Area Policy 14.
- (E) Exhibit 5 (4 Pages) amending Comprehensive Framework Plan for the Urban Area Policy 15.
- (F) Exhibit 6 (3 Pages) amending Comprehensive Framework Plan “Summary Analysis of Constraints and Opportunities for Land Development.”
- (G) Exhibit 7 (1 Page) Amending Comprehensive Framework Plan Glossary.
- (H) Exhibit 8 (4 Pages) Amending Community Development Code Article 5.

**SECTION 3**

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

**SECTION 4**

All applications submitted under former land use ordinances shall continue to be processed pursuant to the provisions of the former ordinance until a final decision is rendered by the County or the application is withdrawn, unless specifically provided otherwise by law.

**SECTION 5**

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be

////

////

1 affected thereby and shall remain in full force and effect, and any provision of a prior land use  
2 ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and  
3 again be considered in full force and effect.

4 SECTION 6

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

10 ////

11 ////

12 ////

13 ////

14 ////

15 ////

16 ////

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

1 SECTION 7

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

3  
4 ENACTED this \_\_\_\_ day of \_\_\_\_\_ 2003, being the \_\_\_\_\_  
5 reading and \_\_\_\_\_ public hearing before the Board of County Commissioners of  
6 Washington County,  
7 Oregon.

8 BOARD OF COUNTY COMMISSIONERS  
9 FOR WASHINGTON COUNTY, OREGON

10 \_\_\_\_\_  
11 *CHAIRMAN*

12 \_\_\_\_\_  
13 *RECORDING SECRETARY*

14 READING

14 PUBLIC HEARING

15 First \_\_\_\_\_  
16 Second \_\_\_\_\_  
17 Third \_\_\_\_\_  
17 Fourth \_\_\_\_\_  
18 Fifth \_\_\_\_\_  
18 Sixth \_\_\_\_\_

15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
18 \_\_\_\_\_

19 VOTE: *Aye:* \_\_\_\_\_

*Nay:* \_\_\_\_\_

20 Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Policy 33 of the *Comprehensive Framework Plan For The Urban Area* is amended as shown below.

<b>RECREATION</b>
<b><del>POLICY 33, QUANTITY AND QUALITY OF RECREATION FACILITIES AND SERVICES:</del></b>
<b><del>It is the policy of Washington County to ensure that residents of its urban unincorporated areas are provided with adequate open space and park facilities and services.</del></b>

Implementing Strategies

The County will:

- a. ~~Work with all public agencies providing recreational services within the county to ensure that opportunities for citizen participation in park and recreation decisions are provided.~~
- b. ~~Coordinate with private recreation service providers in the planning of park and recreation facilities and services for the urban unincorporated area.~~

Summary Findings and Conclusions

~~The County, cities and special districts, particularly Tualatin Hills Park and Recreation District (THPRD) provide a wide range of recreation facilities for Washington County residents.~~

~~The THPRD, which provides most of the recreation facilities and programs in the urban unincorporated Washington County, has done a good job of providing recreation facilities and programs within the financial constraints under which they operate.~~

~~There is some indication that the demand for recreation facilities and services currently exceeds the supply of such services. The Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP) prepared (1978) by the State Parks and Recreation Branch of the Department of Transportation arrived at such a conclusion. The SCORP included an inventory of recreation sites to determine the supply of recreation facilities and services. Public demand for recreation facilities and services was gauged from the results of surveys aimed at determining the public's preference for various recreation facilities and services.~~

~~The general conclusion of the SCORP was that demand for recreation services and facilities in Washington County considerably exceeds the supply of such services. Specifically, the SCORP identified the need for additional park acreage and additional facilities for swimming, golfing, tennis, various team sports, jogging and bicycling. The SCORP identified water-related sites and trails as well as picnic and campsite facilities as the most significant "deficit" of demanded recreational facilities.~~

~~While the SCORP analysis and conclusions are somewhat dated, the conclusions seem to continue to be valid. Additionally, analysis by staff indicates that particular portions of unincorporated urban Washington County, such as Aloha, may be particularly lacking in recreation facilities.~~

~~Lands currently in public ownership but lacking recreation improvements may offer a potential for reducing the existing deficit of available parklands. However, the demand for recreational facilities and services created by expected population growth indicates additional parkland acquisition and capital improvements will be necessary.~~

**RECREATION**

**POLICY 33, QUANTITY AND QUALITY OF RECREATION FACILITIES AND SERVICES:**  
**It is the policy of Washington County to work to provide residents and businesses in the urban unincorporated area with adequate park and recreation facilities and services and open space.**

Implementing Strategies

The County will:

- a. Work with cities, special districts and the public to identify the long-term service providers of park, recreation and open space services through the preparation of urban service agreements. The County recognizes park districts and cities as the appropriate long-term providers of these services in all of urban Washington County.
- b. Encourage and support park and recreation providers to adopt annexation plans so that properties without a current park and recreation provider will be provided service. The County recognizes annexation plans as the most appropriate way to bring these properties into the boundaries of the park and recreation providers. Annexation plans shall be consistent with the requirements of state law and the applicable urban service agreement.
- c. Consider being an interim provider of park land and recreation facilities to one or more urban unincorporated area(s) until the area(s) is annexed into the boundary of a designated park and recreation provider. Potential funding sources for County acquisition of park land and provision of recreation facilities include fees; federal, state and regional funding; grants; property taxes; and a park system development charge (SDC).

The Board may adopt a park SDC for unincorporated properties in one or more specific geographic areas when it finds:

- 1. The long-term park and recreation provider to the area has been identified;
- 2. There is an identified special need for park land and/or recreation facilities in the area;
- 3. The identified park and recreation provider does not have adequate funding to purchase needed park land or provide needed recreation facilities in the area outside of its current boundary; and

4. The identified park and recreation provider has committed to placing an annexation plan on the ballot.
- d. Work with park districts and city park and recreation providers to develop park master plans and funding priorities for park, recreation and open space services for urban unincorporated areas.
- e. Designate the off-street trail system in the Transportation Plan.
- f. Continue the Metzger Park Local Improvement District (LID) for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park.
- g. Encourage Metro and appropriate state and federal agencies to establish or expand facilities in the County.
- h. Work with all public agencies providing park, recreation and open space services within the County to ensure that opportunities for citizen participation in park and recreation and open space decisions are provided.
- i. Coordinate with private recreation providers in the planning of park and recreation facilities and services for the urban unincorporated area.
- j. Review all lands owned by the County and other local public agencies (for example, Clean Water Services, water districts) for potential open space or recreational use.

#### Summary Findings and Conclusions

Throughout its history, the County has not been a park and recreation provider but has relied instead on the Tualatin Hills Park and Recreation District (THPRD) and cities to provide these services. The only parks the County maintains are Metzger Park and Hagg Lake. The operation and maintenance of Metzger Park is funded through a local improvement district. The County operates and maintains Hagg Lake, which is owned by the United States Bureau of Reclamation.

THPRD, the largest park and recreation provider in Washington County, is the only provider of park, recreation and open space services to urban unincorporated Washington County. Unincorporated properties located outside of THPRD's boundary are not provided with park and recreation services, with the exception of the Metzger area which funds Metzger Park. As development occurred in these areas, park land was not acquired because these areas were not served by a park and recreation provider and the County did not have funding to acquire park or open space land. Sustained, rapid levels of development since the 1980s also outpaced the capability of THPRD to provide the level of services called for in its master plans. THPRD's financial constraints also precluded it from acquiring future park land in areas outside its current boundary but within its ultimate service area.

In 1995, Washington County, THPRD, cities, special service districts, and Metro began to develop urban service agreements for all territory within the Regional Urban Growth Boundary. State urban services legislation adopted in 1991, Senate Bill 122, requires local governments to identify the long-term service providers of a number of urban services, including parks, recreation, and open space. The result of this planning effort will be urban service agreements that include the designation of the long-term providers of park, recreation and open space services for specific geographic areas of urban Washington County. Early in this planning process, local governments and the public determined that THPRD and cities were the appropriate long-term providers and not the County. The long-term park and recreation providers that have been designated to serve almost all of urban unincorporated Washington County are THPRD and the cities of Hillsboro and Tigard.

The County, THPRD and city park and recreation providers recognize the importance of providing services to unincorporated areas outside of THPRD due in part to the increased public demand for park and recreation services and the lack of parks and recreation facilities in these areas. For example, in the Bethany area significant portions of the area have developed outside of THPRD, resulting in little or no park land in large sections of the area. The same conditions exist in the Bull Mountain area due to development occurring outside the City of Tigard, the designated park and recreation provider to that area.

The County, THPRD and cities agree these unserved areas must be annexed to their appropriate park and recreation provider. The County believes the most appropriate annexation method is the adoption of annexation plans, as provided for by statute. Annexation plans provide a thoughtful, comprehensive and systematic way to ensure all urban properties are provided with park, recreation and open space services. Other annexation methods result in scattered and piecemeal annexations that are not conducive to efficient and effective service provision. Annexation plans also provide the public with the best opportunity to participate in the planning process that will determine how to serve these areas. They also guarantee the public a say in whether areas should be annexed, because annexation plans must be placed on the ballot.

Due to inadequate park and recreation facilities and the dwindling supply of land in certain urban areas outside the boundaries of park and recreation providers, the County should consider being an interim provider of park land and recreation facilities in those areas until they can be annexed into the boundary of the appropriate provider. As an interim provider, the County could purchase property for future development as park land. The County could also develop park land and recreation facilities on an interim basis by contracting for development and construction services with the appropriate long-term park and recreation provider. Upon annexation to the appropriate park and recreation provider, the County would transfer to the provider any properties it has acquired or any funds it has designated for the annexed area.

Potential funding sources the County could consider include existing property taxes; federal, state and regional funding; fees; a park SDC; a park serial levy; land donations; and voluntary contributions. A County SDC on new development for parks and recreation facilities could be collected by the County in designated unincorporated urban areas not served by a park and recreation provider. Such a fee would require all developers to contribute to the development of park and recreation facilities in the same manner used by THPRD and city park and recreation providers. Where a developer could contribute land deemed acceptable for park or recreation use, this might be accepted in lieu of an SDC if the land had a value equivalent to the fee the developer would have been required to pay and was acceptable to the County.

Lands currently in public ownership but lacking recreation improvements may offer a potential for reducing the existing deficit of available park lands. The County and other local public agencies, such as Clean Water Services and water districts, should also review properties in their ownership for potential recreational use prior to selling them.

Policy 34 of the *Comprehensive Framework Plan For The Urban Area* is amended as shown below.

**POLICY 34, OPEN SPACE AND RECREATION FACILITIES LOCATION:**

**It is the policy of Washington County to encourage the location of parks, open space and recreation facilities so as to define and implement the eCounty-wide development concept, County policies and eCommunity pPlans.**

Implementing Strategies

The County will:

- a. Identify potential future park and recreation areas in the areas in Community Plans. In addition to these areas, the County also recognizes proposed park and recreation areas identified on the adopted master plans of park and recreation providers as potential park and recreation sites. Identification of these areas shall not take the place of a countywide parks and recreation needs assessment and plan.
- b. Notify the Tualatin Hills Park and Recreation District (THPRD) or other appropriate service providers when a development application is accepted for a site, which includes a potential park and recreation area identified in a Community Plan. In the absence of a service provider, the County shall attempt to secure the desired area for the intended use.
- c. Give priority to the preservation of lands with:
  1. Significant natural features, urban forests, scenic views, natural hazards, or significant fish and wildlife habitats;
  2. The potential for linkage into open space corridors especially for trail systems (hiking, jogging, bicycling, horseback riding);
  3. Access to streams and rivers, particularly the Tualatin River;
  4. Easy access by pedestrians, bicyclists, transit riders, and those with limited mobility and finances;
  5. Close proximity to existing or planned higher density population areas; and
  6. Value in defining the edges or boundaries of communities.
- d. Consider future acquisition and development programs, which take into account:
  1. Areas of substantial need;
  2. How well a site meets the relative recreation needs of the service area;
  3. The suitability of environmental conditions;
  4. Fiscal feasibility;

5. Threat of loss of a valuable resource; ~~and~~
6. Opportunity for cooperative projects; ~~and~~
7. Commitment of the long-term park and recreation provider to an annexation plan.

#### Summary Findings and Conclusions

The supply of potential suitable park and recreation sites in urban Washington County is ~~largely limited~~. The conversions of potential suitable ~~recreation~~ sites to park and recreation sites with appropriate recreation facilities ~~are~~ is contingent upon ~~public approval of funding for acquisition and development~~ securing funding for land acquisition and improvements.

One example of a potential recreation resource is the streams and rivers of Washington County. Specifically, the Tualatin River offers the potential for a wide variety of water-based recreational activities. The utilization of the Tualatin River for such water-based recreational activities is currently restricted by its limited access to the public.

The County, through the 1973 Comprehensive Framework Plan, and ~~the Tualatin Hills Park and Recreation District (THPRD)~~, through ~~its Action Program~~ THPRD's master plans, have recognized the importance of providing a broad range of open space and recreational opportunities for their constituents. For example, both jurisdictions recognize the importance and recreational benefits of providing pathways along streams and utility easements. Likewise, both jurisdictions have identified the need to locate parks in proximity to school sites.

Some aspects of the THPRD planning and implementation process may benefit from the County's analysis, during the comprehensive planning process, of certain types of recreational and open space opportunities. Two examples are the identification of significant natural areas and ~~of~~ significant scenic views.

In the future, County plans and policies, in combination with the plans and policies of ~~special~~ park and recreation ~~service~~ providers, should be used as guides in locating open space, parks, and recreation facilities to ensure that siting reflects comprehensive planning priorities.

Non-urban recreation sites and facilities are used extensively by urban residents. Consequently, the Recreation section of the Rural/Natural Resource element is an indispensable complement to the Recreation section of the Urban Plan.

Policy 35 of the *Comprehensive Framework Plan For The Urban Area* is deleted as shown below.

**POLICY 35, AGENCY ROLES AND RESPONSIBILITIES IN MEETING  
RECREATION NEEDS:**

~~It is the policy of Washington County to work with THPRD and the cities and school districts in comprehensive planning for open space and recreation facilities and services for the County.~~

Implementing Strategies

The County will:

- ~~a. Encourage THPRD to expand its boundaries to be responsible for providing neighborhood and community-scale recreation facilities and services in all urban unincorporated areas of the county, with the possible exception of the Metzger Local Improvement District and areas subject to annexation by cities with parks programs. Should the THPRD Board decide not to expand district boundaries to the limits just described, the County should attempt to form a special service district to provide recreation facilities and services in appropriate areas outside the THPRD.~~
- ~~b. Consider assuming primary responsibility for providing regional scale recreation sites, facilities and services for the entire county and should assist THPRD in acquiring and locating open space and park sites in the urban unincorporated area.~~
- ~~c. Encourage appropriate State and Federal agencies to establish or expand facilities in the County.~~
- ~~d. Work with the THPRD to plan for the provision of recreational facilities presently outside the THPRD boundaries but within their sphere of influence.~~
- ~~e. Work with the THPRD to develop specifications for park and open space dedications and fees in coordination with urban area and/or local park acquisition programs.~~
- ~~f. Review all lands owned by the County and other local public agencies (for example, USA, water districts) for potential open space or recreational use.~~

Summary Findings and Conclusions

~~There is no comprehensive effort to do recreation planning. Although the provision of neighborhood and community scale parks has been addressed for the most part by public recreation agencies, there is no agency with the responsibility for providing district or regional parks or facilities of a regional nature (for boating, hiking, etc.) county-wide. THPRD has provided, however, several regional recreation facilities within its boundaries.~~

~~Even neighborhood and community parks are not provided to all urban unincorporated areas of the County, including the Reedville area of CPO 6 and the Bull Mountain area of CPO 4. Although it seems logical that the Tualatin Hills Park and Recreation District (THPRD) should provide service in these areas, no agreement has been reached as yet regarding the District's ultimate service area.~~

~~The District has a plan for provision of additional facilities, but the plan is not based on any comprehensive survey of recreation demand or any definite standards or measures of recreation need. The District does hold meetings with citizens on the design of neighborhood and community parks as they are developed, and does monitor the use of existing facilities and programs while keeping track of requests for new facilities. The District's Board feels through its personal contacts and program monitoring that THPRD is effective in meeting the needs of its residents. Furthermore, the District's ability to finance the acquisition, improvement and maintenance of the parks, land and facilities it may need is limited. At this time, THPRD does acquire some parkland by way of land donations from residential developers. Unfortunately, donations are not received from all developers (smaller subdivisions and multiple family developments usually do not include donations). The land that is donated is often undevelopable land within flood plains or drainage hazard areas and is unsuitable for many types of recreation facilities. It is often advantageous for the developers to give this land to the park district rather than maintain it themselves.~~

~~There is no way of assuring that THPRD and other recreational service providers will be able to acquire the better quality sites they may desire. Although revenues are available to the District from its property tax and bond issues, these funds must also be used for facility development and maintenance.~~

~~It would seem that other approaches must be taken to assure adequate planning and funding of recreation services. A comprehensive parks and recreation plan based on a statistically valid survey of recreation needs in the County should be developed by the County, in coordination with all recreational service providers, and jointly adopted by all such agencies. There are many potential funding sources, including existing sources such as the property tax, State and Federal grants, fees, land donations, and voluntary contributions. A Systems Development Charge on residential development for parks could be collected by the County and the City of Beaverton and turned over to the THPRD for park acquisition and facility development. With such a fee, all developers would be required to contribute to development of parks and recreational facilities. Where a developer could contribute land deemed acceptable for park use, this might be accepted in lieu of fees if the land had a value equivalent to the fee the developer would have been required to pay.~~

~~The County could fund the acquisition and development of district and regional parks and recreation facilities through the previously mentioned systems development charge, or perhaps more appropriately, through a special serial levy for parks.~~

~~The County and other local public agencies, such as the Unified Sewerage Agency (USA) and water districts, should also carefully review parcels in their ownership for potential recreational use prior to selling them at auction. Some potential future park sites may have been lost in the past because of inadequate knowledge of recreation needs. The Tualatin Hills Park and Recreation District has not received notification of County auctions, for example.~~

Policy 14 of the *Comprehensive Framework Plan For The Urban Area* is amended as shown below.

**POLICY 14, MANAGING GROWTH:**

**It is the policy of Washington County to manage growth on unincorporated lands within the UGB such that public facilities and services are available to support orderly urban development.**

Implementing Strategies

The County will:

- a. Support the regional Urban Growth Boundary and procedures for its amendment as acknowledged by the Oregon Land Conservation and Development Commission.
- b. Categorize urban facilities and services into three categories: Critical, Essential and Desirable.
  1. Critical facilities and services are defined as: Public water, public sanitary sewers, fire, drainage, and access (Local and Minor Collector roads). An inability to provide an adequate level of Critical services in conjunction with the proposed development will result in the denial of a development application.
  2. Essential facilities and services are defined as: Schools, Arterial (including State highways) and Major Collector roads, transit improvements (such as bus shelter and turnouts, etc.), police protection, and on-site pedestrian facilities in the public right-of-way. Failure to ensure the availability of an adequate level of all Essential services within five (5) years from occupancy may result in the denial of a development application. The Review Authority may condition the approval to limit the period of time to a period shorter than five (5) years depending upon the degree of impact that the proposal has on the inadequate facilities or services and the risks to public safety in the interim period.

The development application will be denied when the Essential facilities and or services cannot be ensured within the required time period unless the following findings of fact can be made. All exceptions to the public facility and service standards shall require a public hearing:

- a) The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the aforesaid five (5) year period;
- b) The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;

- c) The approval of the development application without the insurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and
  - d) It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provision of the unacceptable facility(ies) and service(s).
3. Desirable facility(ies) and service(s) are defined as: Public mass transportation service, parks and recreation facilities, bicycle facilities and off-site pedestrian facilities. These are facilities and services ~~which can~~that may be expected in a reasonable time frame ~~(five-year period)~~ from the occupancy of a development. Adoption of a County impact fee or system development charge is an acceptable way to promote the availability of any of these services. Development applications in areas subject to such fees or charges shall be conditioned to pay them, or provide land in lieu of payment, in accordance with the terms of the fee or charge ordinance and policies. A development application outside of an area subject to such a fee or charge may be conditioned to facilitate these services based upon specific findings. Adoption of a County impact fee or system development charge is an acceptable way to ensure the availability of any one of these services.
- c. Rely upon standards established by the appropriate special service district and adopted County Standards as the measurement of acceptability for the service provided by the service provider. The information obtained from the service provider shall be treated as a rebuttable presumption as to the ability to provide an adequate level of the facility or service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider. Specific standards for implementation will be identified in the Community Development Code as well as acceptable methods for assuring availability of required public services and facilities.
  - d. Require that the cost of providing the required County urban services for a particular land use proposal shall be borne by the applicant or benefited properties unless otherwise authorized by the Board of County Commissioners. Methods to assure needed improvements that address development impacts may include improvements by an applicant, planned capital improvements by a public agency, fees, impact taxes, and system development charges. Within 90 days of the date Ordinances 292 and 293 go into effect, the Board shall introduce an ordinance to establish a fee-based system to replace required assurances for County Arterials, Major Collectors, and Transit Corridor improvements. Such a system shall be designed to fairly apportion the costs of these improvements to new development. The study entitled "Analysis and Methodology for the Creation of a Fee-Based Traffic Impact System" (January 1985) shall be the foundation of this ordinance. The Board may elect to apply this system to either or both the urban and rural portions of the County.
  - e. Apply the growth management standards to all new development actions ~~except construction of a detached dwelling on a lot of record.~~ as provided in the Community Development Code.

- f. Establish clear and objective criteria for the issuance of all development permits. These criteria will consider:
  - 1. Consistency with the Comprehensive Plan and appropriate Community Plans,
  - 2. Adequacy of public facilities and services as required in the growth management strategy, and
  - 3. Consistency with development standards contained in the Community Development Code.
- g. Use, and encourage other public service providers to use, the following priority list to guide the investment of public monies in public facilities and services:
  - 1. Solve existing health, safety and welfare problems.
  - 2. Facilitate infill development or new development which is contiguous to existing.
  - 3. Promote commercial and industrial economic development opportunities.
  - 4. Extend services to outlying, undeveloped areas designated for residential development in the Comprehensive Plan.

#### Summary Findings and Conclusions

A healthy, livable urban environment is achieved in part through the provision of public facilities and services prior to or concurrent with development at a level adequate to serve the expected demand.

~~Of the major urban facilities and services provided in Washington County -- including sewers, water lines, roads, fire and police protection, and schools -- it is the County road system and police protection services which are most heavily impacted by the demands of the County's growth. The major urban facilities and services that have been impacted the most by the demands of the County's growth are the County road system, police protection, schools, and park and recreation services. Providers of other services and facilities, such as sewers and water lines, have, in general, been able to keep pace with the rapid growth of recent years and still provide more than adequate service to existing customers.~~

The County needs to make sure that, despite cutbacks in general revenue sharing and Federal and State funding for capital facility construction, future growth does not occur without the necessary supporting services. This can be accomplished through managing growth, using adequate service availability as a key element in the development review process.

Policy 15 of the *Comprehensive Framework Plan For The Urban Area* is amended as shown below.

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

**It is the policy of Washington County to work with service providers, including cities and special districts, and the Portland Metropolitan Area Boundary Commission, to insure 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

new. Will consider being an interim provider of park land and recreation facilities either directly or through an intergovernmental agreement with a park and recreation provider. The County may fund park land and recreation facilities by adoption of a system development charge ordinance applicable to designated areas.

- c. 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 and recreation facilities,
  11. Police, and
  12. Transit.
- d. 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,
  - ~~7~~8. Standards to be used by the County and the service provider in assessing "adequate" service levels,
  - ~~9~~8. Area or clientele to be served now and in the future,
  - ~~10~~9. Consistency with Plan policies and strategies,
  - ~~11~~0. Coordination of capital improvements programs, and

124. Cost effectiveness of service provision.
- e. Review requests by cities to formally recognize city urban service areas. Following coordination with affected cities, service providers and interested parties, the County may designate exclusive urban service areas by legislative amendment to Policy 15 of the Comprehensive Framework Plan for the Urban Area.
  - f. Not oppose proposed annexations, which are in accord with an Urban Planning Area Agreement (UPAA).
  - g. 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 Beaverton\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.
  - h. 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.
  - i. 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 renegotiation of Urban Planning Area Agreements.
  - j. 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.
  - k. 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.
  - l. Enter into intergovernmental agreements with high growth school districts ~~which that~~ are consistent with ~~ORS 195.020 and ORS 195.110~~state law, and ~~which 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.

#### 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 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.

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.

Section B. of the Summary Analysis of Constraints and Opportunities for Land Development in the *Comprehensive Framework Plan For The Urban Area* is amended as shown below.

## B. URBAN SERVICE AVAILABILITY

Provision of adequate urban services is an effective growth management mechanism, which is available to the County in terms of controlling the intensity, location and the timing of land development. The County classifies urban services as critical, essential or desirable. Land use actions must be based on findings that adequate urban services are available or will be provided within a specified time period.

### 1. Water Supply Distribution

Although the county has experienced dramatic growth in the past few years, the supply of water does not seem to be a major constraint at this time. Alternative sources are being considered. Improvements to the storage and distribution systems will have to be made to accommodate the expanded service area population. A less obvious constraint exists in terms of the ability of either the County or the special districts to finance and construct future water storage and delivery improvements.

The only identified problem is located in a portion of the Bull Mountain-Cooper Mountain area, which has been identified as a "Critical Groundwater Area" by the State Engineer since 1974.

### 2. Sewer Capacity

By conditioning land use actions to assure availability of adequate urban services, the County can ensure that growth does not outpace its ability to provide such services. Extension of sewer collection lines will exert a strong influence on timing and location of urban development. According to the Unified Sewerage Agency (USA), sufficient sewer collection and treatment capacity is planned to serve both the current and projected uses. Rapid growth has encroached on the existing capacity of two major sewerage treatment plants Durham and Rock Creek sooner than expected.

Improvements to the system will depend upon USA's ability to finance planned projects. Due to the scarcity of Federal grant monies, in the future USA may need to rely on other funding sources and mechanisms (including LIDs, systems development charges, and developer-funded improvements) to generate funds. For USA and its customers, completion of planned projects most likely will take place at a slower rate than envisioned.

### 3. Drainage Management

Washington County, like many other urbanizing areas has a definite storm water runoff and drainage problem caused by an increasing amount of impervious area in the drainage basin without commensurate improvements in the storm drainage system. Part of the problem stems from the fact that no countywide drainage management plan and/or regulatory measure exist that would provide a comprehensive strategy. The County Flood Plain Ordinance only provides a passive mechanism for protecting against additional flooding and drainage problems by limiting additional runoff from development.

### 4. Police and Fire Protection

In general, police and fire protection services are satisfactory. However, continued growth may place an additional demand on personnel, equipment and facilities, which may exceed financial resources, requiring a gradual expansion of the delivery system. Land development proposals must consider future urban form to avoid delays in emergency response time.

### 5. Schools

InThe 1993 the Oregon legislature, through Senate Bill 908, requiresd Washington County to include as an element of its eComprehensive pPlan, a school facility plan which addresses school capacity and a plan for school facilities to accommodate growth for high growth school districts. In Washington County, Beaverton District 48 has been certified as a high growth school district; and the Hillsboro Union High District 3J, and Tigard District 23 may be considered to be high growth school districts. Washington County will continue to work closely with these school districts to develop school facility plans as necessary to ensure that urban growth does not outpace the ability of public schools to serve the additional demand.

### 6. Parks and Recreation

The Tualatin Hills Park and Recreation District (THPRD) is the only park and recreation provider in urban unincorporated Washington County. Due to the sustained and rapid levels of development in the urban unincorporated areas, particularly areas outside of THPRD, many areas have developed without the provision of adequate park land. Currently, there is a dwindling supply of land available for new parks and recreation facilities in the urban area. The County will consider adoption of a park land and recreation facilities system development charge as an interim tool for designated areas. The County will work closely with THPRD and cities designated as long-term park and recreation providers through urban service agreements to provide adequate park land, recreation facilities and open space to urban areas.

76. Communications

Telephone communications are provided by private service carriers, as indicated in the Resource Document. They pose no major constraint to land development in Washington County.

The Washington County Commissioners have granted Storer-Metro a 15-year non-exclusive franchise to extend cable to an unserved portion of unincorporated Washington County, including Aloha and Reedville. Metro West Cablevision, a Storer-Metro subsidiary, already provides cable television service to 2,359 homes in the Aloha area. Liberty Cable and Sylvan Videocable serve much of the eastern portion of Washington County.

The Glossary of the *Comprehensive Framework Plan for the Urban Area* is amended as shown below:

SPECIAL DISTRICT: Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268, or an association of local governments performing land use planning functions under ORS 197.109, authorized and regulated by statute, and including but not limited to: water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, park and recreation districts, school districts, hospital districts, mass transit districts, and sanitary districts.

Article 5, Public Facility and Services, of the *Community Development Code* is amended as shown below.

**Proposed Amendments to Subsections 501-2 and 501-3**

**501 PUBLIC FACILITY AND SERVICE REQUIREMENTS**

**501-1 Intent and Purpose**

The intent of this Section is to identify those public facilities and services that are necessary at a minimum level to accommodate development authorized by Article III and Article VI. The standards of this Section are not applicable to uses authorized by Article VII unless specifically required by Article VII.

**501-2 Application of the Public Facility and Service Standards Inside a UGB**

Application of the Public Facility and Service Standards (Section 501-1 through 501-8) shall apply to the Urban Unincorporated Area as follows:

- 501-2.1 To all land divisions and property line adjustments except:
  - A. Property line adjustments except as required by Subsection 605-1.3; or
  - B. Land divisions which result in all lots or parcels containing a land area of ten (10) acres or greater except as required by Subsection 501-8.5.
  
- 501-2.2 To all new construction of structures or expansion of an existing structure, except for construction of a single (one only) detached dwelling unit or duplex on a lot of record, or other structures which meet all of the following:
  - A. Contains two thousand (2,000) square feet or less;
  - B. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
  - C. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
  - D. Does not pose any unique public health or safety issues.
  
- 501.2-3 To all changes in use, except those which meet all of the following:
  - A. Does not require a building permit;

- B. Does not, in itself, generate more than fourteen (14) additional vehicle trips per day as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
- C. Has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
- D. Does not pose any unique public health or safety issues.

501-2.4 To the following off-street parking areas:

- A. New commercial parking facilities (Section 313-3.21);
- B. New surface parking lots or parking garages that have not been approved in conjunction with an allowed use; and
- C. Expansions to existing commercial parking facilities (Section 313-3.21), surface parking lots, or parking garages that:
  - (1) add or relocate existing access points;
  - (2) provide connections to developed adjoining properties that were not approved through the initial development approval; or
  - (3) have additional road frontage that was not part of the initial development approval.

501-2.5 Notwithstanding Section 501-2, all new construction and expansion of existing structures shall pay the Traffic Impact Fee and any system development charge, except as provided in the Traffic Impact Fee Ordinance (~~Ordinance 379~~) or other adopting ordinance.

**501-3 Application of the Public Facility and Service Standards for Multiple Actions**

501-3.1 When multiple development actions are proposed for a site, the Public Facility and Service Standards shall be applied to the first action unless during that action specific findings are presented which make it appropriate to postpone application of the standards to a subsequent development action. Postponement of payment of the Traffic Impact Fee or any system development charge shall be allowed only as provided in the Traffic Impact Fee Ordinance or other adopting ordinance. Land dedication or improvements made in lieu of payment of a system development charge shall be allowed only as permitted by the adopting ordinance.

abcdef  
~~abcdef~~

proposed additions  
proposed deletions

**Proposed Amendments to Subsection 501-8.6**

501-8.3 Desirable Services

- A. An applicant shall provide documentation from the appropriate Park District identifying existing or proposed park facilities within one (1) mile of the proposed development.
- B. Applications may be conditioned to provide on- and off-site park improvements ~~and pedestrian walkways and bicycle facilities~~ when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.
- C. An applicant shall be required to pay a County park system development charge, if any, consistent with an applicable County park system development charge ordinance.
- D. When a development site is subject to payment of any park system development charge:
  - (1) the applicant shall provide documentation from the appropriate park district that he or she has notified the district of the proposed development; and
  - (2) the requirements of A. and B. above shall be satisfied.
- E. Applications may be conditioned to provide on- and off-site pedestrian walkways and bicycle facilities when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.

**Proposed Amendments to Subsection 501-8.6**

501-8.6 Methods to Assure Facilities and Services

A legal and enforceable document, contract or process which assures the County that a public improvement will be accomplished. Assurances may include but are not limited to the following:

- A. For Arterial and Collector roadways, payment of the Traffic Impact Fee, except:
  - (1) As provided in Sections 501-10 and 501-11;
  - (2) For improvements required by Sections 501-8.2 D. [Gravel Roads] and 501-8.2 E. [Future Alignments]; and
  - (3) For safety improvements required by Resolution and Order 86-95.

abcdef  
~~abcdef~~

proposed additions  
proposed deletions

B. All Critical, Essential [including 501-8.2 B. (1) through (5)], and Desirable Facilities and Services

- (1) Cash in escrow, letter of credit, or cash deposit with the County, or other form of financial assurance acceptable to the County.
- (2) Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the County to accept the LID shall constitute a waiver of the assurance requirement.
- (3) Evidence of formal action by public or private agencies or companies, including Washington County, appropriating monies for the requisite public improvement.
- (4) Annexation of the subject property into an area where a public agency has jurisdiction and has pledged to assume the responsibility for the required improvement.
- (5) Any other legally binding arrangement that assures the improvements will be made within the required timeframe, including:
  - (a) Phasing of the development;
  - (b) Construction of interim improvements;
  - (c) Construction of improvements on a phased basis; or
  - (d) Modification of engineering standards (i.e., reduced right-of-way widths, sidewalks on only one side of a street, etc.), only when approved through a Type III process.
- (6) State road capacity and intersection deficiencies will be determined to be assured if they are included in the Metro adopted Transportation Improvement Program (TIP), which includes the State of Oregon's Six Year Highway Improvement Plan (HIP), unless otherwise specified by the State during the processing of the application.
- (7) Payment of a County or park district park system development charge in areas subject to such a charge.